

SESSION OF 2025

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2340**

As Amended by Senate Committee on  
Commerce

**Brief\***

HB 2340, as amended, would amend current 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 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 U.S. Army at such property prior to 2005.

The bill would only be applicable to any such person if the property owned by such person is nonresidential. Any such person owning such nonresidential 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 such person converts such property to

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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 <https://klrd.gov/>

residential property or such property is used for a day care facility.

The bill would require owners of such nonresidential property to provide notice of the potential presence of legally registered pesticidal commercial chemical products on such 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 such 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.

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.

## **Background**

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 from 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 any such person if the property owned by such person is nonresidential; and

- State a person owning such nonresidential 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 such person converts such property to residential property.

### ***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 nonresidential property to:

- Be responsible for costs, investigation, removal, or remediation of such chemicals if the property is used for a day care facility; and
- Require the owner to provide notice of the presence of such chemicals in future deeds.

## **Fiscal Information**

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