

SESSION OF 2013

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE  
BILL NO. 2207**

As Amended by Senate Committee on Natural  
Resources

**Brief\***

Sub. for HB 2207 would amend provisions of current law dealing with the regulation of confined animal feeding facilities (CAFO) by the Kansas Department of Health and Environment (KDHE).

Specifically, the bill would continue the requirement that any CAFO with an animal unit capacity of 300 or more must register with the Secretary of Health and Environment (Secretary) and pay a fee of \$25. The bill would require the receipt of the registration to be acknowledged and published by the Secretary. The registration would be required to indicate the prescribed tract of land where the proposed construction will occur and that the separation distances for the CAFO comply with the requirements listed in the bill. The bill would require KDHE to identify any significant water pollution potential or separation distance violations within 30 days of receiving the registration.

If a CAFO with an animal unit capacity of 300 or more, but less than 1,000, poses no identified water pollution potential, the bill would require the Secretary to certify that no permit is required. If no permit is required, the bill would require the Secretary to certify that the separation distances comply with separation distance requirements. If the separation distances do not comply, the Secretary could reduce the separation distance requirements pursuant to existing law (written agreement with owners of habitable

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

structures within the separation distance, upon request by the board of county commissioners, if there are no substantial objections, or if existing technology meets or exceeds the effect of the required separation distance) and certify the reduction or report to the registrant the conditions necessary to receive certification.

If a CAFO requires a permit, the bill would require an application for a permit to be submitted no later than 18 months after the date the registration is received or the registration would expire. The bill would permit the registrant to petition the Secretary to extend the application period by an additional 18 months if the Secretary believes the extension is reasonable.

Further, the bill would require the Secretary to notify the registrant within 30 days of the receipt of the application if the application is complete or incomplete and, if incomplete, the notification must include the reasons why it is incomplete. The bill would provide that if the application period expires, then no further registrations pertaining to the same location would be accepted by KDHE for a period of no less than 180 days.

## **Background**

The bill was introduced by the House Committee on Agriculture and Natural Resources.

At the House Committee hearing on the original bill, a spokesperson from KDHE appeared as a proponent, indicating the purpose of the bill was to allow owners or operators of CAFOs to establish their required separation distances prior to the submission of a complete application. Also appearing in support of the original bill were representatives of the Kansas Department of Agriculture, the Kansas Farm Bureau, and the Kansas Pork Producers Association. A representative of the Kansas Livestock Association testified in support of the bill and presented a

substitute bill for the Committee's consideration. The spokesperson for the Kansas Livestock Association indicated KDHE had agreed to the modifications made in the substitute bill.

There was no testimony given in opposition to the bill at the House Committee hearing.

The House Committee on Agriculture and Natural Resources adopted the provisions of the substitute bill.

The Senate Committee on Natural Resources amended the bill by replacing the language regarding the Secretary's action on separation distances of a CAFO if the Secretary certifies that no permit is necessary. The amendment also clarified that if an application for a required permit is made later than 18 months after the date the registration is received, the registration would expire. The Senate Committee also made technical amendments to the bill that updated references to various sections in the bill.

The fiscal note on the original bill states there would be 40 new registrations with KDHE per year. Based on that estimate, KDHE would spend \$280 for *Kansas Register* public notification (\$7 per facility), as well as \$220 for public notice mailing (\$5.50 per facility). Revenues from the 40 registrations would generate \$1,000 (\$25 x 40). Any fiscal effect associated with HB 2207 is not reflected in *The FY 2014 Governor's Budget Report*.