SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE BILL NO. 2207

<u>As Recommended by House Committee on
Agriculture and Natural Resources</u>

Brief*

Sub. for HB 2207 would amend provisions of current law dealing with the regulation of confined animal feeding facilities (CAFOs) 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 register with the Secretary of KDHE and pay a fee of $25. The bill would require the registration be acknowledged by KDHE and a notice of the receipt be published. The registration would indicate that the construction will occur on a prescribed tract of land and that the separation distances comply with current law. The bill would require that, within 30 days of the registration, KDHE identify any significant water pollution potential or separation distance violations.

If a CAFO with an animal unit capacity of 300 or more but less than 1,000 poses no water pollution potential, the bill would require the Secretary of KDHE to certify that no permit is required. If no permit is required, then the bill would require the Secretary to certify there is no violation of separation distances or, if there is a violation of separation distances, then the Secretary would state there are certification conditions pertaining to separation distances or reduce the separation distances when a registrant obtains written agreements from owners of habitable structures within the separation distance indicating they have no objections to the construction or expansion of the CAFO.

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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

The bill would require, if a CAFO requires a permit, the registrant submit an application for a permit not later than 18 months after the date of receipt of registration or the separation distances indicated in 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 an application as to whether the application is complete or incomplete. If the application is incomplete, then the reasons must be noted to the applicant. 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 not less than 180 days.

Background

At the 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.

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