

As Amended by Senate Committee

Session of 2017

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. 2-3710 and*** K.S.A. 2016
3 Supp. 2-1205, 2-2204, 2-2212, 2-2440, 2-2440b, 2-2443a, 2-2445a, ~~2-~~
4 ~~2464a~~, 2-2469, 2-3304, 2-3306, 82a-303b, 82a-708a, 82a-708b, 82a-
5 708c, 82a-714 and 82a-727 and repealing the existing sections.

6
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

1 paid within the 30-day period, or any extension thereof granted by the
2 secretary, a penalty of \$10 per day shall be assessed against the registrant,
3 except that on and after July 1, ~~2015~~ 2025, a penalty of \$5 per day shall be
4 assessed against the registrant, and the inspection fee and penalty shall
5 constitute a debt and become the basis for a judgment against such person.
6 The secretary may grant a reasonable extension of time.

7 ~~The secretary of agriculture is hereby authorized and empowered to~~
8 ~~reduce the inspection fee by adopting rules and regulations under this~~
9 ~~section whenever the secretary determines that the inspection fee is~~
10 ~~yielding more than is necessary for the purpose of administering the~~
11 ~~provisions of this act as listed below and the plant pest act. The secretary is~~
12 ~~hereby authorized and empowered to increase the inspection fee by~~
13 ~~adopting rules and regulations under this section when it finds that such is~~
14 ~~necessary to produce sufficient revenues for the purposes of administering~~
15 ~~the provisions of this act, except that the inspection fee shall not be~~
16 ~~increased in excess of the maximum fee prescribed by this section. *The*~~
17 ~~*secretary may charge and collect an amount necessary for the purpose of*~~
18 ~~*administering the provisions of this act. Such amount shall not exceed the*~~
19 ~~*cost for administering this act and shall be collected from the fee imposed*~~
20 ~~*herein, prior to any other remittance by the secretary.*~~ The secretary shall
21 remit ~~all the remaining~~ moneys received by or for the secretary under
22 article 12 of chapter 2 of Kansas Statutes Annotated, and amendments
23 thereto, to the state treasurer in accordance with the provisions of K.S.A.
24 75-4215, and amendments thereto. Upon receipt of each such remittance,
25 the state treasurer shall deposit the entire amount in the state treasury and
26 shall credit such remittance as follows: ~~(1) An amount equal to \$1.40 (a)~~
27 ~~*84% of such amount collected*~~ **An amount equal to \$1.35** per ton shall be
28 credited to the state water plan fund created by K.S.A. 82a-951, and
29 amendments thereto; ~~(2) an amount equal to \$.04 (b) 2.5% of such amount~~
30 ~~*collected*~~ **an amount equal to \$.04** per ton shall be credited to the fertilizer
31 research fund; and ~~(3) the remainder (c) 13.5% the remainder of such~~
32 ~~*amount collected*~~ shall be credited to the fertilizer fee fund *to be used for*
33 *carrying out the provisions of this act.* All expenditures from the fertilizer
34 fee fund shall be made in accordance with appropriation acts upon
35 warrants of the director of accounts and reports issued pursuant to
36 vouchers approved by the secretary of agriculture or by a person or
37 persons designated by the secretary. ***The secretary of agriculture shall***
38 ***reduce the inspection fee by adopting rules and regulations under this***
39 ***section whenever the secretary determines that the inspection fee is***
40 ***yielding more than is necessary for the purpose of administering the***
41 ***provisions of this act. The secretary may increase the inspection fee by***
42 ***adopting rules and regulations under this section when the secretary***
43 ***finds that such is necessary to produce sufficient revenues for the***

1 *purpose of administering the provisions of this act, except that the*
2 *inspection fee shall not be increased in excess of the maximum fee*
3 *prescribed by this section.*

4 Sec. 2. K.S.A. 2016 Supp. 2-2204 is hereby amended to read as
5 follows: 2-2204. (a) Every agricultural chemical which is distributed, sold
6 or offered for sale within this state or delivered for transportation or
7 transported in intrastate commerce or between points within this state
8 through any point outside this state shall be registered by the secretary.
9 The secretary shall have the authority to classify or designate as restricted-
10 use any pesticide registered for sale, use or distribution in the state of
11 Kansas, according to rules and regulations promulgated by the secretary.
12 The secretary may adopt rules and regulations to allow products to be
13 registered for a period not to exceed three years. All registration of
14 products shall expire on December 31 of the year the registration is set to
15 expire, unless such registration shall be renewed, in which event expiration
16 date shall be extended for each year of renewal registration, or until
17 otherwise terminated. Products which have the same formula, and are
18 manufactured by the same person, the labeling of which contains the same
19 claims, and the labels of which bear a designation identifying the product
20 as the same agricultural chemical may be registered as a single product
21 and additional names and labels shall be added by supplement statements
22 during the current period of registration. Within the discretion of the
23 secretary, or an authorized representative of the secretary, a change in the
24 labeling or formulas of an agricultural chemical may be made within the
25 current period of registration without requiring a reregistration of the
26 product. Any agricultural chemical imported into this state which is subject
27 to the provisions of any federal act providing for the registration and
28 which has been duly registered under the provisions of such federal act, in
29 the discretion of the secretary, may be exempted from registration under
30 this act when such agricultural chemical is sold or distributed in the
31 unbroken immediate container in which such agricultural chemical was
32 originally shipped.

33 (b) The registrant shall file with the secretary, a statement including:
34 (1) The name and address of the registrant and the name and address of the
35 person whose name will appear on the label if other than the registrant; (2)
36 the name of the agricultural chemical; (3) a complete copy of the labeling
37 accompanying the agricultural chemical and a statement of all claims
38 made and to be made for it and a statement of directions for use; and (4) if
39 requested by the secretary, or an authorized representative of the secretary,
40 a full description of the tests made and the results thereof upon which the
41 claims are based.

42 (c) The secretary may require the registrant to submit a copy of the
43 product label registered by the EPA under the provisions of FIFRA.

1 (d) Any time the registrant modifies the label, the modified label shall
2 be submitted to the secretary for review and approval prior to
3 implementing the new label in Kansas.

4 (e) On the date of registration, the registrant shall pay a fee fixed by
5 rules and regulations adopted by the secretary of agriculture. Such fee
6 shall equal an amount per registered agricultural chemical, not to exceed
7 \$150 per year. ~~Such fee shall be deposited in the state treasury and credited~~
8 ~~as follows: The secretary may charge and collect an amount necessary for~~
9 ~~the purpose of administering the provisions of this act. Such amount shall~~
10 ~~not exceed the cost for administering this act and shall be collected from~~
11 ~~the fee imposed herein, prior to any other remittance by the secretary. The~~
12 ~~secretary shall remit the remaining moneys received by or for the~~
13 ~~secretary in accordance with the provisions of K.S.A. 2-2212, and~~
14 ~~amendments thereto, to the state treasurer. Upon receipt of each such~~
15 ~~remittance, the state treasurer shall deposit the amount in the state~~
16 ~~treasury and shall credit such remittance as follows: (1) An amount equal~~
17 ~~to \$100 For each year of registration, 67% of such amount shall be~~
18 ~~credited to the state water plan fund created by K.S.A. 82a-951, and~~
19 ~~amendments thereto; and (2) the remainder 33% of such amount shall be~~
20 ~~credited to the agricultural chemical fee fund to be used for carrying out~~
21 ~~the provisions of this act~~ **Such fee shall be deposited in the state treasury**
22 **as follows: (1) An amount equal to \$100 for each year of registration**
23 **shall be credited to the state water plan fund created by K.S.A. 82a-951,**
24 **and amendments thereto; and (2) the remainder shall be credited to the**
25 **agricultural chemical fee fund to be used for carrying out the provisions**
26 **of this act.** The annual fee for each agricultural chemical registered which
27 is in effect on the day preceding the effective date of this act shall continue
28 in effect until the secretary of agriculture adopts rules and regulations
29 fixing a different fee therefor under this subsection. The secretary of
30 agriculture ~~is hereby authorized and empowered,~~ **shall reduce the fee**
31 **imposed by this subsection by adopting rules and regulations** whenever it
32 determines that the fee ~~imposed by this subsection and paid into the state~~
33 ~~treasury as provided by law~~ is yielding more revenue than is required for
34 the purposes to which such fee is devoted by law, ~~to reduce the fee~~
35 ~~imposed by this subsection for such period as the secretary shall deem~~
36 ~~justified by adopting rules and regulations under this subsection but not for~~
37 less than one year. In the event that the secretary, after reducing such fee,
38 finds that sufficient revenues are not being produced by such reduced fee,
39 the secretary ~~is authorized and empowered~~ **may increase the fee** by
40 adopting rules and regulations under this subsection, ~~to restore in full or in~~
41 ~~part such fee~~ to an amount which, in the judgment of the secretary, will
42 produce sufficient revenues for the purposes as provided in this section,
43 but not exceeding the maximum amount of the fee imposed by this

1 subsection. *An amount equal to \$100 from each fee collected under this*
2 *subsection shall be credited to the state water plan fund, regardless of*
3 *the amount of such fee imposed by the secretary.*

4 (f) The secretary, or an authorized representative of the secretary,
5 whenever it is deemed essential in the administration of this act, may
6 require the submission of the complete formula or any other data in
7 support of the registration for any pesticide. The complete formula and any
8 other trade secrets submitted to support the registration application shall be
9 considered as confidential. If it appears to the secretary, or an authorized
10 representative of the secretary, that the composition of the product is such
11 as to warrant the proposed claims for the product and if the product and its
12 labeling and other material required to be submitted comply with the
13 requirements of this act, the secretary shall register the product.

14 (g) If it does not appear to the secretary, or an authorized
15 representative of the secretary, that the product is such as to warrant the
16 proposed claims for it or if the product and its labeling and other material
17 required to be submitted do not comply with the provisions of this act, the
18 secretary shall notify the registrant of the manner in which the product,
19 labeling, or other material required to be submitted fail to comply with the
20 act and rules and regulations adopted pursuant thereto so as to afford the
21 registrant an opportunity to make the necessary corrections. If, upon
22 receipt of such notice, the registrant does not make the required changes
23 within 30 days, the secretary may deny registration of the product. In
24 addition, the secretary may deny registration of a product if the application
25 for registration fails to comply with this act or any rule or regulation
26 adopted pursuant thereto. If the secretary denies a registration, the
27 registrant may request a hearing in accordance with the provisions of the
28 Kansas administrative procedure act.

29 (h) Any pesticide registration canceled or suspended under the
30 provisions of FIFRA shall be considered to be canceled or suspended
31 under provisions of the agricultural chemical act of 1947, unless such
32 cancellation is due to the nonpayment of registration fees required under
33 FIFRA.

34 (i) If the secretary determines that a registered product fails to meet
35 the claims made on its label, the secretary may suspend or revoke the
36 product registration after a hearing in accordance with the provisions of
37 the Kansas administrative procedure act. In addition, if the secretary
38 determines that a registered product or its labeling fails to comply with this
39 act, or a rule or regulation adopted pursuant to this act, the secretary may
40 suspend or revoke the product registration after a hearing in accordance
41 with the provisions of the Kansas administrative procedure act.

42 (j) In order to protect the public, the secretary, or a duly authorized
43 representative of the secretary, on the secretary's own motion, may at any

1 time, after written notice to the registrant, suspend or revoke the
2 registration of an agricultural chemical. Any person so notified shall be
3 given an opportunity for a hearing in accordance with the provisions of the
4 Kansas administrative procedure act with regard to the secretary's
5 contemplated action, before any registration is suspended or revoked.

6 (k) Notwithstanding any other provisions of this act, registration is
7 not required in the case of an agricultural chemical shipped from one plant
8 within this state to another plant within this state operated by the same
9 person.

10 (l) Any information required to be filed pursuant to this section, may
11 be filed electronically pursuant to rules and regulations promulgated by the
12 secretary.

13 Sec. 3. K.S.A. 2016 Supp. 2-2212 is hereby amended to read as
14 follows: 2-2212. *Except as otherwise provided in K.S.A. 2-2204(e), and*
15 *amendments thereto*, the secretary shall remit all moneys received by or
16 for the secretary under article 22 of chapter 2 of the Kansas Statutes
17 Annotated, and amendments thereto, to the state treasurer in accordance
18 with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
19 remittance, the state treasurer shall deposit the entire amount in the state
20 treasury to the credit of the agricultural chemical fee fund. All
21 expenditures from such fund shall be made in accordance with
22 appropriation acts upon warrants of the director of accounts and reports
23 issued pursuant to vouchers approved by the secretary of agriculture or by
24 a person or persons designated by the secretary.

25 Sec. 4. K.S.A. 2016 Supp. 2-2440 is hereby amended to read as
26 follows: 2-2440. (a) Subject to the provisions of subsection (d), it is
27 unlawful for any pesticide business which has not been issued a pesticide
28 business license to:

29 (1) Advertise, offer for sale, sell or perform any service for the
30 control of a pest on the property of another or apply a pesticide to the
31 property of another within this state; or

32 (2) perform any service for the control of a pest or apply any
33 pesticide on or at the premises of another person under any commission,
34 division of receipts or subcontracting arrangement with a licensed
35 pesticide business.

36 Nothing in this subsection shall be construed to require the licensing of
37 any person applying restricted use pesticides to the property of another as
38 a certified private applicator or under the supervision of a certified private
39 applicator.

40 (b) Application for a pesticide business license or renewal shall be
41 made on a form obtained from the secretary and shall be accompanied by
42 an application fee per category in which the licensee applies, and an
43 additional fee for each uncertified individual employed by the applicant to

1 apply pesticides. The application fee per category shall be \$140 per
2 category in which the licensee applies, except that on and after July 1,
3 ~~2018~~ 2025, the application fee per category shall be \$112 per category in
4 which the licensee applies. An additional fee of \$15 shall be paid for each
5 uncertified individual employed by the applicant to apply pesticides,
6 except that on and after July 1, ~~2018~~ 2025, an additional fee of \$10 shall
7 be paid for each uncertified individual employed by the applicant to apply
8 pesticides. The application fee per category and the additional fee for each
9 uncertified employee in effect on the day preceding the effective date of
10 this act shall continue in effect until the secretary adopts rules and
11 regulations fixing a different fee under this subsection. Any uncertified
12 individual employed for a period of more than 10 days in a 30-day period
13 or for five consecutive days by a licensee to apply pesticides subsequent to
14 such application shall be reported to the secretary within 30 days of such
15 employee's hiring and the fee shall be paid at that time. Each application
16 shall also include the following:

17 (1) The business name of the person applying for such license or
18 renewal;

19 (2) if the applicant is an individual, receiver, trustee, representative,
20 agent, firm, partnership, association, corporation or other organized group
21 of persons, whether or not incorporated, the full name of each owner of the
22 firm or partnership or the names of the officers of the association,
23 corporation or group;

24 (3) the principal business address of the applicant in the state and
25 elsewhere; and

26 (4) any other information the secretary, by rules and regulations,
27 deems necessary for the administration of this act.

28 (c) The secretary may issue a pesticide business license to apply
29 pesticides in categories for which an applicant has applied if the applicant
30 files the bond, insurance, letter of credit or proof of an escrow account as
31 required under K.S.A. 2-2448, and amendments thereto, satisfies the
32 requirements of subsection (b), and pays the required fees. Such license
33 shall expire at the end of the calendar year for which it is issued unless it
34 has been revoked or suspended prior thereto. If a license is not issued as
35 applied for, the secretary shall inform the applicant in writing of the
36 reasons therefor.

37 (d) The following persons shall be exempted from the licensing
38 requirements of this act:

39 (1) State or federal personnel using pesticides or pest control services
40 while engaged in pesticide use research;

41 (2) veterinarians or physicians using pesticides as a part of their
42 professional services; and

43 (3) any person or such person's employee who applies pesticides on

1 or at premises owned, leased or operated by such person.

2 (e) Subject to the provisions of subsection (d), it is unlawful for any
3 governmental agency which has not been issued a government agency
4 registration to apply pesticides within this state. Application for
5 government agency registration shall be made on a form obtained from the
6 secretary and shall be accompanied by a fee fixed by rules and regulations
7 adopted by the secretary, except that such fee shall not exceed \$50, except
8 that on and after July 1, ~~2018~~ 2025, such fee shall not exceed \$35. The
9 governmental agency registration fee in effect on the day preceding the
10 effective date of this act shall continue in effect until the secretary adopts
11 rules and regulations fixing a different fee therefor under this subsection.
12 No fee shall be required of any township located within a county which
13 has previously applied for and received government agency registration.
14 Each application for registration shall contain information including, but
15 not limited to:

16 (1) The name of the government agency;
17 (2) the mailing address of the applicant;
18 (3) the name and mailing address of the person who heads such
19 agency and who is authorized to receive correspondence and legal papers.
20 Such person shall be: (A) The mayor or city manager for municipalities;
21 (B) the chairperson of the board of county commissioners for counties; (C)
22 the township trustee for townships; or (D) any person designated by any
23 other governmental agency; and

24 (4) any other information the secretary, by rules and regulations,
25 deems necessary for the administration of this act.

26 (f) If the secretary finds the application to be sufficient, the secretary
27 shall issue a government agency registration. The government agency is
28 not required to furnish a surety bond under this act. Such government
29 agency registration shall expire at the end of the calendar year for which it
30 is issued unless it has been revoked or suspended prior thereto. If a
31 registration is not issued as applied for, the secretary shall inform the
32 applicant in writing of the reasons therefor.

33 (g) A pesticide business license or government agency registration
34 may be renewed by meeting the same requirements as for a new license or
35 registration. Neither the pesticide business license nor the government
36 agency registration shall be transferable, except that, in the event of the
37 disability, incapacity or death of the owner, manager or legal agent of a
38 pesticide business licensee, a permit may be issued by the secretary to
39 permit the operation of such business until the expiration period of the
40 license in effect at the time of such disability, incapacity or death if the
41 applicant therefor can show that the policies and services of such business
42 will continue substantially as before, with due regard to protection of the
43 public and the environment.

1 (h) No pesticide business license may be issued to any person until
2 such person is or has in such person's employ one or more individuals who
3 are certified commercial applicators in each of the categories for which the
4 license application is made.

5 Sec. 5. K.S.A. 2016 Supp. 2-2440b is hereby amended to read as
6 follows: 2-2440b. (a) It shall be unlawful for any pesticide business
7 licensee to apply pesticides for the control of wood destroying pests,
8 structural pests, ornamental pests, turf pests or interior landscape pests
9 unless the applicator of the pesticide is a certified commercial applicator or
10 is a registered pest control technician, except that an uncertified
11 commercial applicator may apply pesticides when either a certified
12 applicator or registered pest control technician is physically present.

13 (b) Any such employee applying for a pest control technician
14 registration shall file an application on a form prescribed by the secretary.
15 Application for such registration shall be accompanied by an application
16 fee established by rules and regulations adopted by the secretary, except
17 that such fee shall not exceed \$40, except that on and after July 1, ~~2018~~
18 2025, such fee shall not exceed \$25, and shall be reduced, but not below
19 zero, by an amount equal to the additional fee paid under ~~subsection (b) of~~
20 K.S.A. 2-2440(b), and amendments thereto, for such uncertified
21 individual.

22 (c) If the secretary finds the applicant qualified to be a registered pest
23 control technician after meeting the training requirements determined by
24 the secretary in rules and regulations, the secretary shall issue a pest
25 control technician registration which will expire at the end of the calendar
26 year.

27 (d) This section shall be part of and supplemental to the Kansas
28 pesticide law.

29 Sec. 6. K.S.A. 2016 Supp. 2-2443a is hereby amended to read as
30 follows: 2-2443a. An applicant for a commercial applicator's certificate
31 shall show upon written examination that the applicant possesses adequate
32 knowledge concerning the proper use and application of pesticides in the
33 categories or subcategories for which the applicant has applied. A
34 commercial applicator who holds a current certificate to apply pesticides
35 commercially in any other state or political subdivision of the United
36 States may be exempted from examination for certification in this state
37 upon approval of the secretary and payment of a \$75 fee per category,
38 unless a fee not to exceed \$75 is established in rules and regulations
39 adopted by the secretary.

40 Applicants shall submit with each application a fee per examination
41 taken, including each category, subcategory and general core examination.
42 The examination fee shall be fixed by rules and regulations adopted by the
43 secretary, except that such fee shall not exceed \$45 per examination,

1 except that on and after July 1, ~~2018~~ 2025, such fee shall not exceed \$35
2 per examination. Applicants who fail to pass the examination may reapply
3 and take another examination upon paying another examination fee, which
4 fee shall be fixed by rules and regulations adopted by the secretary, except
5 that such fee shall not exceed \$45 per examination, except that on and
6 after July 1, ~~2018~~ 2025, such fee shall not exceed \$35 per examination.
7 The general core examination shall include, but is not limited to, the
8 following:

9 (a) The proper use of the equipment.

10 (b) The hazards that may be involved in applying the pesticides,
11 including:

12 (1) The effect of drift of the pesticides on adjacent and nearby lands
13 and other non-target organisms;

14 (2) the proper meteorological conditions for the application of
15 pesticides and the precautions to be taken with such application;

16 (3) the effect of the pesticides on plants or animals in the area,
17 including the possibility of damage to plants or animals or the possibility
18 of illegal pesticide residues resulting on them;

19 (4) the effect of the application of pesticides to wildlife in the area,
20 including aquatic life;

21 (5) the identity and classification of pesticides used and the effects of
22 their application in particular circumstances; and

23 (6) the likelihood of contamination of water or injury to persons,
24 plants, livestock, pollinating insects and vegetation.

25 (c) Calculating the concentration of pesticides to be used.

26 (d) Identification of common pests to be controlled and damages
27 caused by such pests.

28 (e) Protective clothing and respiratory equipment for handling and
29 application of pesticides.

30 (f) General precautions to be followed in the disposal of containers as
31 well as the cleaning and decontamination of the equipment which the
32 applicant proposes to use.

33 (g) Applicable state and federal pesticide laws and regulations.

34 (h) Any other subject which the secretary deems necessary.

35 Sec. 7. K.S.A. 2016 Supp. 2-2445a is hereby amended to read as
36 follows: 2-2445a. In lieu of obtaining a commercial applicator's certificate
37 under the provisions of K.S.A. 2-2441a, and amendments thereto, a private
38 applicator's certificate may be applied for by and issued to individuals
39 using restricted use pesticides for the purpose of producing any
40 agricultural commodity on property owned or rented by the individual or
41 such individual's employer, or on the property of another for no
42 compensation other than the trading of personal services between
43 producers. Such certificates shall expire on the anniversary of the

1 individual's date of birth occurring in the fifth calendar year following the
2 year of issue. No certification shall be required hereunder for individuals
3 operating under the supervision of a certified private applicator.

4 Certified private applicator certificates may be issued to individuals
5 who have paid: (a) A fee fixed by rules and regulations adopted by the
6 secretary, except that on and after July 1, ~~2018~~ 2025, such fee shall not
7 exceed \$10; and (b) who have acquired practical knowledge of pest
8 problems, proper storage, use, handling and disposal of pesticides and
9 pesticide containers, pertinent information found on the pesticide labels,
10 pesticide use safety and environmental considerations, either through
11 Kansas state university extension service educational training or through
12 individual study of educational materials available at county extension
13 offices or the secretary. The certified private applicator certificate fee in
14 effect on the day preceding the effective date of this act shall continue in
15 effect until the secretary adopts rules and regulations fixing a different fee
16 therefor under this section. Individuals shall indicate adequate knowledge
17 of the subjects enumerated herein by passing an open-book examination
18 approved by the secretary.

19 Educational materials and examination blanks shall be made available
20 at county extension offices and at places where extension educational
21 training is conducted. The examinations shall be scored by members of the
22 extension or secretary's staff. If an individual passes the examination by
23 equaling or exceeding a standard authorized by the secretary, a certified
24 private applicator's certificate shall be issued to such individual. Such staff
25 member shall send a copy of the certificate issued, together with the fee, to
26 the secretary.

27 A certified applicator who holds a current certificate to apply pesticides
28 as a certified private applicator in any other state or political subdivision of
29 the United States may be exempted from examination for private
30 applicator certification in this state upon payment of proper fees and
31 approval by the secretary.

32 Sec. 8. K.S.A. 2016 Supp. 2-2469 is hereby amended to read as
33 follows: 2-2469. (a) Each person who is a pesticide dealer shall register
34 with the secretary. Registration shall be required for each business location
35 distributing pesticides and shall be on a form provided by the secretary.
36 Each registration shall expire on June 30 following issuance unless such
37 registration is renewed annually. A registration fee of \$20 shall accompany
38 the application.

39 (b) The provisions of this section shall not apply to a licensed
40 pesticide business which sells pesticides only as an integral part of such
41 business' pesticide application service when the pesticides are dispensed
42 only through equipment used for this pesticide application, nor to the sale
43 of general use pesticides purchased for household use only, nor to any

1 federal, state, county or municipal agency which provides pesticides only
2 for its own programs nor to any individual who is the final purchaser of a
3 pesticide for application to property or property rights owned, leased, or
4 otherwise acquired by such person.

5 (c) Each registered pesticide dealer is responsible for the acts of each
6 individual employed by such dealer in the solicitation and sale of
7 pesticides and for all claims and recommendations for use of pesticides
8 made by such employees. The dealer's registration shall be subject to
9 denial, suspension, or revocation after notice and opportunity for a hearing
10 are given in accordance with the provisions of the Kansas administrative
11 procedure act for any violation of this act whether committed by the dealer
12 or by the dealer's officers, agents or employees.

13 (d) ~~The secretary may charge and collect an amount necessary for~~
14 ~~the purpose of administering the provisions of this act. Such amount shall~~
15 ~~not exceed the cost for administering this act and shall be collected from~~
16 ~~the fee imposed herein, prior to any other remittance by the secretary. All~~
17 ~~fees remaining moneys~~ All fees received under this section shall be
18 remitted to the state treasurer in accordance with K.S.A. 2-2464a, and
19 amendments thereto. Upon receipt of each such remittance, the state
20 treasurer shall deposit the entire amount thereof in the state treasury and
21 75% of such amount shall be credited to the pesticide use fee fund to be
22 used for carrying out the provisions of this act and 25% of each such
23 amount shall be credited to the publications fee fund of the Kansas
24 department of agriculture.

25 ~~Sec. 9.—K.S.A. 2016 Supp. 2-2464a is hereby amended to read as~~
26 ~~follows: 2-2464a. Except as otherwise provided in K.S.A. 2-2469(d), and~~
27 ~~amendments thereto, The secretary shall remit all moneys received by or~~
28 ~~for the secretary under this act and amendments thereto, to the state~~
29 ~~treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
30 ~~amendments thereto. Upon receipt of each such remittance, the state~~
31 ~~treasurer shall deposit the entire amount in the state treasury to the credit~~
32 ~~of the pesticide use fee fund. All expenditures from the pesticide use fee~~
33 ~~fund shall be made in accordance with appropriation acts upon warrants of~~
34 ~~the director of accounts and reports issued pursuant to vouchers approved~~
35 ~~by the secretary of agriculture or by a person or persons designated by~~
36 ~~such secretary.~~

37 ~~Sec. 10. 9.~~ K.S.A. 2016 Supp. 2-3304 is hereby amended to read as
38 follows: 2-3304. (a) Any user of the chemigation process shall register and
39 obtain a chemigation user's permit before using the process.

40 (b) Registration shall consist of making application on a form
41 supplied by the secretary. Such application shall include, but not be limited
42 to:

- 43 (1) The name of the persons to whom a permit is to be issued,

1 including an owner or operator of land on which chemigation is to be used;

2 (2) a plan for using anti-pollution devices;

3 (3) a plan for handling tail water or accumulations of water;

4 (4) the number and locations, including a legal description, of
5 wellheads which may be involved in the chemigation process and surface
6 water supply withdrawal points, not to include siphon tubes; and

7 (5) payment of fees.

8 (c) The application fee for a chemigation user's permit shall be \$75
9 plus \$15 for each additional point of diversion, except that on and after
10 July 1, ~~2018~~ 2025, a chemigation user's permit shall be \$55 plus \$10 for
11 each additional point of diversion. A chemigation user's permit may be
12 renewed each year upon making an application, payment of the application
13 fee and completing the report form providing information used in
14 chemigation the previous year.

15 ~~Sec. 10.~~ K.S.A. 2016 Supp. 2-3306 is hereby amended to read as
16 follows: 2-3306. (a) Any individual operating chemigation equipment
17 under a chemigation user permit shall be responsible for the safe operation
18 of such chemigation equipment and any such equipment shall be
19 considered to be under the direct supervision of the chemigation user
20 permit holder.

21 (b) The secretary shall not issue a chemigation user permit to any
22 person unless such person is a certified chemigation equipment operator or
23 has in such person's employment at least one certified chemigation
24 equipment operator. A chemigation equipment operator is an individual
25 who has successfully completed an examination given by the secretary or
26 the secretary's designee. Except as provided in subsection (c), if the
27 chemigation user permit is issued to an individual, that individual must
28 have successfully completed the chemigation equipment operator
29 examination. Such examination shall include, but not be limited to, the
30 following:

31 (1) The proper use of anti-pollution devices;

32 (2) preparing the chemical solution and filling the chemical supply
33 container;

34 (3) calibrating of injection equipment;

35 (4) supervision of chemigation equipment to assure its safe operation;

36 (5) environmental and human hazards that may be involved in
37 chemigation;

38 (6) protective clothing and respiratory equipment;

39 (7) general precautions to be followed in disposal of containers and
40 decontamination of the equipment;

41 (8) handling of tail water and other accumulations of water containing
42 chemicals;

43 (9) information of procedures to be followed should chemicals

1 inadvertently enter the water supply source as a result of the chemigation
2 process;

3 (10) label information, especially chemigation instructions;

4 (11) applicable state and federal laws and regulations; and

5 (12) any other subject which the secretary deems necessary.

6 (c) The examination provided for in subsection (b) may be waived for
7 any individual who has been certified as a pesticide applicator in the
8 category of chemigation pursuant to the Kansas pesticide law.

9 (d) The chemigation equipment operator certification shall expire on
10 December 31 of the fourth calendar year after the year of issue. A
11 chemigation equipment operator certification shall be renewed for a
12 succeeding five year period upon payment of the certification fee and
13 passing the examination specified in either subsection (b) or (c).

14 (e) The fee for certification as a chemigation equipment operator or
15 for renewal of such certification shall be \$25, except that on and after July
16 1, 2018 2025, such certification shall be \$10.

17 ~~Sec. 12. K.S.A. 2016 Supp. 2-3713 is hereby amended to read as~~
18 ~~follows: 2-3713. (a) Subject to the provisions of K.S.A. 2-3712, and~~
19 ~~amendments thereto, there is hereby imposed environmental assessments~~
20 ~~as follows:~~

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

26 (2) ~~An annual assessment of \$20 for each commercial fertilizer~~
27 ~~required to be registered pursuant to K.S.A. 2-1202, and amendments~~
28 ~~thereto. Such assessment shall be paid to the secretary of agriculture by the~~
29 ~~applicant for registration at the time and in the manner provided by law for~~
30 ~~payment of the registration fee for the commercial fertilizer.~~

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

38 (4) ~~An annual assessment to be paid by each pesticide dealer required~~
39 ~~to be registered pursuant to K.S.A. 2-2469, and amendments thereto. If the~~
40 ~~annual sales of pesticides from the previous year by a pesticide dealer~~
41 ~~from a business location are less than \$2,500, the annual assessment shall~~
42 ~~be \$5. If the annual sales of pesticides from the previous year by a~~
43 ~~pesticide dealer from a business location are equal to or greater than~~

1 \$2,500, the annual assessment shall be \$80. Such assessment shall be paid
2 to the secretary of agriculture by the pesticide dealer at the time and in the
3 manner provided by law for payment of the dealer's registration fee.

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

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

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

19 ~~(b) The secretary of agriculture may charge and collect an amount~~
20 ~~necessary for the purposes of administering the provisions of this act.~~
21 ~~Such amount shall not exceed the cost for administering this act and shall~~
22 ~~be collected from any annual assessment imposed herein, prior to any~~
23 ~~other remittance by the secretary. The secretary of agriculture shall remit~~
24 ~~to the state treasurer all remaining moneys collected by the secretary from~~
25 ~~assessments paid pursuant to this section in accordance with the~~
26 ~~provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer~~
27 ~~shall deposit the entire amount of the remittance in the state treasury and~~
28 ~~credit it to the fund.~~

29 ~~(c) The secretary of agriculture shall adopt rules and regulations~~
30 ~~establishing procedures for payment and collection of all environmental~~
31 ~~assessments.~~

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

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

37 **Sec. 11. K.S.A. 2-3710 is hereby amended to read as follows: 2-**
38 **3710. The board shall have the following powers, duties and functions:**

39 **(a) Administer the fund and the remediation reimbursement**
40 **program.**

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

1 (c) *Adopt rules and regulations establishing, for purposes of the*
 2 *remediation linked deposit loan program and the remediation*
 3 *reimbursement program, criteria for classification and prioritization of*
 4 *properties where contamination was caused by a release of agricultural*
 5 *or specialty chemicals, or both. Classification and prioritization may*
 6 *account for the criteria contained in Kansas department of health and*
 7 *environment's voluntary clean up and property redevelopment program*
 8 *and state cooperator program.*

9 (d) *Establish operating standards and procedures which shall*
 10 *include, but not be limited to, the following:*

11 (1) *With respect to the remediation linked deposit loan program,*
 12 *provisions governing board approval of projects for which applications*
 13 *for loans may be made;*

14 (2) *with respect to the remediation reimbursement program,*
 15 *provisions governing application procedures, determination of eligible*
 16 *corrective action costs, determination of ineligible corrective costs and*
 17 *reimbursement or payment of eligible corrective action costs; and*

18 (3) *with respect to both programs, provisions governing conflicts of*
 19 *interest, appeals procedures, review and priority determinations and*
 20 *enforcement of the provisions of K.S.A. 2-3701 through 2-3714, and*
 21 *amendments thereto.*

22 (e) *Appoint or contract for qualified administrative services subject*
 23 *to the limitation that expenditures from the fund for the administrative*
 24 *expenses of the board and the programs established by K.S.A. 2-3701*
 25 *through 2-3714, and amendments thereto, shall not exceed—\$150,000—*
 26 *\$180,000 in any fiscal year.*

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

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

34 Sec. ~~13~~. 12. K.S.A. 2016 Supp. 82a-303b is hereby amended to read
 35 as follows: 82a-303b. (a) (1) In order to secure conformity with adopted
 36 rules and regulations and to assure compliance with the terms, conditions
 37 or restrictions of any consent or permit granted pursuant to the provisions
 38 of K.S.A. 82a-301 through 82a-303, and amendments thereto, the chief
 39 engineer or an authorized representative of the chief engineer shall have
 40 the power and the duty to inspect any dam or other water obstruction.
 41 Upon a finding pursuant to ~~subsection (a)~~ of K.S.A. 82a-303c(a), and
 42 amendments thereto, by the chief engineer that a dam is unsafe, the chief
 43 engineer shall order an annual inspection of the dam until it is either in

1 compliance with all applicable provisions of this act, any rules and
 2 regulations promulgated pursuant to this act, permit conditions and orders
 3 of the chief engineer; or the dam is removed. The safety inspection shall be
 4 conducted by the chief engineer or authorized representative and the cost
 5 shall be paid by the dam owner. The class and size of a dam shall be
 6 defined by rules and regulations adopted by the chief engineer pursuant to
 7 K.S.A. 82a-303a, and amendments thereto. ***For inspections conducted by***
 8 ***the chief engineer or the chief engineer's authorized representative,***
 9 inspection fees are as follows:

10	Size of Dam	Inspection fee
11	<i>Class 1</i>	<i>\$1,500</i>
12	<i>Class 2</i>	<i>\$1,500</i>
13	Class 3	\$2,500
14	Class 4	\$4,000

15 (2) Each hazard class C dam shall be required to have a safety
 16 inspection conducted by a licensed professional engineer qualified in
 17 design, construction, maintenance and operation of dams once every three
 18 years, unless otherwise ordered by the chief engineer.

19 (3) Each hazard class B dam shall be required to have a safety
 20 inspection conducted by a licensed professional engineer qualified in
 21 design, construction, maintenance and operation of dams once every five
 22 years unless otherwise ordered by the chief engineer.

23 (4) Within 60 days of the date of inspection, a report of the inspection
 24 shall be provided to the chief engineer by the licensed professional
 25 engineer who conducted the inspection. The report shall document the
 26 physical condition of the dam, describing any deficiencies observed, an
 27 analysis of the capacity of the dam and its spillway works, compliance of
 28 the dam with approved plans and permit conditions, changes observed in
 29 the condition of the dam since the previous inspection, an assessment of
 30 the hazard classification of the dam including a statement that the engineer
 31 either agrees or disagrees with the current classification, and any other
 32 information relevant to the safety of the dam or specifically requested by
 33 the chief engineer.

34 (5) Upon failure of a dam owner to comply with the applicable
 35 inspection interval, the chief engineer or such chief engineer's authorized
 36 representative shall conduct a mandatory inspection of the dam and the
 37 costs as established by this act for the inspection shall be paid by the
 38 owner, in addition to any other remedies provided for violations of this act.

39 (6) The failure to file a complete and timely report as required by the
 40 provisions of this act, or the failure to submit the fees assessed for
 41 inspections conducted by the chief engineer or the chief engineer's
 42 authorized representative shall be deemed a violation of this act and
 43 subject to the penalties provided by K.S.A. 82a-305a, and amendments

1 thereto.

2 (b) For the purpose of inspecting any dam or other water obstruction,
3 the chief engineer or an authorized representative of the chief engineer
4 shall have the right of access to private property. Costs for any work which
5 may be required by the chief engineer or the authorized representative
6 prior to or as a result of the inspection of a dam or other water obstruction
7 shall be paid by the owner, governmental agency or operator of such dam
8 or other water obstruction.

9 (c) All fees collected by the chief engineer pursuant to this section
10 shall be remitted to the state treasurer as provided in K.S.A. 2016 Supp.
11 82a-328, and amendments thereto.

12 ~~Sec. 14.~~ **13.** K.S.A. 2016 Supp. 82a-708a is hereby amended to read
13 as follows: 82a-708a. (a) Any person may apply for a permit to appropriate
14 water to a beneficial use, notwithstanding that the application pertains to
15 the use of water by another, or upon or in connection with the lands of
16 another. Any rights to the beneficial use of water perfected under such
17 application shall attach to the lands on or in connection with which the
18 water is used and shall remain subject to the control of the owners of the
19 lands as in other cases provided by law.

20 (b) Except as otherwise provided in subsections (d), (e) and (f), each
21 application for a permit to appropriate water, except applications for
22 permits for domestic use, shall be accompanied by an application fee fixed
23 by this section for the appropriate category of acre feet in accordance with
24 the following:

Acre Feet	Fee
25 0 to 100.....	\$200
26 101 to 320.....	\$300
27 More than 320.....	\$300 + \$20
28	for each additional 100
29	acre feet or any part thereof

30
31 On and after July 1, ~~2018~~ 2025, the application fee shall be fixed by
32 this section for the appropriate category of acre feet in accordance with the
33 following:

Acre Feet	Fee
34 0 to 100.....	\$100
35 101 to 320.....	\$150
36 More than 320.....	\$150 + \$10
37	for each additional 100
38	acre feet or any part thereof

39
40 The chief engineer shall render a decision on such permit applications
41 within 150 days of receiving a complete application except when the
42 application cannot be processed due to the standards established in K.A.R.
43 5-3-4c. Upon failure to render a decision within 180 days of receipt of a

1 complete application, the application fee is subject to refund upon request.

2 (c) Except as otherwise provided in subsections (d), (e) and (f), each
 3 application for a permit to appropriate water for storage, except
 4 applications for permits for domestic use, shall be accompanied by an
 5 application fee fixed by this section for the appropriate category of
 6 storage-acre feet in accordance with the following:

7 Storage-Acre Feet	Fee
8 0 to 250.....	\$200
9 More than 250.....	\$200 + \$20
10	for each additional 250
11	storage-acre feet or any part thereof

12 On and after July 1, ~~2018~~ 2025, the application fee shall be fixed by
 13 this section for the appropriate category of storage-acre feet in accordance
 14 with the following:

15 Storage-Acre Feet	Fee
16 0 to 250.....	\$100
17 More than 250.....	\$100 + \$10
18	for each additional 250
19	storage-acre feet or any part thereof

20 The chief engineer shall render a decision on such permit applications
 21 within 150 days of receiving a complete application except when the
 22 application cannot be processed due to the standards established in K.A.R.
 23 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
 24 complete application, the application fee is subject to refund upon request.

25 (d) Each application for a term permit pursuant to K.S.A. 2016 Supp.
 26 82a-736, and amendments thereto, shall be accompanied by an application
 27 fee established by rules and regulations of the chief engineer in an amount
 28 not to exceed \$400 for the five-year period covered by the permit.

29 (e) For any application for a permit to appropriate water, except
 30 applications for permits for domestic use, which proposes to appropriate
 31 by both direct flow and storage, the fee charged shall be the fee under
 32 subsection (b) or subsection (c), whichever is larger, but not both fees.

33 (f) Each application for a permit to appropriate water for water power
 34 or dewatering purposes shall be accompanied by an application fee of
 35 \$100 plus \$200 for each 100 cubic feet per second, or part thereof, of the
 36 diversion rate requested in the application for the proposed project.

37 (g) All fees collected by the chief engineer pursuant to this section
 38 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
 39 amendments thereto.

40 ~~Sec. 15.~~ **14.** K.S.A. 2016 Supp. 82a-708b is hereby amended to read
 41 as follows: 82a-708b. (a) Any owner of a water right may change the place
 42 of use, the point of diversion or the use made of the water, without losing
 43 priority of right, provided such owner shall: (1) Apply in writing to the

1 chief engineer for approval of any proposed change; (2) demonstrate to the
 2 chief engineer that any proposed change is reasonable and will not impair
 3 existing rights; (3) demonstrate to the chief engineer that any proposed
 4 change relates to the same local source of supply as that to which the water
 5 right relates; and (4) receive the approval of the chief engineer with
 6 respect to any proposed change. The chief engineer shall approve or reject
 7 the application for change in accordance with the provisions and
 8 procedures prescribed for processing original applications for permission
 9 to appropriate water. If the chief engineer disapproves the application for
 10 change, the rights, priorities and duties of the applicant shall remain
 11 unchanged. Any person aggrieved by an order or decision by the chief
 12 engineer relating to an application for change may petition for review
 13 thereof in accordance with the provisions of K.S.A. 2016 Supp. 82a-1901,
 14 and amendments thereto.

15 (b) Each application to change the place of use, the point of diversion
 16 or the use made of the water under this section shall be accompanied by
 17 the application fee set forth in the schedule below:

18 (1) Application to change a point of diversion 300
 19 feet or less.....\$100
 20 (2) Application to change a point of diversion more
 21 than 300 feet.....200
 22 (3) Application to change the place of use..... 200
 23 (4) Application to change the use made of water..... 300

24 On and after July 1, ~~2018~~ 2025, the application fee shall be set forth in
 25 the schedule below:

26 (1) Application to change a point of diversion 300
 27 feet or less..... \$50
 28 (2) Application to change a point of diversion more
 29 than 300 feet..... 100
 30 (3) Application to change the place of use..... 100
 31 (4) Application to change the use made of the water..... 150

32 The chief engineer shall render a decision on such permit applications
 33 within 150 days of receiving a complete application except when the
 34 application cannot be processed due to the standards established in K.A.R.
 35 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
 36 complete application, the application fee is subject to refund upon request.

37 (c) All fees collected by the chief engineer pursuant to this section
 38 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
 39 amendments thereto.

40 ~~Sec. 16.~~ **15.** K.S.A. 2016 Supp. 82a-708c is hereby amended to read
 41 as follows: 82a-708c. (a) A term permit is a permit to appropriate water for
 42 a limited specified period of time in excess of six months. At the end of the
 43 specified time, or any authorized extension approved by the chief engineer,

1 the permit shall be automatically dismissed, and any priority it may have
 2 had shall be forfeited. No water right shall be perfected pursuant to a term
 3 permit.

4 (b) Each application for a term permit to appropriate water shall be
 5 made on a form prescribed by the chief engineer and shall be accompanied
 6 by an application fee fixed by this section for the appropriate category of
 7 acre feet in accordance with the following:

Acre Feet	Fee
9 0 to 100.....	\$200
10 101 to 320.....	\$300
11 More than 320.....	\$300 + \$20
	for each additional 100
	acre feet or any part thereof

14 On and after July 1, ~~2018~~ 2025, the application fee shall be set forth in
 15 the schedule below:

Acre Feet	Fee
16 0 to 100.....	\$100
17 101 to 320.....	\$100
18 More than 320.....	\$150 + \$10
	for each additional 100
	acre feet or any part thereof

22 The chief engineer shall render a decision on such term permit
 23 applications within 150 days of receiving a complete application except
 24 when the application cannot be processed due to the standards established
 25 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of
 26 receipt of a complete application, the application fee is subject to refund
 27 upon request.

28 (c) Each application for a term permit to appropriate water for
 29 storage, except applications for permits for domestic use, shall be
 30 accompanied by an application fee fixed by this section for the appropriate
 31 category of storage-acre feet in accordance with the following:

Storage-Acre Feet	Fee
32 0 to 250.....	\$200
33 More than 250.....	\$200 + \$20
	for each additional 250
	acre feet or any part thereof

37 On and after July 1, ~~2018~~ 2025, the application fee shall be set forth in
 38 the schedule below:

Storage-Acre Feet	Fee
39 0 to 250.....	\$100
40 More than 250.....	\$100 + \$10
	for each additional 250
	acre feet or any part thereof

1 The chief engineer shall render a decision on such term permit
2 applications within 150 days of receiving a complete application except
3 when the application cannot be processed due to the standards established
4 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of
5 receipt of a complete application, the application fee is subject to refund
6 upon request.

7 (d) Each application for a term permit pursuant to K.S.A. 2016 Supp.
8 82a-736, and amendments thereto, shall be accompanied by an application
9 fee established by rules and regulations adopted by the chief engineer in an
10 amount not to exceed \$400 for the five-year period covered by the permit.

11 (e) Notwithstanding the provisions of K.S.A. 82a-714, and
12 amendments thereto, the applicant is not required to file a notice of
13 completion of diversion works nor pay a field inspection fee. The chief
14 engineer shall not conduct a field inspection of the diversion works
15 required by statute for purposes of certification nor issue a certificate of
16 appropriation for a term permit.

17 (f) A request to extend the term of a term permit in accordance with
18 the rules and regulations adopted by the chief engineer shall be
19 accompanied by the same filing fee applicable to other requests for
20 extensions of time as set forth in K.S.A. 82a-714, and amendments thereto.

21 (g) An application to change the place of use, point of diversion, use
22 made of water, or any combination thereof, pursuant to K.S.A. 82a-708b,
23 and amendments thereto, shall not be approved for a term permit, except
24 as provided in K.S.A. 82a-736, and amendments thereto.

25 (h) The chief engineer shall adopt rules and regulations to effectuate
26 and administer the provisions of this section.

27 **Sec. 47. 16.** K.S.A. 2016 Supp. 82a-714 is hereby amended to read as
28 follows: 82a-714. (a) Upon the completion of the construction of the
29 works and the actual application of water to the proposed beneficial use
30 within the time allowed, the applicant shall notify the chief engineer to that
31 effect. The chief engineer or the chief engineer's duly authorized
32 representative shall then examine and inspect the appropriation diversion
33 works and, if it is determined that the appropriation diversion works have
34 been completed and the appropriation right perfected in conformity with
35 the approved application and plans, the chief engineer shall issue a
36 certificate of appropriation in duplicate. The original of such certificate
37 shall be sent to the owner and shall be recorded with the register of deeds
38 in the county or counties wherein the point of diversion is located, as are
39 other instruments affecting real estate, and the duplicate shall be made a
40 matter of record in the office of the chief engineer.

41 (b) Not later than 60 days before the expiration of the time allowed in
42 the permit to complete the construction of the appropriation diversion
43 works or the time allowed in the permit to actually apply water to the

1 proposed beneficial use, the chief engineer shall notify the permit holder
2 by certified mail that any request for extension of such time must be filed
3 with the chief engineer before the expiration of the time allowed in the
4 permit.

5 (c) Unless the applicant requests an extension or the certificate has
6 not been issued due to the applicant's failure to comply with reasonable
7 requests for information or to allow the opportunity to examine and inspect
8 the appropriation diversion works, as necessary for certification, the chief
9 engineer shall certify an appropriation:

10 (1) Before July 1, 2004, if the time allowed in the permit to perfect
11 the water right expired before July 1, 1999, except in those cases in which
12 abandonment proceedings pursuant to K.S.A. 82a-718, and amendments
13 thereto, are pending on July 1, 2004;

14 (2) before July 1, 2006, in such cases in which an abandonment
15 proceeding was pending pursuant to K.S.A. 82a-718, and amendments
16 thereto, on July 1, 2004; or

17 (3) not later than five years after the date the applicant notifies the
18 chief engineer of the completion of construction of the works and the
19 actual application of water to the proposed beneficial use within the time
20 allowed, in all other cases.

21 If the chief engineer fails to issue a certificate within the time provided
22 by this subsection, the applicant may request review, pursuant to K.S.A.
23 2016 Supp. 82a-1901, and amendments thereto, of the chief engineer's
24 failure to act.

25 (d) Except for works constructed to appropriate water for domestic
26 use, each notification to the chief engineer under subsection (a) shall be
27 accompanied by a field inspection fee of \$400, or on and after July 1, ~~2018~~
28 2025, a fee of \$200, except that for applications filed on or after July 1,
29 2009, for works constructed for sediment control use and for evaporation
30 from a groundwater pit for industrial use shall be accompanied by a field
31 inspection fee of \$200. Failure to pay the field inspection fee, after
32 reasonable notice by the chief engineer of such failure, shall result in the
33 permit to appropriate water being revoked, forfeiture of the priority date
34 and revocation of any appropriation right that may exist.

35 (e) A request for an extension of time to: (1) Complete the diversion
36 works; or (2) perfect the water right, shall be accompanied by a fee of \$50,
37 or commencing July 1, 2002, and ending June 30, ~~2018~~ 2025, a fee of
38 \$100.

39 (f) A request to reinstate a water right or a permit to appropriate water
40 which has been dismissed shall be filed with the chief engineer within 60
41 days of the date dismissed and shall be accompanied by a fee of \$100, or
42 commencing July 1, 2002, and ending June 30, ~~2018~~ 2025, a fee of \$200.

43 (g) All fees collected by the chief engineer pursuant to this section

1 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
2 amendments thereto.

3 ~~Sec. 18.~~ **17.** K.S.A. 2016 Supp. 82a-727 is hereby amended to read as
4 follows: 82a-727. (a) Subject to existing water rights and the principle of
5 beneficial use, the chief engineer may grant upon application made
6 therefor temporary permits and extensions thereof to appropriate water in
7 any case where the public interest in such water will not be unreasonably
8 or prejudicially affected, except that the chief engineer shall not grant any
9 such permit to appropriate fresh water in any case where other waters are
10 available for the proposed use and the use thereof is technologically and
11 economically feasible. No such temporary permit or any extension thereof
12 shall be granted for a period of time in excess of six months. Each
13 application submitted for a temporary permit or extension thereof shall be
14 accompanied by an application fee of \$200, or on and after July 1, ~~2018~~
15 ~~2025~~, a fee of \$100.

16 (b) The chief engineer shall adopt rules and regulations to effectuate
17 and administer the provisions of this section.

18 (c) Nothing in this section shall be deemed to vest in the holder of
19 any permit granted pursuant to provisions of this section any permanent
20 right to appropriate water except as is provided by such permit.

21 (d) All fees collected by the chief engineer pursuant to this section
22 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and
23 amendments thereto.

24 ~~Sec. 19.~~ **18.** *K.S.A. 2-3710 and* K.S.A. 2016 Supp. 2-1205, 2-2204, 2-
25 2212, 2-2440, 2-2440b, 2-2443a, 2-2445a, ~~2-2464a~~, 2-2469, 2-3304, 2-
26 3306, 82a-303b, 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 are
27 hereby repealed.

28 ~~Sec. 20.~~ **19.** This act shall take effect and be in force from and after
29 its publication in the statute book.