

48-1625. Radiation control operations fee fund created; expenditures. (a) There is hereby created in the state treasury the radiation control operations fee fund to administer the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto. Such fund shall be administered by the secretary of health and environment in accordance with the provisions of this section.

(b) Revenue from the following sources shall be deposited in the state treasury and credited to the radiation control operations fee fund:

- (1) Fees collected for licenses and registrations, and renewals thereof, issued under the nuclear energy development and radiation control act;
- (2) reimbursement for administrative, inspection, radioactive material disposal, investigation and remedial action expenses;
- (3) excluding civil penalties, moneys paid pursuant to any agreement, stipulation or settlement;
- (4) grants, gifts, bequests or state appropriations for the purposes of K.S.A. 48-1601 through 48-1624, and amendments thereto;
- (5) fees collected pursuant to K.S.A. 2016 Supp. 48-16a04, and amendments thereto; and
- (6) interest attributable to investment of moneys in the fund.

Moneys described in this subsection which are received by the secretary shall be remitted by the secretary to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund.

The secretary of health and environment is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of K.S.A. 48-1601 through 48-1624, and amendments thereto.

(c) The secretary is authorized to use moneys from the radiation control operations fee fund to pay the cost of:

(1) All activities related to licensing and registration, including, but not limited to, development and issuance of licenses, registrations and renewals thereof, compliance monitoring, inspections, long term monitoring and enforcement actions and decontamination, decommissioning, reclamation or remedial actions;

- (2) design and review of radioactive waste disposal facilities;
- (3) review and witnessing of test and repair procedures;
- (4) investigation of violations, complaints, pollution and events affecting the environment or public health;
- (5) design and review of remedial action plans;
- (6) personnel training programs;
- (7) contracting for services needed to supplement the department's staff expertise in administering the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto;

- (8) staff consultation needed to provide radiation protection services provided under this act;
- (9) mitigation of adverse environmental or public health impacts, including impounding sources of radiation;
- (10) emergency or long-term remedial activities;
- (11) administrative, technical and legal costs incurred by the secretary in administering the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto; and

(12) costs of program administration, including the state's share of any grant received from the federal government or from other sources, public or private.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the radiation control operations fee fund interest earnings based on:

- (1) The average daily balance of moneys in the radiation control operations fee fund for the preceding month; and
 - (2) the net earnings rate of the pooled money investment portfolio for the preceding months.
- (e) All expenditures from this fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment for the purposes set forth in this section.

History: L. 2004, ch. 106, § 2; L. 2010, ch. 94, § 13; July 1.