

Substitute for HOUSE BILL NO. 2502

By Committee on Agriculture and Natural Resources

AN ACT concerning agriculture; relating to swine and dairy production facilities and establishment procedures; amending K.S.A. 17-5907 and 17-5908 and repealing the existing sections.

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

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

(2) If within 60 days of the final publication of the resolution, a valid protest petition to submit the resolution to the qualified voters of the county is signed by qualified electors of the county equal in number to not less than 5% 10% 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 and is filed with the county election officer, the county election officer shall submit the question, as established in subsection (c), of whether a dairy production facility shall be allowed to be established in such county at the next countywide election.

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

(2) A petition to submit a proposition to the qualified voters of a county pursuant to this

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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% 10% 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 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."

(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 dairy 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 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?"

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

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

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

Sec. 2. K.S.A. 17-5908 is hereby amended to read as follows: 17-5908. (a) (1) The board of county commissioners, by resolution, may submit to the qualified voters of the county a proposition to allow swine production facilities, as defined in K.S.A. 17-5903, and amendments thereto, to be established within the county. Upon adoption of such resolution, the county election officer shall submit the question of whether swine production facilities shall be allowed to be established in such county at the next state or county-wide regular or special election.

~~(b)(1)~~ (2) The board of county commissioners, upon a petition filed in accordance with paragraph ~~(b)(2)~~ (a)(3), shall submit to the qualified voters of the county a proposition to allow swine production facilities, as defined in K.S.A. 17-5903, and amendments thereto, to be established within the county.

~~(2)~~ (3) A petition to submit a proposition to the qualified voters of a county pursuant to

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this subsection (b) 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 5% 10% of the voters 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 corporate swine production facilities shall be allowed to be established in _____ county, pursuant to K.S.A. 17-5904."

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

(e) (5) If a majority of the votes cast and counted are in opposition to allowing swine production facilities to be established in such county, the county election officer shall transmit a copy of the result to the secretary of state who shall publish in the Kansas register the result of such election and that swine production facilities are not allowed to be established in such county.

(e) (6) If a majority of the votes cast and counted is in favor of the proposition, the county election officer shall transmit a copy of the result to the secretary of state who shall publish in the Kansas register the result of such election and that swine production facilities are allowed to be established in such county.

(e) (7) The election provided for by this section subsection (a) shall be conducted, and the votes counted and canvassed, in the manner provided by law for question submitted elections.

of the county, except that the county election officer shall publish in the official county newspaper a notice of such election once each week for two consecutive weeks, the first publication to be not less than 21 days before the election, and such notice shall state the date and time of the election and the proposition that will appear on the ballot.

(b) As an alternative to the procedure provided in subsection (a), the board of county commissioners may adopt, by resolution, the following procedure:

(1) (A) The board of county commissioners, by resolution, may permit a swine production facility, as defined in K.S.A. 17-5903, and amendments thereto, to be established within the county. Such resolution shall be published once each week for two consecutive weeks in the official county newspaper. The resolution shall take effect 60 days after final publication unless a valid petition in opposition to the same is filed.

(B) If within 60 days of the final publication of the resolution, a valid protest petition to submit the resolution to the qualified voters of the county is signed by qualified electors of the county equal in number to not less than 10% 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 and is filed with the county election officer, the county election officer shall submit the question, as established in subsection (b)(2)(C), of whether a swine production facility shall be allowed to be established in such county at the next countywide election.

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

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(B) 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 10% 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 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."

(C) 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 (b) (2)(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.

(3) 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 be allowed to, either directly or indirectly, own, acquire or otherwise obtain or