

SENATE BILL No. 112

By Senator Holland

2-6

1 AN ACT concerning agriculture; relating to poultry processing facilities
2 and poultry slaughter facilities; providing for the establishment thereof
3 in a county; amending K.S.A. 2018 Supp. 17-5903 and 17-5904 and
4 repealing the existing sections.

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

7 New Section 1. (a) (1) Notwithstanding the provisions of K.S.A. 17-
8 5904, and amendments thereto, on or after July 1, 2019, no individual,
9 corporation, trust, limited liability company, limited partnership, corporate
10 partnership, family farm corporation, authorized farm corporation, limited
11 liability agricultural company, family farm limited liability agricultural
12 company, limited agricultural partnership, family trust, authorized trust or
13 testamentary trust shall own, acquire or otherwise obtain or lease, either
14 directly or indirectly, any agricultural land in this state for the purpose of
15 establishing a poultry processing facility or a poultry slaughter facility, as
16 such terms are defined in K.S.A. 17-5903, and amendments thereto.

17 (2) The restrictions provided in subsection (a)(1) do not apply to
18 agricultural land held by an individual, corporation, trust, limited liability
19 company, limited partnership, corporate partnership, family farm
20 corporation, authorized farm corporation, limited liability agricultural
21 company, family farm limited liability agricultural company, limited
22 agricultural partnership, family trust, authorized trust or testamentary trust
23 for use as: (A) A poultry processing facility in any county that has voted
24 favorably pursuant to section 2, and amendments thereto, either by county
25 resolution or by election; or (B) a poultry slaughter facility in any county
26 that has voted favorably pursuant to section 3, and amendments thereto,
27 either by county resolution or by election.

28 (b) Any individual, corporation, trust, limited liability company,
29 limited partnership or corporate partnership, family farm corporation,
30 authorized farm corporation, limited liability agricultural company, family
31 farm limited liability agricultural company, limited agricultural
32 partnership, family trust, authorized trust or testamentary trust violating
33 the provisions of this section shall be subject to a civil penalty of not more
34 than \$50,000 and shall divest itself of any land acquired in violation of this
35 section within one year after judgment is entered in the action. The district
36 courts of this state may prevent and restrain violations of this section

1 through the issuance of an injunction. The attorney general or district or
2 county attorney shall institute suits on behalf of the state to enforce the
3 provisions of this section.

4 (c) Civil penalties sued for and recovered by the attorney general
5 shall be paid into the state general fund. Civil penalties sued for and
6 recovered by the county attorney or district attorney shall be paid into the
7 general fund of the county where the proceedings were instigated.

8 New Sec. 2. (a) (1) The board of county commissioners, by
9 resolution, shall permit or deny any poultry processing facility, as such
10 term is defined in K.S.A. 17-5903, and amendments thereto, that processes
11 more than 250,000 poultry per year, to be established within the county by
12 an individual, corporation, trust, limited liability company, limited
13 partnership, corporate partnership, family farm corporation, authorized
14 farm corporation, limited liability agricultural company, family farm
15 limited liability agricultural company, limited agricultural partnership,
16 family trust, authorized trust or testamentary trust. Such resolution shall be
17 published once each week for two consecutive weeks in the official county
18 newspaper. The resolution shall take effect 60 days after final publication,
19 unless a valid petition in opposition to the resolution is filed.

20 (2) If, within 60 days of the final publication of the resolution, a valid
21 protest petition to submit the resolution to the qualified electors of the
22 county is signed by qualified electors of the county, equal in number to not
23 less than 5% of the electors of the county who voted for the office of
24 secretary of state at the last preceding general election at which such office
25 was elected and is filed with the county election officer, the county
26 election officer shall submit the question, as established in subsection (c),
27 of whether such poultry processing facility shall be allowed to be
28 established in such county at the next state, county or special election.

29 (b) (1) The board of county commissioners, upon a petition filed in
30 accordance with subsection (b)(2), shall submit to the qualified electors of
31 the county a proposition to permit such poultry processing facility, as such
32 term is defined in K.S.A. 17-5903, and amendments thereto, to be
33 established within the county by an individual, corporation, trust, limited
34 liability company, limited partnership, corporate partnership, family farm
35 corporation, authorized farm corporation, limited liability agricultural
36 company, family farm limited liability agricultural company, limited
37 agricultural partnership, family trust, authorized trust or testamentary trust.

38 (2) A petition to submit a proposition to the qualified voters of a
39 county pursuant to this section shall be filed with the county election
40 officer. The petition shall be signed by qualified electors of the county
41 equal in number to not less than 5% of the electors of the county who
42 voted for the office of secretary of state at the last preceding general
43 election at which such office was elected. The following shall appear on

1 the petition:

2 "We request an election to determine whether an individual,
3 corporation, trust, limited liability company, limited partnership, corporate
4 partnership, family farm corporation, authorized farm corporation, limited
5 liability agricultural company, family farm limited liability agricultural
6 company, limited agricultural partnership, family trust, authorized trust or
7 testamentary trust shall be allowed to, either directly or indirectly, own,
8 acquire or otherwise obtain or lease any agricultural land in _____
9 county for the purpose of establishing a poultry processing facility."

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

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

18 "Shall an individual, corporation, trust, limited liability company,
19 limited partnership, corporate partnership, family farm corporation,
20 authorized farm corporation, limited liability agricultural company, family
21 farm limited liability agricultural company, limited agricultural
22 partnership, family trust, authorized trust or testamentary trust be allowed
23 to, either directly or indirectly, own, acquire, or otherwise obtain or lease
24 any agricultural land in _____ county for the purpose of establishing
25 a poultry processing facility?"

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

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

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

40 New Sec. 3. (a) (1) The board of county commissioners, by
41 resolution, shall permit or deny any poultry slaughter facility, as such term
42 is defined in K.S.A. 17-5903, and amendments thereto, that slaughters
43 more than 250,000 poultry per year, to be established within the county by

1 an individual, corporation, trust, limited liability company, limited
2 partnership, corporate partnership, family farm corporation, authorized
3 farm corporation, limited liability agricultural company, family farm
4 limited liability agricultural company, limited agricultural partnership,
5 family trust, authorized trust or testamentary trust. Such resolution shall be
6 published once each week for two consecutive weeks in the official county
7 newspaper. The resolution shall take effect 60 days after final publication,
8 unless a valid petition in opposition to the resolution is filed.

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

18 (b) (1) The board of county commissioners, upon a petition filed in
19 accordance with subsection (b)(2), shall submit to the qualified electors of
20 the county a proposition to permit such poultry slaughter facility, as such
21 term is defined in K.S.A. 17-5903, and amendments thereto, to be
22 established within the county by an individual, corporation, trust, limited
23 liability company, limited partnership, corporate partnership, family farm
24 corporation, authorized farm corporation, limited liability agricultural
25 company, family farm limited liability agricultural company, limited
26 agricultural partnership, family trust, authorized trust or testamentary trust.

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

34 "We request an election to determine whether an individual,
35 corporation, trust, limited liability company, limited partnership, corporate
36 partnership, family farm corporation, authorized farm corporation, limited
37 liability agricultural company, family farm limited liability agricultural
38 company, limited agricultural partnership, family trust, authorized trust or
39 testamentary trust shall be allowed to, either directly or indirectly, own,
40 acquire or otherwise obtain or lease any agricultural land in _____
41 county for the purpose of establishing a poultry slaughter facility."

42 (3) Upon the submission of a valid petition calling for an election
43 pursuant to this subsection, the county election officer shall submit the

1 question, as established in subsection (c), of whether such poultry
 2 slaughter facility shall be allowed to be established in such county at the
 3 next countywide election that occurs more than 60 days after the petition is
 4 filed with the county election officer.

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

7 "Shall an individual, corporation, trust, limited liability company,
 8 limited partnership, corporate partnership, family farm corporation,
 9 authorized farm corporation, limited liability agricultural company, family
 10 farm limited liability agricultural company, limited agricultural
 11 partnership, family trust, authorized trust or testamentary trust be allowed
 12 to, either directly or indirectly, own, acquire, or otherwise obtain or lease
 13 any agricultural land in _____ county for the purpose of establishing
 14 a poultry slaughter facility?"

15 (d) If a majority of the votes cast and counted are in opposition to
 16 allowing such poultry slaughter facility to be established in such county,
 17 the county election officer shall transmit a copy of the result to the
 18 secretary of state, who shall publish in the Kansas register the result of
 19 such election and that such poultry slaughter facility is not allowed to be
 20 established in such county.

21 (e) If a majority of the votes cast and counted is in favor of the
 22 proposition, the county election officer shall transmit a copy of the result
 23 to the secretary of state, who shall publish in the Kansas register the result
 24 of such election and that such poultry slaughter facility is allowed to be
 25 established in such county.

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

29 Sec. 4. K.S.A. 2018 Supp. 17-5903 is hereby amended to read as
 30 follows: 17-5903. As used in this act:

31 (a) "Corporation" means a domestic or foreign corporation organized
 32 for profit or nonprofit purposes.

33 (b) "Nonprofit corporation" means a corporation organized not-for-
 34 profit and ~~which~~ *that* qualifies under section 501(c)(3) of the federal
 35 internal revenue code of 1986 as amended.

36 (c) "Limited partnership" has the meaning provided by K.S.A. 56-
 37 1a/01, and amendments thereto.

38 (d) "Limited agricultural partnership" means a limited partnership
 39 founded for the purpose of farming and ownership of agricultural land in
 40 which:

41 (1) The partners do not exceed 10 in number;

42 (2) the partners are all natural persons, persons acting in a fiduciary
 43 capacity for the benefit of natural persons or nonprofit corporations, or

1 general partnerships other than corporate partnerships formed under the
2 laws of the state of Kansas; and

3 (3) at least one of the general partners is a person residing on the farm
4 or actively engaged in the labor or management of the farming operation.
5 If only one partner is meeting the requirement of this provision and such
6 partner dies, the requirement of this provision does not apply for the period
7 of time that the partner's estate is being administered in any district court
8 in Kansas.

9 (e) "Corporate partnership" means a partnership, as defined in K.S.A.
10 56a-101, and amendments thereto, ~~which~~ *that* has within the association
11 one or more corporations or one or more limited liability companies.

12 (f) "Feedlot" means a lot, yard, corral, or other area in which
13 livestock fed for slaughter are confined. The term includes within its
14 meaning agricultural land in such acreage as is necessary for the operation
15 of the feedlot.

16 (g) "Agricultural land" means land suitable for use in farming.

17 (h) "Farming" means the cultivation of land for the production of
18 agricultural crops, the raising of poultry, the production of eggs, the
19 production of milk, the production of fruit or other horticultural crops,
20 grazing or the production of livestock. Farming does not include the
21 production of timber, forest products, nursery products or sod, and farming
22 does not include a contract to provide spraying, harvesting or other farm
23 services.

24 (i) "Fiduciary capacity" means an undertaking to act as executor,
25 administrator, guardian, conservator, trustee for a family trust, authorized
26 trust or testamentary trust or receiver or trustee in bankruptcy.

27 (j) "Family farm corporation" means a corporation:

28 (1) Founded for the purpose of farming and the ownership of
29 agricultural land in which the majority of the voting stock is held by and
30 the majority of the stockholders are persons related to each other, all of
31 whom have a common ancestor within the third degree of relationship, by
32 blood or by adoption, or the spouses or the stepchildren of any such
33 persons, or persons acting in a fiduciary capacity for persons so related;

34 (2) all of its stockholders are natural persons or persons acting in a
35 fiduciary capacity for the benefit of natural persons; and

36 (3) at least one of the stockholders is a person residing on the farm or
37 actively engaged in the labor or management of the farming operation. A
38 stockholder who is an officer of any corporation referred to in this
39 subsection and who is one of the related stockholders holding a majority of
40 the voting stock shall be deemed to be actively engaged in the
41 management of the farming corporation. If only one stockholder is
42 meeting the requirement of this provision and such stockholder dies, the
43 requirement of this provision does not apply for the period of time that the

1 stockholder's estate is being administered in any district court in Kansas.

2 (k) "Authorized farm corporation" means a Kansas corporation, other
3 than a family farm corporation, *in which* all of the incorporators ~~of which~~
4 are Kansas residents, family farm corporations or family farm limited
5 liability agricultural companies or any combination thereof, and ~~which~~ is
6 founded for the purpose of farming and the ownership of agricultural land
7 in which:

8 (1) The stockholders do not exceed 15 in number; and

9 (2) the stockholders are all natural persons, family farm corporations,
10 family farm limited liability agricultural companies or persons acting in a
11 fiduciary capacity for the benefit of natural persons, family farm
12 corporations, family farm limited liability agricultural companies or
13 nonprofit corporations; and

14 (3) if all of the stockholders are natural persons, at least one
15 stockholder must be a person residing on the farm or actively engaged in
16 labor or management of the farming operation. If only one stockholder is
17 meeting the requirement of this provision and such stockholder dies, the
18 requirement of this provision does not apply for the period of time that the
19 stockholder's estate is being administered in any district court in Kansas.

20 (l) "Trust" means a fiduciary relationship with respect to property,
21 subjecting the person by whom the property is held to equitable duties to
22 deal with the property for the benefit of another person, ~~which~~ *that* arises as
23 a result of a manifestation of an intention to create it. A trust includes a
24 legal entity holding property as trustee, agent, escrow agent, attorney-in-
25 fact and in any similar capacity.

26 (m) "Family trust" means a trust in which:

27 (1) A majority of the equitable interest in the trust is held by and the
28 majority of the beneficiaries are persons related to each other, all of whom
29 have a common ancestor within the third degree of relationship, by blood
30 or by adoption, or the spouses or stepchildren of any such persons, or
31 persons acting in a fiduciary capacity for persons so related; and

32 (2) all the beneficiaries are natural persons, are persons acting in a
33 fiduciary capacity, other than as trustee for a trust, or are nonprofit
34 corporations.

35 (n) "Authorized trust" means a trust other than a family trust in
36 which:

37 (1) The beneficiaries do not exceed 15 in number;

38 (2) the beneficiaries are all natural persons, are persons acting in a
39 fiduciary capacity, other than as trustee for a trust, or are nonprofit
40 corporations; and

41 (3) the gross income thereof is not exempt from taxation under the
42 laws of either the United States or the state of Kansas.

43 For the purposes of this definition, if one of the beneficiaries dies, and

1 more than one person succeeds, by bequest, to the deceased beneficiary's
2 interest in the trust, all of such persons, collectively, shall be deemed to be
3 one beneficiary, and a husband and wife, and their estates, collectively,
4 shall be deemed to be one beneficiary.

5 (o) "Testamentary trust" means a trust created by devising or
6 bequeathing property in trust in a will as such terms are used in the Kansas
7 probate code.

8 (p) "Poultry confinement facility" means the structures and related
9 equipment used for housing, breeding, laying of eggs or feeding of poultry
10 in a restricted environment. The term includes within its meaning only
11 such agricultural land as is necessary for proper disposal of liquid and
12 solid wastes and for isolation of the facility to reasonably protect the
13 confined poultry from exposure to disease. ~~As used in this subsection,~~
14 ~~"poultry" means chickens, turkeys, ducks, geese or other fowl.~~

15 (q) "Rabbit confinement facility" means the structures and related
16 equipment used for housing, breeding, raising, feeding or processing of
17 rabbits in a restricted environment. The term includes within its meaning
18 only such agricultural land as is necessary for proper disposal of liquid and
19 solid wastes and for isolation of the facility to reasonably protect the
20 confined rabbits from exposure to disease.

21 (r) "Swine marketing pool" means an association whose membership
22 includes three or more business entities or individuals formed for the sale
23 of hogs to buyers but shall not include any trust, corporation, limited
24 partnership or corporate partnership, or limited liability company other
25 than a family farm corporation, authorized farm corporation, limited
26 liability agricultural company, limited agricultural partnership, family
27 trust, authorized trust or testamentary trust.

28 (s) "Swine production facility" means the land, structures and related
29 equipment used for housing, breeding, farrowing or feeding of swine. The
30 term includes within its meaning only such agricultural land as is
31 necessary for proper disposal of liquid and solid wastes in environmentally
32 sound amounts for crop production and to avoid nitrate buildup and for
33 isolation of the facility to reasonably protect the confined animals from
34 exposure to disease.

35 (t) "Limited liability company" has the meaning provided by K.S.A.
36 17-7663, and amendments thereto.

37 (u) "Limited liability agricultural company" means a limited liability
38 company founded for the purpose of farming and ownership of agricultural
39 land in which:

40 (1) The members do not exceed 10 in number; and

41 (2) the members are all natural persons, family farm corporations,
42 family farm limited liability agriculture companies, persons acting in a
43 fiduciary capacity for the benefit of natural persons, family farm

1 corporations, family farm limited liability agricultural companies or
2 nonprofit corporations, or general partnerships other than corporate
3 partnerships formed under the laws of the state of Kansas; and

4 (3) if all of the members are natural persons, at least one member
5 must be a person residing on the farm or actively engaged in labor or
6 management of the farming operation. If only one member is meeting the
7 requirement of this provision and such member dies, the requirement of
8 this provision does not apply for the period of time that the member's
9 estate is being administered in any district court in Kansas.

10 (v) "Dairy production facility" means the land, structures and related
11 equipment used for housing, breeding, raising, feeding or milking dairy
12 cows. The term includes within its meaning only such agricultural land as
13 is necessary for proper disposal of liquid and solid wastes and for isolation
14 of the facility to reasonably protect the confined cows from exposure to
15 disease.

16 (w) "Family farm limited liability agricultural company" means a
17 limited liability company founded for the purpose of farming and
18 ownership of agricultural land in which:

19 (1) The majority of the members are persons related to each other, all
20 of whom have a common ancestor within the third degree of relationship,
21 by blood or by adoption, or the spouses or the stepchildren of any such
22 persons, or persons acting in a fiduciary capacity for persons so related;

23 (2) the members are natural persons or persons acting in a fiduciary
24 capacity for the benefit of natural persons; and

25 (3) at least one of the members is a person residing on the farm or
26 actively engaged in the labor or management of the farming operation. If
27 only one member is meeting the requirement of this provision and such
28 member dies, the requirement of this provision does not apply for the
29 period of time that the member's estate is being administered in any district
30 court in Kansas.

31 (x) "Hydroponics" means the growing of vegetables, flowers, herbs,
32 or plants used for medicinal purposes, in a growing medium other than
33 soil.

34 (y) *"Poultry" means chickens, turkeys, ducks, geese or other fowl.*

35 (z) *"Poultry product" means the same as such term is defined in*
36 *K.S.A. 65-6a18, and amendments thereto.*

37 (aa) *"Poultry processing facility" means any facility or section*
38 *thereof that packs, cans, salts, renders, bones, cuts up or otherwise*
39 *manufactures poultry into poultry products. "Poultry processing facility"*
40 *does not include any facility that processes 250,000 or fewer poultry per*
41 *year.*

42 (bb) *"Poultry slaughter facility" means any facility or section thereof*
43 *that carries on the slaughter and dressing of poultry. "Poultry slaughter*

1 *facility" does not include any facility that slaughters 250,000 or fewer*
2 *poultry per year.*

3 Sec. 5. K.S.A. 2018 Supp. 17-5904 is hereby amended to read as
4 follows: 17-5904. (a) *Subject to the provisions of section 1, and*
5 *amendments thereto*, no corporation, trust, limited liability company,
6 limited partnership or corporate partnership, other than a family farm
7 corporation, authorized farm corporation, limited liability agricultural
8 company, family farm limited liability agricultural company, limited
9 agricultural partnership, family trust, authorized trust or testamentary trust
10 shall, either directly or indirectly, own, acquire or otherwise obtain or lease
11 any agricultural land in this state. The restrictions provided in this section
12 do not apply to the following:

13 (1) A bona fide encumbrance taken for purposes of security.

14 (2) Agricultural land when acquired as a gift, either by grant or
15 devise, by a bona fide educational, religious or charitable nonprofit
16 corporation.

17 (3) Agricultural land acquired by a corporation or a limited liability
18 company in such acreage as is necessary for the operation of a nonfarming
19 business, *other than a poultry processing facility or poultry slaughter*
20 *facility*. Such land may not be used for farming except under lease to one
21 or more natural persons, a family farm corporation, authorized farm
22 corporation, family trust, authorized trust or testamentary trust. The
23 corporation shall not engage, either directly or indirectly, in the farming
24 operation and shall not receive any financial benefit, other than rent, from
25 the farming operation.

26 (4) Agricultural land acquired by a corporation or a limited liability
27 company by process of law in the collection of debts, or pursuant to a
28 contract for deed executed prior to the effective date of this act, or by any
29 procedure for the enforcement of a lien or claim thereon, whether created
30 by mortgage or otherwise, if such corporation divests itself of any such
31 agricultural land within 10 years after such process of law, contract or
32 procedure, except that provisions of K.S.A. 9-1102, and amendments
33 thereto, shall apply to any bank ~~which~~*that* acquires agricultural land.

34 (5) A municipal corporation.

35 (6) Agricultural land ~~which is~~ acquired by a trust company or bank in
36 a fiduciary capacity or as a trustee for a nonprofit corporation.

37 (7) Agricultural land owned or leased or held under a lease purchase
38 agreement as described in K.S.A. 12-1741, and amendments thereto, by a
39 corporation, corporate partnership, limited corporate partnership or trust
40 on the effective date of this act if: (A) Any such entity owned or leased
41 such agricultural land prior to July 1, 1965, provided such entity shall not
42 own or lease any greater acreage of agricultural land than it owned or
43 leased prior to the effective date of this act unless it is in compliance with

1 the provisions of this act; (B) any such entity was in compliance with the
2 provisions of K.S.A. 17-5901, prior to its repeal by this act, provided such
3 entity shall not own or lease any greater acreage of agricultural land than it
4 owned or leased prior to the effective date of this act unless it is in
5 compliance with the provisions of this act, and absence of evidence in the
6 records of the county where such land is located of a judicial
7 determination that such entity violated the provisions of K.S.A. 17-5901,
8 prior to its repeal, shall constitute proof that the provisions of this act do
9 not apply to such agricultural land, and that such entity was in compliance
10 with the provisions of K.S.A. 17-5901, prior to its repeal; or (C) any such
11 entity was not in compliance with the provisions of K.S.A. 17-5901, prior
12 to its repeal by this act, but is in compliance with the provisions of this act
13 by July 1, 1991.

14 (8) Agricultural land held or leased by a corporation or a limited
15 liability company for use as a feedlot, a poultry confinement facility or
16 rabbit confinement facility.

17 (9) Agricultural land held or leased by a corporation for the purpose
18 of the production of timber, forest products, nursery products or sod.

19 (10) Agricultural land used for bona fide educational research or
20 scientific or experimental farming.

21 (11) Agricultural land used for the commercial production and
22 conditioning of seed for sale or resale as seed or for the growing of alfalfa
23 by an alfalfa processing entity if such land is located within 30 miles of
24 such entity's plant site.

25 (12) Agricultural land owned or leased by a corporate partnership or
26 limited corporate partnership in which the partners associated therein are
27 either natural persons, family farm corporations, authorized farm
28 corporations, limited liability agricultural companies, family trusts,
29 authorized trusts or testamentary trusts.

30 (13) Any corporation, either domestic or foreign, or any limited
31 liability company, organized for coal mining purposes ~~which~~*that* engages
32 in farming on any tract of land owned by it which has been strip mined for
33 coal.

34 (14) Agricultural land owned or leased by a limited partnership prior
35 to the effective date of this act.

36 (15) Except as provided by K.S.A. 17-5908, as it existed before the
37 effective date of this act, ~~and K.S.A. 1998 Supp. 17-5909~~, agricultural land
38 held or leased by a corporation or a limited liability company for use as a
39 swine production facility in any county ~~which~~*that*, before the effective
40 date of this act, has voted favorably pursuant to K.S.A. 17-5908, as it
41 existed before the effective date of this act, either by county resolution or
42 by ~~the electorate~~ *election*.

43 (16) Agricultural land held or leased by a corporation, trust, limited

1 liability company, limited partnership or corporate partnership for use as a
2 swine production facility in any county where the voters, after the effective
3 date of this act, have voted pursuant to K.S.A. 17-5908, and amendments
4 thereto, to allow establishment of swine production facilities within the
5 county.

6 (17) Agricultural land held or leased by a corporation, trust, limited
7 liability company, limited partnership or corporate partnership for use as a
8 dairy production facility in any county ~~which~~*that* has voted favorably
9 pursuant to K.S.A. 17-5907, and amendments thereto, either by county
10 resolution or by ~~the electorate~~ *election*.

11 (18) *Agricultural land held by an individual, corporation, trust,*
12 *limited liability company, limited partnership, corporate partnership,*
13 *family farm corporation, authorized farm corporation, limited liability*
14 *agricultural company, family farm limited liability agricultural company,*
15 *limited agricultural partnership, family trust, authorized trust or*
16 *testamentary trust for use as a poultry processing facility prior to July 1,*
17 *2019, or on and after July 1, 2019, in any county that has voted favorably*
18 *pursuant to section 2, and amendments thereto, either by county resolution*
19 *or by election.*

20 (19) *Agricultural land held by an individual, corporation, trust,*
21 *limited liability company, limited partnership, corporate partnership,*
22 *family farm corporation, authorized farm corporation, limited liability*
23 *agricultural company, family farm limited liability agricultural company,*
24 *limited agricultural partnership, family trust, authorized trust or*
25 *testamentary trust for use as a poultry slaughter facility prior to July 1,*
26 *2019, or on and after July 1, 2019, in any county that has voted favorably*
27 *pursuant to section 3, and amendments thereto, either by county resolution*
28 *or by election.*

29 (20) Agricultural land held or leased by a corporation or a limited
30 liability company used in a hydroponics setting.

31 (b) Production contracts entered into by a corporation, trust, limited
32 liability company, limited partnership or corporate partnership and a
33 person engaged in farming for the production of agricultural products shall
34 not be construed to mean the ownership, acquisition, obtainment or lease,
35 either directly or indirectly, of any agricultural land in this state.

36 (c) Any corporation, trust, limited liability company, limited
37 partnership or corporate partnership, other than a family farm corporation,
38 authorized farm corporation, limited liability agricultural company, family
39 farm limited liability agricultural company, limited agricultural
40 partnership, family trust, authorized trust or testamentary trust, violating
41 the provisions of this section shall be subject to a civil penalty of not more
42 than \$50,000 and shall divest itself of any land acquired in violation of this
43 section within one year after judgment is entered in the action. The district

1 courts of this state may prevent and restrain violations of this section
2 through the issuance of an injunction. The attorney general or district or
3 county attorney shall institute suits on behalf of the state to enforce the
4 provisions of this section.

5 (d) Civil penalties sued for and recovered by the attorney general
6 shall be paid into the state general fund. Civil penalties sued for and
7 recovered by the county attorney or district attorney shall be paid into the
8 general fund of the county where the proceedings were instigated.

9 Sec. 6. K.S.A. 2018 Supp. 17-5903 and 17-5904 are hereby repealed.

10 Sec. 7. This act shall take effect and be in force from and after its
11 publication in the statute book.