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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 The first term of the second o at masse. 5/ board of county commissioners, by resolution, may permit a dairy production facility, as defined The second of th State of the state in K.S.A. 17-5903, and amendments thereto, to be established within the county. Such resolution La. mi compensa con shall be published once each week for two consecutive weeks in the official county newspaper. The second second is without the control of the control of the second second second second second second second The resolution shall take effect 60 days after final publication unless a valid petition in Jam Jakes Africa and the second Who see the second seems to be a seen opposition to the same is filed. and a The Toll The

- (2) If within 60 days of the final publication of the resolution, a valid protest petition to The Control of the Section 1999 par mod i it, THE PROPERTY OF THE SECOND STATES submit the resolution to the qualified voters of the county is signed by qualified electors of the Aprilla to the transfer of the second with the state of the state of the contract of the state ÷. county equal in number to not less than 5% 10% of the electors of the county who voted for the WELL AND THE RESERVE TO BE AND ADDRESS OF THE PARTY OF TH office of secretary of state at the last preceding general election at which such office was elected mind white and the and is filed with the county election officer, the county election officer shall submit the question, The state of the state of the state of 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

 House Ag. & Natural Resources

 January 27, 2012

 Attachment 1

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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:

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"We request an election to determine whether a corporation, trust, limited liability to the second company, limited partnership or corporate partnership, other than a family farm corporation, maintalored dank manifest be added and the second company, limited agricultural 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."

is within no days at the final publication of the resolution, at aid protest petition.

- (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), and the following subsection of the section o
- of the Sewedla of lists gillish nonouborg grish a radiodw to (c) noinceadur, in benefitses as (c) In any election established pursuant to this section, the following shall appear on the

established in such county at the next countywide election

ballot:

thinks The board of county commissioners, upon a petition filed in accordance with

"Shall a corporation, trust, limited liability company, limited partnership or corporate coincidency of coincidency and the corporation authorized farm corporation, limited liability and of contract strength and construction, authorized farm corporation, limited liability and of contract strength and company agricultural partnership, family trust, authorized trust or estamentary trust be allowed to, either directly or indirectly, own, acquire or otherwise obtain or sint at transparence at the strength and of contraction and trust or contraction or sint at transparence at the strength and the st

lease any agricultural land in _____ county for the purpose of establishing a dairy production

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facility?"

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- (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

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." and mining 14 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: was nothingless makes not wall and between country of notices. 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

(a) 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.

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(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

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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.

(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, thust, limited liability company, limited partnership of 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 of indirectly, own, acquire or otherwise obtain or least any agricultural land in country for the purpose of establishing a swine production facility.

On the purpose of establishing a swine production facility of an election pursuant to this subsection the country election officer shall submit the question as established in subsection (b) (2)(0) of whether a swine production facility shall be allowed to be established in such country at the next country wide election which occurs more than 60 days after the petition is filed with the country election established pursuant to this section the following shall appear on the ballot:

| Description of the country election established pursuant to this section the following shall appear on the ballot:

partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural company, limited partnership of corporate partnership, other than a family farm corporation, authorized farm corporation, limited liability agricultural partnership, family trust, authorized trust or testamentary trust be allowed to, either directly or indirectly, own, acquire or otherwise obtain or