

SENATE BILL No. 286

By Committee on Agriculture

1-22

1 AN ACT concerning the Kansas department of agriculture; relating to fees;
2 extending sunset date on certain fees; amending K.S.A. 2013 Supp. 2-
3 2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781,
4 82a-708a, 82a-708b, 82a-708c, 82a-714 and 82a-727 and repealing the
5 existing sections.
6

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

8 Section 1. K.S.A. 2013 Supp. 2-2440 is hereby amended to read as
9 follows: 2-2440. (a) Subject to the provisions of subsection (d), it is
10 unlawful for any pesticide business which has not been issued a pesticide
11 business license to:

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

15 (2) perform any service for the control of a pest or apply any
16 pesticide on or at the premises of another person under any commission,
17 division of receipts or subcontracting arrangement with a licensed
18 pesticide business.

19 Nothing in this subsection shall be construed to require the licensing of
20 any person applying restricted use pesticides to the property of another as
21 a certified private applicator or under the supervision of a certified private
22 applicator.

23 (b) Application for a pesticide business license or renewal shall be
24 made on a form obtained from the secretary and shall be accompanied by
25 an application fee per category in which the licensee applies, and an
26 additional fee for each uncertified individual employed by the applicant to
27 apply pesticides. The application fee per category shall be \$140 per
28 category in which the licensee applies, except that on and after July 1,
29 ~~2015~~ 2019, the application fee per category shall be \$112 per category in
30 which the licensee applies. An additional fee of \$15 shall be paid for each
31 uncertified individual employed by the applicant to apply pesticides,
32 except that on and after July 1, ~~2015~~ 2019, an additional fee of \$10 shall
33 be paid for each uncertified individual employed by the applicant to apply
34 pesticides. The application fee per category and the additional fee for each
35 uncertified employee in effect on the day preceding the effective date of
36 this act shall continue in effect until the secretary adopts rules and

1 regulations fixing a different fee under this subsection. Any uncertified
2 individual employed for a period of more than 10 days in a 30-day period
3 or for five consecutive days by a licensee to apply pesticides subsequent to
4 such application shall be reported to the secretary within 30 days of such
5 employee's hiring and the fee shall be paid at that time. Each application
6 shall also include the following:

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

9 (2) if the applicant is an individual, receiver, trustee, representative,
10 agent, firm, partnership, association, corporation or other organized group
11 of persons, whether or not incorporated, the full name of each owner of the
12 firm or partnership or the names of the officers of the association,
13 corporation or group;

14 (3) the principal business address of the applicant in the state and
15 elsewhere; and

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

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

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

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

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

33 (3) any person or such person's employee who applies pesticides on
34 or at premises owned, leased or operated by such person.

35 (e) Subject to the provisions of subsection (d), it is unlawful for any
36 governmental agency which has not been issued a government agency
37 registration to apply pesticides within this state. Application for
38 government agency registration shall be made on a form obtained from the
39 secretary and shall be accompanied by a fee fixed by rules and regulations
40 adopted by the secretary, except that such fee shall not exceed \$50, except
41 that on and after July 1, ~~2015~~ 2019, such fee shall not exceed \$35. The
42 governmental agency registration fee in effect on the day preceding the
43 effective date of this act shall continue in effect until the secretary adopts

1 rules and regulations fixing a different fee therefor under this subsection.
2 No fee shall be required of any township located within a county which
3 has previously applied for and received government agency registration.
4 Each application for registration shall contain information including, but
5 not limited to:

6 (1) The name of the government agency;
7 (2) the mailing address of the applicant;
8 (3) the name and mailing address of the person who heads such
9 agency and who is authorized to receive correspondence and legal papers.
10 Such person shall be: (A) The mayor or city manager for municipalities;
11 (B) the chairperson of the board of county commissioners for counties; (C)
12 the township trustee for townships; or (D) any person designated by any
13 other governmental agency; and

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

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

23 (g) A pesticide business license or government agency registration
24 may be renewed by meeting the same requirements as for a new license or
25 registration. Neither the pesticide business license nor the government
26 agency registration shall be transferable, except that, in the event of the
27 disability, incapacity or death of the owner, manager or legal agent of a
28 pesticide business licensee, a permit may be issued by the secretary to
29 permit the operation of such business until the expiration period of the
30 license in effect at the time of such disability, incapacity or death if the
31 applicant therefor can show that the policies and services of such business
32 will continue substantially as before, with due regard to protection of the
33 public and the environment.

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

38 Sec. 2. K.S.A. 2013 Supp. 2-2440b is hereby amended to read as
39 follows: 2-2440b. (a) It shall be unlawful for any pesticide business
40 licensee to apply pesticides for the control of wood destroying pests,
41 structural pests, ornamental pests, turf pests or interior landscape pests
42 unless the applicator of the pesticide is a certified commercial applicator or
43 is a registered pest control technician, except that an uncertified

1 commercial applicator may apply pesticides when either a certified
2 applicator or registered pest control technician is physically present.

3 (b) Any such employee applying for a pest control technician
4 registration shall file an application on a form prescribed by the secretary.
5 Application for such registration shall be accompanied by an application
6 fee established by rules and regulations adopted by the secretary, except
7 that such fee shall not exceed \$40, except that on and after July 1, ~~2015~~
8 ~~2019~~, such fee shall not exceed \$25, and shall be reduced, but not below
9 zero, by an amount equal to the additional fee paid under subsection (b) of
10 K.S.A. 2-2440, and amendments thereto, for such uncertified individual.

11 (c) If the secretary finds the applicant qualified to be a registered pest
12 control technician after meeting the training requirements determined by
13 the secretary in rules and regulations, the secretary shall issue a pest
14 control technician registration which will expire at the end of the calendar
15 year.

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

18 Sec. 3. K.S.A. 2013 Supp. 2-2443a is hereby amended to read as
19 follows: 2-2443a. An applicant for a commercial applicator's certificate
20 shall show upon written examination that the applicant possesses adequate
21 knowledge concerning the proper use and application of pesticides in the
22 categories or subcategories for which the applicant has applied. A
23 commercial applicator who holds a current certificate to apply pesticides
24 commercially in any other state or political subdivision of the United
25 States may be exempted from examination for certification in this state
26 upon approval of the secretary and payment of a \$75 fee per category,
27 unless a fee not to exceed \$75 is established in rules and regulations
28 adopted by the secretary.

29 Applicants shall submit with each application a fee per examination
30 taken, including each category, subcategory and general core examination.
31 The examination fee shall be fixed by rules and regulations adopted by the
32 secretary, except that such fee shall not exceed \$45 per examination,
33 except that on and after July 1, ~~2015~~ 2019, such fee shall not exceed \$35
34 per examination. Applicants who fail to pass the examination may reapply
35 and take another examination upon paying another examination fee, which
36 fee shall be fixed by rules and regulations adopted by the secretary, except
37 that such fee shall not exceed \$45 per examination, except that on and
38 after July 1, ~~2015~~ 2019, such fee shall not exceed \$35 per examination.
39 The general core examination shall include, but is not limited to, the
40 following:

41 (a) The proper use of the equipment.

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

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

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

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

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

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

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

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

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

17 (e) Protective clothing and respiratory equipment for handling and
18 application of pesticides.

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

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

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

24 Sec. 4. K.S.A. 2013 Supp. 2-2445a is hereby amended to read as
25 follows: 2-2445a. In lieu of obtaining a commercial applicator's certificate
26 under the provisions of K.S.A. 2-2441a, and amendments thereto, a private
27 applicator's certificate may be applied for by and issued to individuals
28 using restricted use pesticides for the purpose of producing any
29 agricultural commodity on property owned or rented by the individual or
30 such individual's employer, or on the property of another for no
31 compensation other than the trading of personal services between
32 producers. Such certificates shall expire on the anniversary of the
33 individual's date of birth occurring in the fifth calendar year following the
34 year of issue. No certification shall be required hereunder for individuals
35 operating under the supervision of a certified private applicator.

36 Certified private applicator certificates may be issued to individuals
37 who have paid: (a) A fee fixed by rules and regulations adopted by the
38 secretary, except that on and after July 1, ~~2015~~ 2019, such fee shall not
39 exceed \$10; and (b) who have acquired practical knowledge of pest
40 problems, proper storage, use, handling and disposal of pesticides and
41 pesticide containers, pertinent information found on the pesticide labels,
42 pesticide use safety and environmental considerations, either through
43 Kansas state university extension service educational training or through

1 individual study of educational materials available at county extension
2 offices or the secretary. The certified private applicator certificate fee in
3 effect on the day preceding the effective date of this act shall continue in
4 effect until the secretary adopts rules and regulations fixing a different fee
5 therefor under this section. Individuals shall indicate adequate knowledge
6 of the subjects enumerated herein by passing an open-book examination
7 approved by the secretary.

8 Educational materials and examination blanks shall be made available
9 at county extension offices and at places where extension educational
10 training is conducted. The examinations shall be scored by members of the
11 extension or secretary's staff. If an individual passes the examination by
12 equaling or exceeding a standard authorized by the secretary, a certified
13 private applicator's certificate shall be issued to such individual. Such staff
14 member shall send a copy of the certificate issued, together with the fee, to
15 the secretary.

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

21 Sec. 5. K.S.A. 2013 Supp. 2-3304 is hereby amended to read as
22 follows: 2-3304. (a) Any user of the chemigation process shall register and
23 obtain a chemigation user's permit before using the process.

24 (b) Registration shall consist of making application on a form
25 supplied by the secretary. Such application shall include, but not be limited to:
26

27 (1) The name of the persons to whom a permit is to be issued,
28 including an owner or operator of land on which chemigation is to be used;

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

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

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

34 (5) payment of fees.

35 (c) The application fee for a chemigation user's permit shall be \$75
36 plus \$15 for each additional point of diversion, except that on and after
37 July 1, ~~2015~~ 2019, a chemigation user's permit shall be \$55 plus \$10 for
38 each additional point of diversion. A chemigation user's permit may be
39 renewed each year upon making an application, payment of the application
40 fee and completing the report form providing information used in
41 chemigation the previous year.

42 Sec. 6. K.S.A. 2013 Supp. 2-3306 is hereby amended to read as
43 follows: 2-3306. (a) Any individual operating chemigation equipment

1 under a chemigation user permit shall be responsible for the safe operation
2 of such chemigation equipment and any such equipment shall be
3 considered to be under the direct supervision of the chemigation user
4 permit holder.

5 (b) The secretary shall not issue a chemigation user permit to any
6 person unless such person is a certified chemigation equipment operator or
7 has in such person's employment at least one certified chemigation
8 equipment operator. A chemigation equipment operator is an individual
9 who has successfully completed an examination given by the secretary or
10 the secretary's designee. Except as provided in subsection (c), if the
11 chemigation user permit is issued to an individual, that individual must
12 have successfully completed the chemigation equipment operator
13 examination. Such examination shall include, but not be limited to, the
14 following:

- 15 (1) The proper use of anti-pollution devices;
- 16 (2) preparing the chemical solution and filling the chemical supply
17 container;
- 18 (3) calibrating of injection equipment;
- 19 (4) supervision of chemigation equipment to assure its safe operation;
- 20 (5) environmental and human hazards that may be involved in
21 chemigation;
- 22 (6) protective clothing and respiratory equipment;
- 23 (7) general precautions to be followed in disposal of containers and
24 decontamination of the equipment;
- 25 (8) handling of tail water and other accumulations of water containing
26 chemicals;
- 27 (9) information of procedures to be followed should chemicals
28 inadvertently enter the water supply source as a result of the chemigation
29 process;
- 30 (10) label information, especially chemigation instructions;
- 31 (11) applicable state and federal laws and regulations; and
- 32 (12) any other subject which the secretary deems necessary.

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

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

41 (e) The fee for certification as a chemigation equipment operator or
42 for renewal of such certification shall be \$25, except that on and after July
43 1, ~~2015~~ 2019, such certification shall be \$10.

1 Sec. 7. K.S.A. 2013 Supp. 65-778 is hereby amended to read as
2 follows: 65-778. (a) Any person who engages in business as a dairy
3 manufacturing plant shall first apply for and obtain a dairy manufacturing
4 plant license from the secretary and shall pay a license fee of \$120, or
5 commencing July 1, 2002, and ending June 30, ~~2015~~ 2019, a license fee of
6 \$200.

7 (b) Any person who engages in business as a distributor of milk, milk
8 products or dairy products shall first apply for and obtain a milk distributor
9 license from the secretary and shall pay a license fee of \$120, or
10 commencing July 1, 2002, and ending June 30, ~~2015~~ 2019, a license fee of
11 \$200. No milk distributor license shall be required for a licensed dairy
12 manufacturing plant which distributes only those products which it
13 manufactures.

14 (c) Any person who engages in business as a milk hauler shall first
15 apply for and obtain a milk hauler license from the secretary and shall pay
16 a license fee of \$25 or commencing July 1, 2002, and ending June 30,
17 ~~2015~~ 2019, a license fee of \$35. As part of the application, the secretary
18 may require the applicant to be tested regarding proper procedures for
19 sampling, testing and weighing milk or cream and state laws and rules and
20 regulations.

21 (d) Any person who operates a milk or cream transfer station or milk
22 or cream receiving station shall first apply for and obtain a milk or cream
23 station license from the secretary and shall pay a license fee of \$50, or
24 commencing July 1, 2002, and ending June 30, ~~2015~~ 2019, a license fee of
25 \$100.

26 (e) Any person who engages in business as a manufacturer of single
27 service dairy containers or manufacturer of single service dairy container
28 closures shall first apply for and obtain a single service manufacturing
29 license from the secretary and shall pay a license fee of \$50, or
30 commencing July 1, 2002, and ending June 30, ~~2015~~ 2019, a license fee of
31 \$100.

32 (f) Any person who operates a milk tank truck cleaning facility shall
33 first apply for and obtain a milk tank truck cleaning facility license from
34 the secretary and shall pay a license fee of \$100.

35 (g) Any license issued under this section shall be renewed annually.

36 (h) The dairy manufacturing plant license, milk distributor license,
37 milk tank truck cleaning facility license, milk or cream station license and
38 single service manufacturing license shall expire on December 31 of the
39 year for which it was issued unless suspended or revoked by the secretary
40 pursuant to this act. The milk hauler license shall expire on June 30
41 following the date of issuance unless suspended or revoked by the
42 secretary pursuant to this act.

43 (i) No license issued under this section shall be transferable. No

1 license shall be renewed if any assessments or fees required under this act
2 are delinquent.

3 (j) Each applicant for a license or for the renewal of such license shall
4 submit an application on a form supplied by the secretary accompanied by
5 the license fee. All licenses shall be conspicuously displayed in the
6 applicant's place of business.

7 (k) The secretary is authorized and directed to reduce any license fee
8 in subsections (a) through (f) whenever the secretary determines that such
9 fee is yielding more than is necessary for administering the provisions of
10 this act. The secretary is authorized to increase any license fee in
11 subsections (a) through (f), when such license fee is necessary to produce
12 sufficient revenues for administering the provisions of this act. License
13 fees in subsections (a) through (f) shall not be increased in excess of the
14 amounts provided in this section.

15 Sec. 8. K.S.A. 2013 Supp. 65-781 is hereby amended to read as
16 follows: 65-781. The following fees for the statewide system of milk
17 inspection and regulatory services are hereby established:

18 (a) A fee of \$.01, or commencing July 1, 2002, and ending June 30,
19 ~~2015~~ 2019, a fee of \$.015 for each 100 pounds of milk produced by milk
20 producers under Kansas grade A inspection shall be paid. Each producer is
21 hereby charged with such fee which shall be paid to the milk producers'
22 cooperative, milk processor or milk distributor to whom the milk is sold or
23 delivered. Each cooperative, processor or distributor is hereby charged
24 with the duty of collecting such fees which shall be remitted to the
25 secretary.

26 (b) A fee of \$.01, or commencing July 1, 2002, and ending June 30,
27 ~~2015~~ 2019, a fee of \$.02 for each 100 pounds of packaged grade A
28 pasteurized milk or milk products sold in Kansas at retail to the final
29 consumer shall be paid. Each distributor is hereby charged with such fee
30 which shall be remitted to the secretary.

31 (c) A fee of \$.01, or commencing July 1, 2002, and ending June 30,
32 ~~2015~~ 2019, a fee of \$.02 per 100 pounds or fraction thereof of grade A raw
33 milk for pasteurization delivered to a milk processor within the state of
34 Kansas which is processed into grade A milk or grade A milk products
35 shall be paid. Each milk processor is hereby charged with such fee which
36 shall be remitted to the secretary. *This fee shall not be paid if the milk is*
37 *processed or manufactured at the dairy where such milk is produced.*

38 (d) A milk fee of \$.01, or commencing July 1, 2002, and ending June
39 30, ~~2015~~ 2019, a fee of \$.015 per 100 pounds of milk or cream for
40 manufacturing purposes produced by milk producers under Kansas
41 manufacturing grade milk inspection shall be paid. Each producer is
42 hereby charged with such fee which shall be paid to the milk producers'
43 cooperative, dairy manufacturing plant or any other person to whom the

1 milk or cream for manufacturing purposes is sold or delivered. Each
2 cooperative, dairy manufacturing plant or other person is hereby charged
3 with the duty of collecting such fees which shall be remitted to the
4 secretary.

5 (e) A fee of \$.0075, or commencing July 1, 2002, and ending June 30,
6 ~~2015~~ 2019, a fee of \$.02 per 100 pounds of Kansas produced milk or
7 cream for manufacturing purposes or other Kansas produced milk
8 delivered to a dairy manufacturing plant shall be paid on all Kansas milk
9 used in the manufacturing of dairy products. As used in this subsection, the
10 term dairy products shall not include any frozen dairy dessert or frozen
11 dairy dessert mix. Each dairy manufacturing plant shall pay such fee
12 which shall be remitted to the secretary. *This fee shall not be paid if the*
13 *milk is processed or manufactured at the dairy where such milk is*
14 *produced.*

15 (f) In lieu of the fee prescribed in subsection (e), a fee of \$1, or
16 commencing July 1, 2002, and ending June 30, ~~2015~~ 2019, a fee of \$2 per
17 thousand gallons of frozen dairy dessert or frozen dairy dessert mix shall
18 be paid by the manufacturer thereof. Each manufacturer of frozen dairy
19 dessert or frozen dairy dessert mix is hereby charged with such fee which
20 shall be remitted to the secretary. Frozen dairy dessert mix which is further
21 processed into the corresponding frozen dairy dessert by the manufacturer
22 of the frozen dairy dessert mix shall not be subject to the fee required by
23 this subsection.

24 (g) A fee of \$1, or commencing July 1, 2002, and ending June 30,
25 ~~2015~~ 2019, a fee of \$2 per thousand gallons of frozen dairy dessert or
26 frozen dairy dessert mix imported for retail sale in Kansas shall be paid by
27 the milk distributor who imports these products.

28 (h) A fee of \$50 for the annual inspection of a milk tank truck as
29 required by this act. The milk transportation company that owns or leases
30 the milk tank truck shall pay such fee which shall be remitted to the
31 secretary.

32 (i) If any fee computed pursuant to subsection (a) through (e) is less
33 than \$2.50, then the sum of \$2.50 shall be paid in lieu of the computed fee.
34 If any fee computed pursuant to subsection (f) or (g) is less than \$7.50, a
35 minimum fee of \$7.50 shall be paid in lieu of the computed fee.

36 (j) All fees established herein shall be paid to the secretary in the
37 following manner:

38 (1) The fees established in subsections (a) and (c) through (e) shall be
39 remitted on or before the 30th day of each month for the calendar month
40 immediately preceding and shall be accompanied by a report, in the form
41 prescribed by the secretary, indicating the quantities upon which the
42 remittance is based.

43 (2) The fees established in subsections (b), (f) and (g) shall be

1 remitted on April 30, July 31, October 31 and January 31 for the three
 2 calendar months immediately preceding and shall be accompanied by a
 3 report, in the form prescribed by the secretary, indicating the quantities
 4 upon which the remittance is based.

5 (3) The fee established in subsection (h) shall be remitted within 60
 6 days from the date of inspection.

7 (k) Any person who fails to remit all or any part of the required fee or
 8 to submit the required report by the date due may be assessed an additional
 9 charge equal to 1% of the amount of delinquent fees for each day after the
 10 date due, or \$5, whichever amount is greater.

11 (l) The secretary is hereby authorized and directed to reduce any
 12 inspection fee in subsections (a) through (h) whenever the secretary
 13 determines that such fee is yielding more than is necessary for
 14 administering the provisions of this act. The secretary is authorized to
 15 increase any inspection fee in subsections (a) through (h) when such
 16 inspection fee is necessary to produce sufficient revenues for
 17 administering the provisions of this act. License fees in subsections (a)
 18 through (h) shall not be increased in excess of the amounts provided in this
 19 section.

20 Sec. 9. K.S.A. 2013 Supp. 82a-708a is hereby amended to read as
 21 follows: 82a-708a. (a) Any person may apply for a permit to appropriate
 22 water to a beneficial use, notwithstanding that the application pertains to
 23 the use of water by another, or upon or in connection with the lands of
 24 another. Any rights to the beneficial use of water perfected under such
 25 application shall attach to the lands on or in connection with which the
 26 water is used and shall remain subject to the control of the owners of the
 27 lands as in other cases provided by law.

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

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

33 On and after July 1, ~~2015~~ 2019, the application fee shall be fixed by
 34 this section for the appropriate category of acre feet in accordance with the
 35 following:

Acre Feet	Fee
0 to 100.....	\$100

1	101 to 320.....	\$150
2	More than 320.....	\$150 + \$10
3		for each additional 100
4		acre feet or any part thereof

5 The chief engineer shall render a decision on such permit applications
 6 within 150 days of receiving a complete application except when the
 7 application cannot be processed due to the standards established in K.A.R.
 8 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
 9 complete application, the application fee is subject to refund upon request.

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

15	Storage-Acre Feet	Fee
16	0 to 250.....	\$200
17	More than 250.....	\$200 + \$20
18		for each additional 250
19		storage-acre feet or any part thereof

20 On and after July 1, ~~2015~~ 2019, the application fee shall be fixed by
 21 this section for the appropriate category of storage-acre feet in accordance
 22 with the following:

23	Storage-Acre Feet	Fee
24	0 to 250.....	\$100
25	More than 250.....	\$100 + \$10
26		for each additional 250
27		storage-acre feet or any part thereof

28 The chief engineer shall render a decision on such permit applications
 29 within 150 days of receiving a complete application except when the
 30 application cannot be processed due to the standards established in K.A.R.
 31 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
 32 complete application, the application fee is subject to refund upon request.

33 (d) Each application for a term permit pursuant to K.S.A. 2013 Supp.
 34 82a-736, and amendments thereto, shall be accompanied by an application
 35 fee established by rules and regulations of the chief engineer in an amount
 36 not to exceed \$400 for the five-year period covered by the permit.

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

41 (f) Each application for a permit to appropriate water for water power
 42 or dewatering purposes shall be accompanied by an application fee of
 43 \$100 plus \$200 for each 100 cubic feet per second, or part thereof, of the

1 diversion rate requested in the application for the proposed project.

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

5 Sec. 10. K.S.A. 2013 Supp. 82a-708b is hereby amended to read as
 6 follows: 82a-708b. (a) Any owner of a water right may change the place of
 7 use, the point of diversion or the use made of the water, without losing
 8 priority of right, provided such owner shall: (1) Apply in writing to the
 9 chief engineer for approval of any proposed change; (2) demonstrate to the
 10 chief engineer that any proposed change is reasonable and will not impair
 11 existing rights; (3) demonstrate to the chief engineer that any proposed
 12 change relates to the same local source of supply as that to which the water
 13 right relates; and (4) receive the approval of the chief engineer with
 14 respect to any proposed change. The chief engineer shall approve or reject
 15 the application for change in accordance with the provisions and
 16 procedures prescribed for processing original applications for permission
 17 to appropriate water. If the chief engineer disapproves the application for
 18 change, the rights, priorities and duties of the applicant shall remain
 19 unchanged. Any person aggrieved by an order or decision by the chief
 20 engineer relating to an application for change may petition for review
 21 thereof in accordance with the provisions of K.S.A. 2013 Supp. 82a-1901,
 22 and amendments thereto.

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

26 (1) Application to change a point of diversion 300
 27 feet or less..... \$100
 28 (2) Application to change a point of diversion more
 29 than 300 feet..... 200
 30 (3) Application to change the place of use..... 200
 31 (4) Application to change the use made of water..... 300

32 On and after July 1, ~~2015~~ 2019, the application fee shall be set forth in
 33 the schedule below:

34 (1) Application to change a point of diversion 300
 35 feet or less..... \$50
 36 (2) Application to change a point of diversion more
 37 than 300 feet..... 100
 38 (3) Application to change the place of use..... 100
 39 (4) Application to change the use made of the water..... 150

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

5 Sec. 11. K.S.A. 2013 Supp. 82a-708c is hereby amended to read as
 6 follows: 82a-708c. (a) A term permit is a permit to appropriate water for a
 7 limited specified period of time in excess of six months. At the end of the
 8 specified time, or any authorized extension approved by the chief engineer,
 9 the permit shall be automatically dismissed, and any priority it may have
 10 had shall be forfeited. No water right shall be perfected pursuant to a term
 11 permit.

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

Acre Feet	Fee
17 0 to 100.....	\$200
18 101 to 320.....	\$300
19 More than 320.....	\$300 + \$20
	for each additional 100
	acre feet or any part thereof

22 On and after July 1, ~~2015~~ 2019, the application fee shall be set forth in
 23 the schedule below:

Acre Feet	Fee
25 0 to 100.....	\$100
26 101 to 320.....	\$100
27 More than 320.....	\$150 + \$10
	for each additional 100
	acre feet or any part thereof

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

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

Storage-Acre Feet	Fee
41 0 to 250.....	\$200
42 More than 250.....	\$200 + \$20
	<i>for each additional 250</i>

43

1 *acre feet or any part thereof*

2 On and after July 1, ~~2015~~ 2019, the application fee shall be set forth in

3 the schedule below:

4 Storage-Acre Feet	Fee
5 0 to 250.....	\$100
6 More than 250.....	\$100 + \$10
7	for each additional 250
8	acre feet or any part thereof

9 The chief engineer shall render a decision on such term permit

10 applications within 150 days of receiving a complete application except

11 when the application cannot be processed due to the standards established

12 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of

13 receipt of a complete application, the application fee is subject to refund

14 upon request.

15 (d) Each application for a term permit pursuant to K.S.A. 2013 Supp.

16 82a-736, and amendments thereto, shall be accompanied by an application

17 fee established by rules and regulations adopted by the chief engineer in an

18 amount not to exceed \$400 for the five-year period covered by the permit.

19 (e) Notwithstanding the provisions of K.S.A. 82a-714, and

20 amendments thereto, the applicant is not required to file a notice of

21 completion of diversion works nor pay a field inspection fee. The chief

22 engineer shall not conduct a field inspection of the diversion works

23 required by statute for purposes of certification nor issue a certificate of

24 appropriation for a term permit.

25 (f) A request to extend the term of a term permit in accordance with

26 the rules and regulations adopted by the chief engineer shall be

27 accompanied by the same filing fee applicable to other requests for

28 extensions of time as set forth in K.S.A. 82a-714, and amendments thereto.

29 (g) An application to change the place of use, point of diversion, use

30 made of water, or any combination thereof, pursuant to K.S.A. 82a-708b,

31 and amendments thereto, shall not be approved for a term permit.

32 (h) The chief engineer shall adopt rules and regulations to effectuate

33 and administer the provisions of this section.

34 Sec. 12. K.S.A. 2013 Supp. 82a-714 is hereby amended to read as

35 follows: 82a-714. (a) Upon the completion of the construction of the

36 works and the actual application of water to the proposed beneficial use

37 within the time allowed, the applicant shall notify the chief engineer to that

38 effect. The chief engineer or the chief engineer's duly authorized

39 representative shall then examine and inspect the appropriation diversion

40 works and, if it is determined that the appropriation diversion works have

41 been completed and the appropriation right perfected in conformity with

42 the approved application and plans, the chief engineer shall issue a

43 certificate of appropriation in duplicate. The original of such certificate

1 shall be sent to the owner and shall be recorded with the register of deeds
2 in the county or counties wherein the point of diversion is located, as are
3 other instruments affecting real estate, and the duplicate shall be made a
4 matter of record in the office of the chief engineer.

5 (b) Not later than 60 days before the expiration of the time allowed in
6 the permit to complete the construction of the appropriation diversion
7 works or the time allowed in the permit to actually apply water to the
8 proposed beneficial use, the chief engineer shall notify the permit holder
9 by certified mail that any request for extension of such time must be filed
10 with the chief engineer before the expiration of the time allowed in the
11 permit.

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

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

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

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

28 If the chief engineer fails to issue a certificate within the time provided
29 by this subsection, the applicant may request review, pursuant to K.S.A.
30 2013 Supp. 82a-1901, and amendments thereto, of the chief engineer's
31 failure to act.

32 (d) Except for works constructed to appropriate water for domestic
33 use, each notification to the chief engineer under subsection (a) shall be
34 accompanied by a field inspection fee of \$400, or on and after July 1, ~~2015~~
35 2019, a fee of \$200, except that for applications filed on or after July 1,
36 2009, for works constructed for sediment control use and for evaporation
37 from a groundwater pit for industrial use shall be accompanied by a field
38 inspection fee of \$200. Failure to pay the field inspection fee, after
39 reasonable notice by the chief engineer of such failure, shall result in the
40 permit to appropriate water being revoked, forfeiture of the priority date
41 and revocation of any appropriation right that may exist.

42 (e) A request for an extension of time to: (1) Complete the diversion
43 works; or (2) perfect the water right, shall be accompanied by a fee of \$50,

1 or commencing July 1, 2002, and ending June 30, ~~2015~~ 2019, a fee of
2 \$100.

3 (f) A request to reinstate a water right or a permit to appropriate water
4 which has been dismissed shall be filed with the chief engineer within 60
5 days of the date dismissed and shall be accompanied by a fee of \$100, or
6 commencing July 1, 2002, and ending June 30, ~~2015~~ 2019, a fee of \$200.

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

10 Sec. 13. K.S.A. 2013 Supp. 82a-727 is hereby amended to read as
11 follows: 82a-727. (a) Subject to existing water rights and the principle of
12 beneficial use, the chief engineer may grant upon application made
13 therefor temporary permits and extensions thereof to appropriate water in
14 any case where the public interest in such water will not be unreasonably
15 or prejudicially affected, except that the chief engineer shall not grant any
16 such permit to appropriate fresh water in any case where other waters are
17 available for the proposed use and the use thereof is technologically and
18 economically feasible. No such temporary permit or any extension thereof
19 shall be granted for a period of time in excess of six months. Each
20 application submitted for a temporary permit or extension thereof shall be
21 accompanied by an application fee of \$200, or on and after July 1, ~~2015~~
22 2019, a fee of \$100.

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

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

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

31 Sec. 14. K.S.A. 2013 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-
32 3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714
33 and 82a-727 are hereby repealed.

34 Sec. 15. This act shall take effect and be in force from and after its
35 publication in the statute book.