

SESSION OF 2012

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2502**

As Agreed to March 29, 2012

**Brief\***

HB 2502 would make 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 would align 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 by qualified electors.

Under the bill, the provisions relating to dairy production facilities would be amended to clarify that if an election is needed it would be held during the next state, county, or special election. In addition, these provisions would be amended to allow a board of county commissioners to either permit (current law) or deny by resolution the issue of the establishment of a dairy production facility in its county. The language to be placed on the ballot on deciding whether to permit the establishment of a dairy production facility would be amended to include 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facilities in counties, the current provisions of law which require a vote by the electors of a county would be repealed. Under the new provisions, a board of county commissioners

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would be authorized by resolution to permit or deny a swine production facility within its county. The permission or denial would be subject to a petition protesting the decision within 60 days of the resolution signed by five percent of the county voters in the last Secretary of State election. The submission of the petition would result in the issue being placed before the qualified voters during the next state, county, or special election. Identical to the provisions relating to dairy production facilities, the petition and ballot language would question whether a corporation, trust, limited liability company, limited partnership, or corporate partnership to either directly or indirectly form a swine production facility may be allowed to own, acquire, or otherwise obtain or lease any agricultural land in the county for establishing a swine production facility.

The denial by the county commissioners of such a production facility, which under current law represents an absolute rejection, also would be subject to a petition protesting said denial following the guidelines of a petition protesting the establishment of such a facility.

### **Conference Committee Action**

The Conference Committee adopted several amendments to the bill, including:

- Various technical changes;
- Amending the petition and ballot language regarding the types of entities that could establish a dairy or swine production facility. The entities would include "a corporation, trust, limited liability company, limited partnership or corporate partnership";
- Reinstating language from current law in the petition and ballot language; and

- Changing the definition of "dairy production facility" and "swine production facility" to match the definitions of the terms that already exist in current law.

## **Background**

The bill was introduced at the request of a spokesperson from the Kansas Department of Agriculture (KDA). At the House Committee on Agriculture and Natural Resources hearing on the bill, two representatives of the KDA appeared in support of the bill. The conferees indicated that one of the objectives of the current Administration was to grow the animal agriculture industry in the State. They indicated that the original bill was designed to strengthen the role of Kansas in animal agriculture in the world.

Other proponents at the House Committee hearing included a representative of the Kansas Pork Association and the Hodgeman County Economic Development Director. Written support for the bill also was provided by the Deputy Secretary of the KDA. Neutral testimony was provided by a spokesperson representing the Kansas Farm Bureau. Testimony in opposition to the bill was provided by representatives of the Kansas Farmers Union and the Kansas Rural Center.

The Senate Committee on Agriculture received additional proponent testimony on the bill by the Kansas Livestock Association. The Senate Committee also received additional neutral testimony from the Kansas Association of Counties and Greeley County Community Development. The Kansas Association of Counties recommended amending the bill by decreasing the amount of words that would be included on the petition and ballot. Additional opponent testimony also was provided by the Kansas Sierra Club.

The Senate Committee amended the bill to decrease the number of words that would appear on the petition and the

ballot for both dairy and swine production facilities by generalizing the various establishing entities to a business entity authorized and regulated under Kansas law to form a dairy [or swine] production facility. In addition, the Senate Committee removed language added by the House Committee that referenced the facility shall be in compliance with rules and regulations of the Kansas Department of Health and Environment, KDA, and any other state agencies.

The Senate Committee of the Whole amended the bill to make various technical corrections, add clarifying language, and include a definition for "dairy production facility" and "swine production facility."

The fiscal note on the bill indicates that there would be no impact on the KDA and that any expenses for the requirements of the bill would be borne by the counties.

Department of Agriculture; Corporate Agriculture

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