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MEMORANDUM

To: Senate Committee on Commerce
From: Office of Revisor of Statutes
Date: March 11, 2025
Subject: House Bill No. 2340, As Amended by House Committee of the Whole

Summary

House Bill No. 2340, as amended by the House Committee of the Whole, relates to responsibility for remediation costs associated with commercial pesticides and would provide an exception from remediation costs or other liability for owners of certain property in Johnson County.

Current law provides the Secretary of Health and Environment the authority to determine whether clean-up of a site is necessary to protect public health or the environment, to issue clean-up orders to persons responsible for an environmental hazard and recover moneys from such persons for costs associated with the clean-up.

Section 1 of the bill would amend K.S.A. 65-3453 to add subsection (d) that would prohibit any state agency, or subdivision thereof, from issuing cleanup orders, seeking recovery of money, promulgating regulations or guidance, failing to timely grant approvals for any permit under any state program, or otherwise requiring any person owning or possessing any interest in "property previously owned by the United States army that is located in Johnson county," to be subject to or responsible for any nonresidential 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 United States army at such property prior to 2005." This exception would apply retroactively.

Further, the provisions of subsection (d) would only apply to any such person if the property owned by such person is nonresidential. Any such person owning such nonresidential property shall be responsible for the costs of investigation, removal or remediation of soil, groundwater or surface water of contamination as provided by law, if such person converts the property to residential property.

The bill would also amend K.S.A. 65-3455, pertaining to responsibility for costs associated with remediation of hazardous substances, to conform with the exception set forth in section 1.

The bill would take effect from and after its publication in the statute book.

The bill passed the House on February 20, 2025, on a vote of 94-29.