

HOUSE BILL No. 2378

By Committee on Agriculture

2-14

AN ACT concerning livestock; relating to certain confined feeding facilities for hogs; authorizing counties to impose certain limitations thereon; procedures; election.

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

Section 1. (a) As used in this section, terms have the meanings provided by K.S.A. 65-171d and amendments thereto.

(b) (1) The board of county commissioners of any county may adopt by resolution and submit to the qualified voters of the county a proposition to adopt one of the following limitations on confined feeding facilities for hogs that are located within the county:

(A) A maximum aggregate animal unit limit for the county for hogs located in such facilities required by law to be permitted or registered;

(B) a maximum aggregate animal unit limit for any township in the county for hogs located in such facilities required by law to be permitted or registered;

(C) a maximum aggregate number of acres for all waste lagoons for all such facilities that are located within the county and are required by law to be permitted or registered; or

(D) a maximum aggregate number of acres for all waste lagoons for all such facilities that are located within any township within the county and are required by law to be permitted or registered.

(2) Upon adoption of such resolution, the county election officer shall submit such proposition at the next state or countywide regular or special election.

(c) (1) The board of county commissioners, upon a petition filed in accordance with paragraph (c)(2), shall submit to the qualified voters of the county a proposition to provide one of the limitations, as provided in subsection (b)(1), on confined feeding facilities for hogs that are located within the county.

(2) A petition to submit a proposition to the qualified voters of a county pursuant to this subsection (c) shall be filed with the county election officer. The petition shall be signed by qualified voters of the county equal in number to not less than 20% of the voters of the county who voted for the office of secretary of state at the last preceding general

1 election at which such office was elected. The following shall appear on
2 the petition:

3 “We request an election to determine whether one of the limitations,
4 as provided in subsection (b)(1) of section 1 and amendments thereto, on
5 confined feeding facilities for hogs located in _____ county, shall be
6 adopted.”

7 (3) Upon the submission of a valid petition calling for an election
8 pursuant to this subsection, the county election officer shall submit such
9 question or proposition at the next state or county-wide regular or special
10 election which occurs more than 60 days after the petition is filed with
11 the county election officer.

12 (d) If a majority of the votes cast and counted are in opposition to
13 adopting one of the limitations, as provided in subsection (b)(1), on con-
14 fined feeding facilities for hogs, the county election officer shall transmit
15 a copy of the result to the secretary of state who shall publish in the
16 Kansas register the result of such election and that such limitation has
17 not been adopted.

18 (e) If a majority of the votes cast and counted is in favor of the prop-
19 osition, the county election officer shall transmit a copy of the result to
20 the secretary of state who shall publish in the Kansas register the result
21 of such election and that such limitation has been adopted.

22 (f) The election provided for by this section shall be conducted, and
23 the votes counted and canvassed, in the manner provided by law for
24 question submitted elections of the county, except that the county elec-
25 tion officer shall publish in the official county newspaper a notice of such
26 election once each week for two consecutive weeks, the first publication
27 to be not less than 21 days before the election, and such notice shall state
28 the date and time of the election and the proposition that will appear on
29 the ballot.

30 (g) A resolution adopted pursuant to this section may provide for the
31 imposition of a civil or criminal penalty on the owner or operator of a
32 confined feeding facility for hogs that is constructed or expanded in vio-
33 lation of the limit established by such resolution.

34 (h) Before registering or issuing a permit for new construction or
35 expansion of a confined feeding facility for hogs in any county, the sec-
36 retary of health and environment shall obtain from the county commission
37 certification that any limit established pursuant to this section will not be
38 exceeded by such construction or expansion.

39 (i) Nothing in this section shall be construed to prevent continued
40 operation of a confined feeding facility for hogs that, before the effective
41 date of the resolution adopted pursuant to this section, was in existence
42 and, if required by law, was registered or permitted by the secretary of
43 health and environment.

1 Sec. 2. This act shall take effect and be in force from and after its
2 publication in the statute book.
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