

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2502

By Committee on Agriculture and Natural Resources

1-23

1 AN ACT concerning agriculture; relating to *{dairy production facilities*
2 *and establishment procedures;}* swine production facilities and
3 establishment procedures; amending K.S.A. 17-5907 and 17-5908 and
4 repealing the existing sections.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 17-5907 is hereby amended to read as follows: 17-
8 5907. (a) (1) The board of county commissioners, by resolution, may
9 permit **or deny** a dairy production facility, ~~as defined in K.S.A. 17-5903,~~
10 ~~and amendments thereto,~~ to be established within the county. Such
11 resolution shall be published once each week for two consecutive weeks in
12 the official county newspaper. The resolution shall take effect 60 days after
13 final publication unless a valid petition in opposition to the same is filed.

14 (2) If within 60 days of the final publication of the resolution, a valid
15 protest petition to submit the resolution to the qualified voters of the
16 county is signed by qualified electors of the county equal in number to not
17 less than ~~5% 10%~~ **5%** of the electors of the county who voted for the
18 office of secretary of state at the last preceding general election at which
19 such office was elected and is filed with the county election officer, the
20 county election officer shall submit the question, as established in
21 subsection (c), of whether a dairy production facility shall be allowed to be
22 established in such county at the next ~~countywide~~ **state, county or special**
23 election.

24 (b) (1) The board of county commissioners, upon a petition filed in
25 accordance with paragraph (b)(2), shall submit to the qualified electors of
26 the county a proposition to permit a dairy production facility, ~~as defined in~~
27 ~~K.S.A. 17-5903, and amendments thereto,~~ to be established within the
28 county.

29 (2) A petition to submit a proposition to the qualified voters of a
30 county pursuant to this section shall be filed with the county election
31 officer. The petition shall be signed by qualified electors of the county
32 equal in number to not less than ~~5% 10%~~ **5%** of the electors of the county

1 who voted for the office of secretary of state at the last preceding general
2 election at which such office was elected. The following shall appear on
3 the petition:

4 "We request an election to determine whether a ~~corporation, trust,~~
5 ~~limited liability company, limited partnership or corporate partnership,~~
6 ~~other than a family farm corporation, authorized farm corporation, limited~~
7 ~~liability agricultural company, limited agricultural partnership, family~~
8 ~~trust, authorized trust or testamentary trust~~ ***business entity authorized and***
9 ***regulated under Kansas law to form a dairy production facility*** {***business***
10 ***entity not already authorized by Kansas law to form a dairy production***
11 ***facility***} shall be allowed to, ~~either directly or indirectly,~~ own, acquire or
12 otherwise obtain or lease any agricultural land in _____ county for the
13 purpose of establishing a dairy production facility."

14 (3) Upon the submission of a valid petition calling for an election
15 pursuant to this subsection, the county election officer shall submit the
16 question, as established in subsection (c), of whether a dairy production
17 facility shall be allowed to be established in such county at the next
18 countywide election which occurs more than 60 days after the petition is
19 filed with the county election officer.

20 (c) In any election established pursuant to this section, the following
21 shall appear on the ballot:

22 "Shall a ~~corporation, trust, limited liability company, limited~~
23 ~~partnership or corporate partnership, other than a family farm corporation,~~
24 ~~authorized farm corporation, limited liability agricultural company, limited~~
25 ~~agricultural partnership, family trust, authorized trust or testamentary trust~~
26 ***business entity authorized and regulated under Kansas law to form a***
27 ***dairy production facility*** {***business entity not already authorized by***
28 ***Kansas law to form a dairy production facility***} be allowed to, ~~either~~
29 ~~directly or indirectly,~~ own, acquire or otherwise obtain or lease any
30 agricultural land in _____ county for the purpose of establishing a
31 dairy production facility? ***Such facility shall be in compliance with rules***
32 ***and regulations of the Kansas department of health and environment,***
33 ***the Kansas department of agriculture and any other state agency."***

34 (d) If a majority of the votes cast and counted are in opposition to
35 allowing dairy production facilities to be established in such county, the
36 county election officer shall transmit a copy of the result to the secretary of
37 state who shall publish in the Kansas register the result of such election
38 and that dairy production facilities are not allowed to be established in
39 such county.

40 (e) If a majority of the votes cast and counted is in favor of the
41 proposition, the county election officer shall transmit a copy of the result
42 to the secretary of state who shall publish in the Kansas register the result
43 of such election and that dairy production facilities are allowed to be

1 established in such county.

2 (f) The election provided for by this section shall be conducted, and
3 the votes counted and canvassed, in the manner provided by law for
4 question submitted elections of the county.

5 ***{(g) For the purposes of this section, "dairy production facility"***
6 ***means the land, structures and related equipment owned or leased by a***
7 ***corporation, trust, limited liability company, limited partnership or***
8 ***corporate partnership and used for housing, breeding, raising, feeding***
9 ***or milking dairy cows.}***

10 Sec. 2. K.S.A. 17-5908 is hereby amended to read as follows: 17-
11 5908. ~~(a) The board of county commissioners, by resolution, may submit~~
12 ~~to the qualified voters of the county a proposition to allow swine~~
13 ~~production facilities, as defined in K.S.A. 17-5903, and amendments~~
14 ~~thereto, to be established within the county. Upon adoption of such~~
15 ~~resolution, the county election officer shall submit the question of whether~~
16 ~~swine production facilities shall be allowed to be established in such~~
17 ~~county at the next state or county-wide regular or special election.~~

18 ~~(b) (1) The board of county commissioners, upon a petition filed in~~
19 ~~accordance with paragraph (b)(2), shall submit to the qualified voters of~~
20 ~~the county a proposition to allow swine production facilities, as defined in~~
21 ~~K.S.A. 17-5903, and amendments thereto, to be established within the~~
22 ~~county.~~

23 ~~(2) A petition to submit a proposition to the qualified voters of a~~
24 ~~county pursuant to this subsection (b) shall be filed with the county~~
25 ~~election officer. The petition shall be signed by qualified voters of the~~
26 ~~county equal in number to not less than 5% of the voters of the county who~~
27 ~~voted for the office of secretary of state at the last preceding general~~
28 ~~election at which such office was elected. The following shall appear on~~
29 ~~the petition:~~

30 ~~"We request an election to determine whether corporate swine~~
31 ~~production facilities shall be allowed to be established in _____ county,~~
32 ~~pursuant to K.S.A. 17-5904."~~

33 ~~(3) Upon the submission of a valid petition calling for an election~~
34 ~~pursuant to this subsection, the county election officer shall submit the~~
35 ~~question of whether swine production facilities shall be allowed to be~~
36 ~~established in such county at the next state or county-wide regular or~~
37 ~~special election which occurs more than 60 days after the petition is filed~~
38 ~~with the county election officer.~~

39 ~~(e) If a majority of the votes cast and counted are in opposition to~~
40 ~~allowing swine production facilities to be established in such county, the~~
41 ~~county election officer shall transmit a copy of the result to the secretary of~~
42 ~~state who shall publish in the Kansas register the result of such election~~
43 ~~and that swine production facilities are not allowed to be established in~~

1 such county.

2 (d) ~~If a majority of the votes cast and counted is in favor of the~~
3 ~~proposition, the county election officer shall transmit a copy of the result~~
4 ~~to the secretary of state who shall publish in the Kansas register the result~~
5 ~~of such election and that swine production facilities are allowed to be~~
6 ~~established in such county.~~

7 (e) ~~The election provided for by this section shall be conducted, and~~
8 ~~the votes counted and canvassed, in the manner provided by law for~~
9 ~~question submitted elections of the county, except that the county election~~
10 ~~officer shall publish in the official county newspaper a notice of such~~
11 ~~election once each week for two consecutive weeks, the first publication to~~
12 ~~be not less than 21 days before the election, and such notice shall state the~~
13 ~~date and time of the election and the proposition that will appear on the~~
14 ~~ballot. (a) (1) The board of county commissioners, by resolution, may~~
15 ~~permit or deny a swine production facility, as defined in K.S.A. 17-5903,~~
16 ~~and amendments thereto, to be established within the county. Such~~
17 ~~resolution shall be published once each week for two consecutive weeks in~~
18 ~~the official county newspaper. The resolution shall take effect 60 days after~~
19 ~~final publication unless a valid petition in opposition to the same is filed.~~

20 (2) *If within 60 days of the final publication of the resolution, a valid*
21 *protest petition to submit the resolution to the qualified voters of the*
22 *county is signed by qualified electors of the county equal in number to not*
23 *less than 10% 5% of the electors of the county who voted for the office of*
24 *secretary of state at the last preceding general election at which such*
25 *office was elected and is filed with the county election officer, the county*
26 *election officer shall submit the question, as established in subsection (c),*
27 *of whether a swine production facility shall be allowed to be established in*
28 *such county at the next **countywide state, county or special** election.*

29 (b) (1) *The board of county commissioners, upon a petition filed in*
30 *accordance with paragraph (b)(2), shall submit to the qualified electors of*
31 *the county a proposition to permit a swine production facility, as defined*
32 *in K.S.A. 17-5903, and amendments thereto, to be established within the*
33 *county.*

34 (2) *A petition to submit a proposition to the qualified voters of a*
35 *county pursuant to this section shall be filed with the county election*
36 *officer. The petition shall be signed by qualified electors of the county*
37 *equal in number to not less than 10% 5% of the electors of the county who*
38 *voted for the office of secretary of state at the last preceding general*
39 *election at which such office was elected. The following shall appear on*
40 *the petition:*

41 *"We request an election to determine whether a ~~corporation, trust,~~*
42 *~~limited liability company, limited partnership or corporate partnership,~~*
43 *~~other than a family farm corporation, authorized farm corporation,~~*

1 ~~limited liability agricultural company, limited agricultural partnership,~~
 2 ~~family trust, authorized trust or testamentary trust~~ **business entity**
 3 ~~authorized and regulated under Kansas law to form a swine production~~
 4 ~~facility~~ **{business entity not already authorized by Kansas law to form a**
 5 **swine production facility}** shall be allowed to, ~~either directly or indirectly,~~
 6 own, acquire or otherwise obtain or lease any agricultural land in
 7 _____ county for the purpose of establishing a swine production
 8 facility."

9 (3) Upon the submission of a valid petition calling for an election
 10 pursuant to this subsection, the county election officer shall submit the
 11 question, as established in subsection (c), of whether a swine production
 12 facility shall be allowed to be established in such county at the next
 13 countywide election which occurs more than 60 days after the petition is
 14 filed with the county election officer.

15 (c) In any election established pursuant to this section, the following
 16 shall appear on the ballot:

17 "~~Shall a corporation, trust, limited liability company, limited~~
 18 ~~partnership or corporate partnership, other than a family farm~~
 19 ~~corporation, authorized farm corporation, limited liability agricultural~~
 20 ~~company, limited agricultural partnership, family trust, authorized trust or~~
 21 ~~testamentary trust~~ **business entity authorized and regulated under**
 22 **Kansas law to form a swine production facility** **{business entity not**
 23 **already authorized by Kansas law to form a swine production facility}** be
 24 allowed to, ~~either directly or indirectly,~~ own, acquire or otherwise obtain
 25 or lease any agricultural land in _____ county for the purpose of
 26 establishing a swine production facility? **Such facility shall be in**
 27 **compliance with rules and regulations of the Kansas department of**
 28 **health and environment, the Kansas department of agriculture and**
 29 **any other state agency.**"

30 (d) If a majority of the votes cast and counted are in opposition to
 31 allowing swine production facilities to be established in such county, the
 32 county election officer shall transmit a copy of the result to the secretary
 33 of state who shall publish in the Kansas register the result of such election
 34 and that swine production facilities are not allowed to be established in
 35 such county.

36 (e) If a majority of the votes cast and counted is in favor of the
 37 proposition, the county election officer shall transmit a copy of the result
 38 to the secretary of state who shall publish in the Kansas register the result
 39 of such election and that swine production facilities are allowed to be
 40 established in such county.

41 (f) The election provided for by this section shall be conducted, and
 42 the votes counted and canvassed, in the manner provided by law for
 43 question submitted elections of the county.

1 ***{(g) For the purposes of this section, "swine production facility"***
2 ***means the land, structures and related equipment owned or leased by a***
3 ***corporation, trust, limited liability company, limited partnership or***
4 ***corporate partnership and used for housing, breeding, farrowing or***
5 ***feeding of swine.***}

6 Sec. 3. K.S.A. 17-5907 and 17-5908 are hereby repealed.

7 Sec. 4. This act shall take effect and be in force from and after its
8 publication in the statute book.

9