TESTIMONY OF THE KANSAS ASSOCIATION OF COUNTIES
TO THE SENATE AGRICULTURE COMMITTEE
FEBRUARY 15, 2012
ON HB 2502

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify as a neutral on HB 2502. The Kansas Association of Counties was informed by the Department of Agriculture last fall about the department's initiative to amend the laws relating to dairy facilities and swine facilities. We appreciate the work the Department has done on the legislation and the continued communications with KAC.

County commissioners retain the authority to approve dairy and swine facilities under HB 2502 and we have no concerns about the role we play in authorizing these facilities. My only comment relates to the length of the ballot question, which was amended by the House Agriculture Committee and has become even longer.

County clerks administer elections and they incur ballot printing expenses and publication expenses, which become more expensive with more words. Also, based on my experience in my previous life as counsel to the Kansas Secretary of State, long ballot questions often generate a "no" response because the citizen does not take the time to read it or because the voter finds the question to be confusing. KAC suggests an amendment to shorten the ballot question. This amendment saves counties money and helps advance the objective of authorizing swine and dairy facilities in the State. My amendment, I hope, captures the essence of the question with fewer words.

This amendment is not crucial to KAC; otherwise, I would be testifying as an opponent. We simply suggest it as a means to save money and to prevent voter confusion.

Respectfully submitted,

Melissa A. Wangemann.
General Counsel & Director of Legislative Affairs

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Section 1, (b)(2) A petition to submit a proposition to the qualified voters of a county pursuant to this section shall be filed with the county election officer. The petition shall be signed by qualified electors of the county equal in number to not less than 5% of the electors of the county who voted for the office of secretary of state at the last preceding general election at which such office was elected. The following shall appear on the petition:

"We request an election to determine whether a ~~corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust~~ business entity authorized and regulated under Kansas law to form a dairy production facility shall be allowed to, either directly or indirectly, own, acquire or otherwise obtain or lease any agricultural land in _____ county for the purpose of establishing a dairy production facility."

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

"Shall a ~~corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust~~ business entity authorized and regulated under Kansas law to form a dairy production facility be allowed to, either directly or indirectly, own, acquire or otherwise obtain or lease any agricultural land in _____ county for the purpose of establishing a dairy production facility? ~~Such facility shall be in compliance with rules and regulations of the Kansas department of health and environment, the Kansas department of agriculture and any other state agency.~~"

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

"We request an election to determine whether a ~~corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust~~ business entity authorized and regulated under Kansas law to form a swine production facility shall be allowed to, either directly or indirectly, own, acquire or otherwise obtain or lease any agricultural land in _____ county for the purpose of establishing a swine production facility."

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

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

"Shall a ~~corporation, trust, limited liability company, limited partnership or corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust~~ business entity authorized and regulated under Kansas law to form a swine production facility *be allowed to, either directly or indirectly, own, acquire or otherwise obtain or lease any agricultural land in _____ county for the purpose of establishing a swine production facility?* ~~Such facility shall be in compliance with rules and regulations of the Kansas department of health and environment, the Kansas department of agriculture and any other state agency."~~