

HOUSE BILL No. 2304

By Committee on Energy and Environment

2-12

1 AN ACT concerning the air quality fee fund; relating to the transfer of
2 permit and approval fees; amending K.S.A. 65-3008 and 65-3024 and
3 repealing the existing sections.
4

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

6 Section 1. K.S.A. 65-3008 is hereby amended to read as follows: 65-
7 3008. (a) No person shall construct, own, operate, install, alter or use any
8 air contaminant emission stationary source which, in accordance with rules
9 and regulations, the secretary finds may cause or contribute to air
10 pollution, unless an appropriate approval or permit has been issued for the
11 source by the secretary under this act. Approvals or permits issued by the
12 secretary may be subject to conditions consistent with the purposes of this
13 act and rules and regulations promulgated under this act.

14 (b) The secretary shall require that applications for approvals and
15 permits, and renewals thereof, under this act shall be accompanied by
16 application fees and such plans, specifications, compliance plans or other
17 information as the secretary deems necessary. Applications shall be
18 submitted on forms provided by the secretary and shall be signed by a
19 responsible official of the source, who shall certify the accuracy of the
20 information submitted.

21 (c) The issuance or holding of an approval or permit shall not convey
22 any property right or exclusive privilege to the holder thereof.

23 (d) Without any further action on the part of the secretary, an
24 approval or a permit shall become void and without effect on its expiration
25 date unless a completed application form and any required fee are filed
26 with the secretary on or before the expiration date of the approval or the
27 permit. For purposes of this subsection, the secretary may specify by rule
28 and regulation an amount of time prior to the expiration date of an
29 operating permit by which a complete application form and any required
30 fee must be filed with the secretary in order to be considered timely filed.
31 The secretary may provide for a grace period by rule and regulation.

32 (e) The secretary may issue by rule and regulation a general approval
33 or permit covering numerous similar sources. Any general approval or
34 permit shall comply with all requirements applicable to approvals or
35 permits under this act. Any source covered by a general approval or permit
36 must apply to the secretary and receive authority to operate under the

1 general approval or permit.

2 (f) The secretary may fix, charge and collect fees for approvals and
3 permits, and the renewal thereof, to cover all or any part of the cost of
4 administering the provisions of Kansas air quality act, other than K.S.A.
5 65-3027, *and amendments thereto*. The secretary shall adopt rules and
6 regulations fixing such fees. The fees shall be deposited in the state
7 treasury and credited to the ~~state general fund~~ *air quality fee fund*
8 *established in K.S.A. 65-3024, and amendments thereto*, except that if all
9 or any portion of the regulatory services for which a fee is collected under
10 this section is performed by a county, city-county or multicounty health
11 department, that portion of such fee which pertains to such services, as
12 determined by the secretary, shall be credited to the local air quality
13 control authority regulation services fund, which is hereby created in the
14 state treasury, and shall be paid from such fund to such local air quality
15 control authority.

16 Sec. 2. K.S.A. 65-3024 is hereby amended to read as follows: 65-
17 3024. (a) The secretary may fix, charge and collect annual emissions fees
18 in amounts necessary to pay the direct and indirect costs of administering
19 the provisions of the Kansas air quality act. The secretary shall adopt rules
20 and regulations fixing such fees and shall periodically increase or decrease
21 such fees consistent with the need to cover the direct and indirect costs of
22 administering the program. To the extent possible, annual emission fees
23 shall be based upon actual emissions determined pursuant to rules and
24 regulations adopted by the secretary. For purposes of determining emission
25 fees for a facility, emissions of any single regulated pollutant in excess of
26 4,000 tons per year shall not be included in the calculation when
27 determining the total emissions from the facility.

28 (b) There is hereby established in the state treasury the air quality fee
29 fund. Revenue from the following sources shall be deposited in the state
30 treasury and credited to the fund:

31 (1) Fees collected under subsection (a);

32 (2) any moneys recovered by the state under the provisions of this
33 act, including *permit and approval fees collected under K.S.A. 65-3008,*
34 *and amendments thereto*, administrative expenses, civil penalties and
35 moneys paid under any agreement, stipulation or settlement; and

36 (3) interest attributable to investment of moneys in the fund.

37 (c) Moneys deposited in the fund shall be expended only for the
38 purpose of administering the Kansas air quality act, including funding of a
39 technical and environmental compliance assistance program, and for no
40 other governmental purposes.

41 (d) On or before the 10th of each month, the director of accounts and
42 reports shall transfer from the state general fund to the air quality fee fund
43 interest earnings based on:

1 (1) The average daily balance of moneys in the air quality fee fund
2 for the preceding month; and

3 (2) the net earnings rate of the pooled money investment portfolio for
4 the preceding month.

5 (e) All expenditures from the fund shall be made in accordance with
6 appropriation acts upon warrants of the director of accounts and reports
7 issued pursuant to vouchers approved by the secretary for the purposes set
8 forth in this section.

9 Sec. 3. K.S.A. 65-3008 and 65-3024 are hereby repealed.

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