

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 swine production facilities and  
2 establishment procedures; amending K.S.A. 17-5907 and 17-5908 and  
3 repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

35 "We request an election to determine whether a corporation, trust,  
36 limited liability company, limited partnership or corporate partnership,

1 other than a family farm corporation, authorized farm corporation, limited  
2 liability agricultural company, limited agricultural partnership, family  
3 trust, authorized trust or testamentary trust shall be allowed to, either  
4 directly or indirectly, own, acquire or otherwise obtain or lease any  
5 agricultural land in \_\_\_\_\_ county for the purpose of establishing a  
6 dairy production facility."

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

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

15 "Shall a corporation, trust, limited liability company, limited  
16 partnership or corporate partnership, other than a family farm corporation,  
17 authorized farm corporation, limited liability agricultural company, limited  
18 agricultural partnership, family trust, authorized trust or testamentary trust  
19 be allowed to, either directly or indirectly, own, acquire or otherwise  
20 obtain or lease any agricultural land in \_\_\_\_\_ county for the purpose of  
21 establishing a dairy production facility? **Such facility shall be in**  
22 **compliance with rules and regulations of the Kansas department of**  
23 **health and environment, the Kansas department of agriculture and**  
24 **any other state agency."**

25 (d) If a majority of the votes cast and counted are in opposition to  
26 allowing dairy production facilities to be established in such county, the  
27 county election officer shall transmit a copy of the result to the secretary of  
28 state who shall publish in the Kansas register the result of such election  
29 and that dairy production facilities are not allowed to be established in  
30 such county.

31 (e) If a majority of the votes cast and counted is in favor of the  
32 proposition, the county election officer shall transmit a copy of the result  
33 to the secretary of state who shall publish in the Kansas register the result  
34 of such election and that dairy production facilities are allowed to be  
35 established in such county.

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

39 Sec. 2. K.S.A. 17-5908 is hereby amended to read as follows: 17-  
40 5908. ~~(a) The board of county commissioners, by resolution, may submit~~  
41 ~~to the qualified voters of the county a proposition to allow swine~~  
42 ~~production facilities, as defined in K.S.A. 17-5903, and amendments~~  
43 ~~thereto, to be established within the county. Upon adoption of such~~

1 resolution, the county election officer shall submit the question of whether  
2 swine production facilities shall be allowed to be established in such  
3 county at the next state or county-wide regular or special election.

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

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

16 ~~"We request an election to determine whether corporate swine~~  
17 ~~production facilities shall be allowed to be established in \_\_\_\_\_ county,~~  
18 ~~pursuant to K.S.A. 17-5904."~~

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

25 (c) ~~If a majority of the votes cast and counted are in opposition to~~  
26 ~~allowing swine production facilities to be established in such county, the~~  
27 ~~county election officer shall transmit a copy of the result to the secretary of~~  
28 ~~state who shall publish in the Kansas register the result of such election~~  
29 ~~and that swine production facilities are not allowed to be established in~~  
30 ~~such county.~~

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

36 (e) ~~The election provided for by this section shall be conducted, and~~  
37 ~~the votes counted and canvassed, in the manner provided by law for~~  
38 ~~question submitted elections of the county, except that the county election~~  
39 ~~officer shall publish in the official county newspaper a notice of such~~  
40 ~~election once each week for two consecutive weeks, the first publication to~~  
41 ~~be not less than 21 days before the election, and such notice shall state the~~  
42 ~~date and time of the election and the proposition that will appear on the~~  
43 ~~ballot. (a) (1) The board of county commissioners, by resolution, may~~

1 *permit or deny a swine production facility, as defined in K.S.A. 17-5903,*  
2 *and amendments thereto, to be established within the county. Such*  
3 *resolution shall be published once each week for two consecutive weeks in*  
4 *the official county newspaper. The resolution shall take effect 60 days after*  
5 *final publication unless a valid petition in opposition to the same is filed.*

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

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

20 (2) *A petition to submit a proposition to the qualified voters of a*  
21 *county pursuant to this section shall be filed with the county election*  
22 *officer. The petition shall be signed by qualified electors of the county*  
23 *equal in number to not less than ~~10%~~ 5% of the electors of the county who*  
24 *voted for the office of secretary of state at the last preceding general*  
25 *election at which such office was elected. The following shall appear on*  
26 *the petition:*

27 *"We request an election to determine whether a corporation, trust,*  
28 *limited liability company, limited partnership or corporate partnership,*  
29 *other than a family farm corporation, authorized farm corporation,*  
30 *limited liability agricultural company, limited agricultural partnership,*  
31 *family trust, authorized trust or testamentary trust shall be allowed to,*  
32 *either directly or indirectly, own, acquire or otherwise obtain or lease any*  
33 *agricultural land in \_\_\_\_\_ county for the purpose of establishing a*  
34 *swine production facility."*

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

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

43 *"Shall a corporation, trust, limited liability company, limited*

1 *partnership or corporate partnership, other than a family farm*  
2 *corporation, authorized farm corporation, limited liability agricultural*  
3 *company, limited agricultural partnership, family trust, authorized trust or*  
4 *testamentary trust be allowed to, either directly or indirectly, own, acquire*  
5 *or otherwise obtain or lease any agricultural land in \_\_\_\_\_ county for*  
6 *the purpose of establishing a swine production facility? **Such facility shall***  
7 ***be in compliance with rules and regulations of the Kansas department***  
8 ***of health and environment, the Kansas department of agriculture and***  
9 ***any other state agency."***

10 (d) *If a majority of the votes cast and counted are in opposition to*  
11 *allowing swine production facilities to be established in such county, the*  
12 *county election officer shall transmit a copy of the result to the secretary*  
13 *of state who shall publish in the Kansas register the result of such election*  
14 *and that swine production facilities are not allowed to be established in*  
15 *such county.*

16 (e) *If a majority of the votes cast and counted is in favor of the*  
17 *proposition, the county election officer shall transmit a copy of the result*  
18 *to the secretary of state who shall publish in the Kansas register the result*  
19 *of such election and that swine production facilities are allowed to be*  
20 *established in such county.*

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

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

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

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