

Swine and Dairy Production Facilities; HB 2502

HB 2502 makes amendments to the provisions of law which permit certain dairy production facilities and swine production facilities to be established in counties under the Kansas Corporate Farming Law. The bill aligns the approval process for the establishment of a swine production facility with that of a dairy production facility by giving the decision-making power to county commissions and under certain conditions to qualified electors.

Provisions relating to dairy production facilities are amended to clarify that if an election is needed, it is held during the next state, county, or special election. In addition, these provisions are amended to allow a board of county commissioners to either permit (continuing law) or deny by resolution the establishment of a dairy production facility in its county. Commissioners will decide or place on the ballot whether to permit the establishment of a dairy production facility by only "a corporation, trust, limited liability company, limited partnership or corporate partnership."

With respect to the establishment of swine production facilities in counties, the current provisions of law which require a vote by the electors of a county are repealed. Under the new provisions, a board of county commissioners is authorized by resolution to permit or deny a swine production facility within its county. The permission or denial is subject to a petition protesting the decision within 60 days of the resolution signed by five percent of the county voters in the last election for Secretary of State. Under the bill, provisions relating to the petition and ballot language questions regarding swine production facilities become identical to those of dairy production facilities regarding whether a corporation, trust, limited liability company, limited partnership, or corporate partnership, either directly or indirectly, own, acquire, or otherwise obtain or lease agricultural land in the county. The bill does not impact the authority of a family farm corporation, authorized farm corporation, limited liability agricultural company, limited agricultural partnership, family trust, authorized trust, or testamentary trust to own, acquire, or otherwise obtain or lease, either directly or indirectly, agricultural land for either dairy or swine production facilities.

The bill adds that denial by the county commissioners of such a production facility, which had been an absolute rejection, also is subject to a petition protesting said denial following the guidelines of a petition protesting the establishment of such a facility.