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MEMORANDUM

TO: Senate Committee on Natural Resources
FROM: Tamera Lawrence, Assistant Revisor of Statutes
DATE: March 13, 2013
SUBJECT: Substitute for House Bill 2207

Substitute for House Bill 2207 amends K.S.A. 66-171d, which deals with the regulation of confined feeding facilities by the department of health and environment (KDHE).

The bill would require a confined feeding facility with an animal unit capacity of 300 or more to register with the secretary of KDHE and pay a registration fee of \$25. The secretary would be required to acknowledge the receipt of registration and publish notice of such receipt.

The registration would indicate that proposed construction will occur on a prescribed tract of land and that separation distances comply with subsection (j), (k), (l) and (n) of this statute. Within 30 days of receipt of registration, KDHE would be required to identify any significant water pollution potential or separation distance violations.

A permit would be required for proposed facilities with an animal unit capacity of 1,000 or more. A permit would also be required for proposed facilities with an animal unit capacity of 300 to 999 if there is an identified potential for significant water pollution.

A permit would not be required for proposed facilities with an animal unit capacity of 300 to 999 if there is no water pollution potential posed by such facility. In this instance, the secretary shall either certify that no separation distance violation exists or, if a separation distance violation does exist, the secretary shall state that there are certification conditions pertaining to separation distances or reduce the separation distances pursuant to subsection (k) and certify such reduction.

If a facility does require a permit, the registrant would have 18 months from the date of the receipt of registration to apply for such permit. The application time could be extended for

up to an additional 18 months by the secretary if the secretary believes such extension is reasonable.

The secretary would have 30 days to notify the registrant of whether or not the application is complete or incomplete. If it is incomplete, the notification must state the reasons why the application is incomplete.

If the application period expires, no further registration relating to the same location may be accepted for 180 days.