

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2169**

As Agreed to March 27, 2025

**Brief\***

HB 2169 would amend law to provide relief from certain pesticide remediation to certain property located in Johnson County.

The bill would prohibit a state agency or subdivision from issuing cleanup orders; seeking recovery of money; promulgating regulations or guidance; failing to timely grant approvals for any permit under any state program, including issuance of a no-further-action approval or Resource Conservation and Recovery Act permit modification; or otherwise requiring any person owning or possessing any interest in property previously owned by the U.S. Army that is located in Johnson County to be responsible for any non-residential property restrictions on use of such land or the costs of investigation, removal, or remediation of soil, groundwater, or surface water where legally registered pesticidal commercial chemical products were applied at or near structures on land to control pests by the U.S. Army at the property prior to 2005.

The bill would only be applicable to any such person if the property owned by the person is non-residential. Any person owning the non-residential property would be responsible for the costs of investigation, removal or remediation of soil, groundwater, or surface water of contamination as provided by law, including, but not limited to, contamination by legally registered pesticidal commercial chemical products, if the person converts the property to residential property or the property is constructed as a day care facility.

The bill would require owners of the non-residential property to provide notice of the potential presence of legally registered pesticidal commercial chemical products on the property that may need to be remediated, as determined by the Kansas Department of Health and Environment (KDHE), if the property is ever used for residential purposes. Such notice would run with the land and remain permanently on all future deeds until the pesticidal products are at levels, or the property has been remediated, provided by continuing law.

[*Note:* The property, Astra Enterprise Park, will contain the Panasonic battery production facility and other industrial and commercial sites related to the project.]

The bill would allow the provisions of the prohibition to be applied retroactively.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <https://klrd.gov/>

The bill would amend law to exempt such property owners responsible for the discharge, abandonment, or disposal of hazardous substances from responsibility for the payment of the costs of the investigation to determine whether remedial action is necessary at the site.

### **Conference Committee Action**

The Conference Committee agreed to remove the contents of HB 2169 and insert the contents of HB 2340, as amended by the Senate Committee on Commerce, and to further amend the bill to clarify that the owner of the non-residential property would be responsible for costs, investigation, removal, or remediation of such chemicals if a day care is to be constructed on the property.

[*Note:* The contents of HB 2169, regarding the issuance requirements for specialized license plates for military veterans, is included in the Conference Committee Report for HB 2201.]

### **Background**

#### ***HB 2340 (Pesticide Remediation Relief to Certain Property in Johnson County)***

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of Astra Enterprise Park.

#### *House Committee on Commerce, Labor and Economic Development*

In the House Committee hearing, **proponent** testimony was provided by a representative of Sunflower Redevelopment, LLC (SRL), who generally stated the bill would clarify regulatory authority in this instance regarding commercial pesticides and assist with an economic development project.

Written-only proponent testimony was provided by representatives of Americans for Prosperity and the De Soto Chamber of Commerce.

Opponent testimony was provided by a representative of KDHE, who generally stated the bill would restrict the agency from the investigation, removal, or remediation of any contaminant; provide inconsistent standards; and could lead to the residential use of the property with no restrictions.

Written-only neutral testimony was provided by a representative of Burns & McDonnell Engineering Company.

#### *House Committee of the Whole*

The House Committee of the Whole amended the bill to:

- Prohibit a state agency from failing to timely grant approvals for any permit under any state program, including issuance of a no-further-action approval or Resource Conservation and Recovery Act permit modification;
- Clarify the bill would be applicable only to a person if the property owned by the person is non-residential; and
- State a person owning the non-residential property would be responsible for the costs of investigation, removal, or remediation of soil, groundwater, or surface water of contamination by legally registered pesticidal commercial chemical products, if the person converts the property to residential property.

[*Note:* The Conference Committee retained these amendments.]

### *Senate Committee on Commerce*

In the Senate Committee hearing, **proponent** testimony was provided by a representative of SRL, who offered substantially similar testimony as in the House Committee hearing.

Written-only proponent testimony was provided by representatives of Burns and McDonnell Engineering Company; the Kansas Chamber; and the De Soto Chamber of Commerce and Economic Development Council.

Opponent testimony was provided by a representative of KDHE, who offered substantially similar testimony as in the House Committee hearing.

Written-only opponent testimony was provided by a representative of the Johnson County Department of Health and Environment.

No other testimony was provided.

The Senate Committee amended the bill to require the owner of the non-residential property to:

- Be responsible for costs, investigation, removal, or remediation of such chemicals if the property is used for a day care facility [*Note:* The Conference Committee retained a modified version of this amendment.]; and
- Require the owner to provide notice of the presence of such chemicals in future deeds. [*Note:* The Conference Committee retained this amendment.]

### **Fiscal Information**

#### ***HB 2340 (Pesticide Remediation Relief to Certain Property in Johnson County)***

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDHE states enactment of the bill would reduce revenue by approximately \$44,000 per fiscal year. This is based on the amount billed for oversight at a facility in Johnson County

that previously was owned by the U.S. Army. The agency anticipates staff time expended for oversight at this facility would be transferred to other projects. Any fiscal effect associated with enactment of HB 2340 is not reflected in *The FY 2026 Governor's Budget Report*.

Commercial pesticides; remediation costs; property owner liability; Johnson County; U.S. Army; KDHE; Panasonic; Astra Enterprise Park

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