

REVISED
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SUPPLEMENTAL NOTE ON SENATE BILL NO. 405

As Amended by Senate Committee of the Whole

Brief*

SB 405, as amended, would amend law that establishes the number of animals permitted in a confined animal feeding facility (CAFO) for the purpose of determining permitting requirements for new construction or expansion of a CAFO. Under continuing law, a CAFO is required to register with the Kansas Department of Health and Environment (KDHE) if the CAFO has an animal unit capacity of 300 or more. A permit is required for a CAFO with a capacity of 1,000 or more and may be required for a CAFO if the facility poses a significant water pollution potential.

The bill would establish the animal unit measurement calculation for chicken facilities that use a dry manure waste system as the number of laying hens or broilers multiplied by 0.003. In addition, the bill would require a confined chicken facility to obtain a federal permit if the facility uses a dry manure system and confines 125,000 or more broilers or 82,000 or more laying hens.

Further, the bill would modify the definition of “confined feeding facility” to include “building” in addition to the terms “lot,” “pen,” “pool,” and “pond.”

*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>

Background

The bill was introduced by the Senate Committee on Ways and Means. In the Senate Committee on Agriculture and Natural Resources hearing, proponents included the Secretary of Agriculture (Secretary); an Assistant Professor and Extension Specialist for Environmental Quality from Kansas State University; the State Extension Poultry Specialist from Kansas State University; and representatives of CloudCorp Cloud County Development, Montgomery County Action Council, the Kansas Farm Bureau, and the Kansas Livestock Association. Written-only testimony in support of the bill was provided by a representative of the Kansas Corn Growers, the superintendent of Coffeyville Public Schools, the city manager of Coffeyville, a representative of Live Oak Bank (Wilmington, North Carolina), a representative of Project 17 (a 17-county regional economic development organization in Southeast Kansas), and KDHE.

The Secretary stated one of the themes resulting from the work of the Agricultural Growth Strategy Project (Project) was the need to add value to the state's agricultural commodities before they leave the state. The Secretary stated growth in the poultry industry was identified as one of the desired outcomes of the work of the Project. The Secretary stated leaders in the poultry industry indicated Kansas statutes and regulations that apply to the modern poultry industry are either non-existent or unclear. The Secretary stated the existing animal unit conversion factors in the statute administered by KDHE do not include a factor for broilers or laying hens raised in a facility with a dry manure system. Other proponents indicated the need to add value to agricultural commodities, add employment in rural areas, and provide additional income to existing producers and their families.

A representative of the Socially Responsible Agricultural Projects testified as an opponent, expressing concerns about the amount of manure produced by poultry operations and

future waste management plans. A representative of the Sierra Club Kansas Chapter testified as an opponent, expressing concern about water and air pollution surrounding poultry operations. A representative of the Kansas Farmers Union testified as an opponent, expressing concern about the farmers' role in poultry operations and the calculation of animal unit conversion factors. Representatives of Friends of the Kaw and the Kansas Rural Center and several private citizens submitted written-only opponent testimony.

The Senate Committee of the Whole adopted an amendment to modify the definition of "confined feeding facility" to include "building" in addition to the terms "lot," "pen," "pool," and "pond." The Senate Committee of the Whole also adopted an amendment to modify the title of the bill by including "confined feeding facilities" in the title.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, KDHE indicates enactment of the bill would have no fiscal effect.