

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 18, 1998, in Room 423-S of the Capitol.

All members were present except: Representative Lloyd - excused

Committee staff present: Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Representative Bruce Larkin
Vernon Deines, Director, Kansas Farmers Union
Gary McBee, Dighton, Kansas
Wanda Adams, Plains, Kansas
Sheila Breeding, Rolla, Kansas
Mary Fund, Kansas Rural Center
Byron G. Bird, Liberal, Kansas
Jerold Hubbard, Johnson, Kansas
Karen Nix, Stevens County
Larry and Edna Birmingham
Kerri Ebert, Executive Secretary, Kansas Dairy Association
Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Association
Mike Jensen, Executive Vice President, Kansas Pork Producers Council

Others attending: See attached list

Hearing on HB 2930 - Corporate farming, restrictions, exceptions and procedures relating to swine facilities

Chairperson Flower opened the hearing on **HB 2930**. Raney Gilliland, Legislative Research Department, provided background information on the corporate farming law in Kansas and briefed the committee on the changes proposed in **HB 2930**. He explained the major amendments to the corporate farming law proposed in **HB 2930** relating to swine facilities: 1) changes the definition of a feedlot, 2) further defines a swine production facility, 3) would require county approval for anyone with over 50,000 sows in total ownership to own, acquire, or lease any agricultural land in Kansas, and 4) provides for the option of a countywide vote every two years.

Representative Bruce Larkin appeared in support of **HB 2930** stating that his bill would make three major changes in the corporate farming law. He explained that it would close the potential loophole concerning the definition of feedlots, further defines a family farm, and gives more power back to the people allowing for a county vote every two years.

Vernon Deines, Director, Kansas Farmers Union, read testimony prepared by Ivan W. Wyatt, President of the Kansas Farmers Union, in support of **HB 2930**. (Attachment 1)

Gary McBee, Dighton, Kansas, appeared in support of **HB 2930**, expressing his belief that the people of each county should decide the issue of large scale swine production facilities in their county, not the county commissioners. (Attachment 2)

Wanda Adams, Plains, Kansas, testified in support of **HB 2930** that she feels would close several loopholes in the corporate farming law. She expressed her belief that the citizens of each county should decide what is in their best interest. She believes these amendments would put control back in the hands of the people who are being adversely affected by swine production facilities. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 18, 1998.

Sheila Breeding, Rolla, Kansas, testified in support of **HB 2930** that would afford the people the right to express their opinion by voting to limit confined feeding facilities in their county. (Attachment 4)

Mary Fund, Kansas Rural Center, appeared in support of **HB 2930**. She said that this bill would allow family farms and family farm corporations the flexibility and continued opportunity to produce swine, but would establish clear parameters for corporate swine production, and provide a clear democratic process for citizens to have a meaningful role in the decisions that most affect them. (Attachment 5)

Byron G. Bird, Byron Bird and Associates, Chartered, Liberal, Kansas, submitted written testimony outlining his support of the various issues contained in **HB 2930**. (Attachment 6)

Jerold Hubbard, Johnson, Kansas, submitted written testimony expressing his support for **HB 2930**. (Attachment 7)

Karen Nix provided written testimony in favor of **HB 2930** that would close the loopholes that do not support the voice of the people. (Attachment 8)

Larry G. Birmingham, Sublette, Kansas, and Edna I. Birmingham, Garden City, Kansas, submitted written testimony expressing their support for **HB 2930**. (Attachment 9)

Kerri Ebert, Executive Secretary of the Kansas Dairy Association, representing the state's 800 dairy farmers, spoke in opposition to **HB 2930**. She stated that although this bill is not dairy-industry specific, their industry theoretically opposes setting strict limits on the size of livestock operations. She said that dairy producers are concerned about the precedent being set with this legislation. She questioned whether it is wise to legislate size limits on business. (Attachment 10)

Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Association, testified in opposition to **HB 2930**. He stated that KLA, representing over 7,400 members, supports legislation that will allow agriculture operations the freedom to utilize the most favorable business structure available, and this bill begins to remove that opportunity by further limiting who can operate a swine facility based on their business structure. He said that this bill would allow counties to determine who could do business in Kansas based on the number of sows owned worldwide. He expressed concern that this legislation, if enacted, would set a very dangerous precedent, not only for agriculture, but for all business in Kansas. (Attachment 11)

Mike Jensen, Executive Vice President, Kansas Pork Producers Council, testified in opposition to **HB 2930** stating that KPPC strongly opposes any legislation which in any way further restricts the ability of swine producers in Kansas to do business. He said his organization is opposed to giving counties the ability to continue to vote every two years on swine production facilities. He explained that the business decision to make a large capital investment in a county under the threat that every two years you could be subject to public referendum is contrary to success. He said that the economic development message this proposed legislation sends would be detrimental, not only to the swine production industry, but to every business statewide. (Attachment 12)

Chairperson Flower closed the hearing on **HB 2930**.

The meeting adjourned at 10:35 a.m. The next meeting is scheduled for February 19, 1998.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 18, 1998

Page 1 of 2

NAME	REPRESENTING
Rich McKee	KLA
Don Ryan	Farmer Stock Rancher
Jim Allen	Seaboard
Alan Phinney	Sherridan Co. Commissioner
Raymond J. Schmitz	Retired Farmer
Bruce Suli	Ry
Vernon Deines	Kansas Farmers Union
Marty Vanier	Kansas Ag Alliance
Kerri Ebert	Kansas Dairy Association
Barbara McCracken	Archdiocese of Kansas City KS
Paul Johnson	PACK
Jerem Compton	visitor
John Renge	Farmer Hog KFU
Daniel R Renge	Farmer Hog KFU
Roy G. Dickman	Farmer KFU
Bob Runnels	Ks. Catholic Conf.
JCP Arpin	Division of the Budget
Wanda Adams	independent
Sheila Broeding	independent

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 18, 1998

Page 2 of 2

NAME	REPRESENTING
Mary Furd	Ks. Rural Center
Galy McBoe	former rancher
Tom Bruno	Allen Assoc.
James Slaughter	Ambulance of Kansas City, <i>Mo.</i>
Jamie Clover Adams	Governor's Office
Alan Steppat	Pete McGill & Assoc.
Mike Jensen	Ks Park

Statement
of
Ivan W. Wyatt, President
Kansas Farmers Union
On
H B 2930 (Swine Production Facilities)

Madam Chairperson, members of the Committee:

The three Amendments in this bill address three important issues involved in the corporate hog issue.

The Amendment on page four should not only clarify the discription of a feeding facility. but also clarify what the legislative intent was.

The Amendment on page seven is important because it would put some restraints on the monopolistic control of the pork industry, that has brought about total monaplistic control in the poultry industry.

It also spells out there will be an election of the people and by the people on the issue, that cannot be subverted by local officials who are sometimes influenced by outside sources.

The third Amendment establishes the rights of the citizens to reconsider every two years whether a corporate swine production facility shall be allowed in their county.

The position of county commissioners was never meant to have the authority to thwart the wishes of the citizens by disregarding their vote as we have witnessed recently, most certainly not to set themselves up as a board of dictators with the power to over rule the concerns of rural families for their family community and property. The rural families of Kansas deserve the same rights as their urban counterparts.

It was just two weeks ago today 80 some people from Southwest Kansas traveled to Topeka not in company buses, but in their own vehicles to voice their concern on the corporat hog issue, today we have here people from Northeast and Northcentral Kansas because of their concern over the encroachment of corporate hogs across their state.

House Agriculture Committee
Thank You *February 18, 1998*
Attachment 1

February 18, 1998

Testimony on House Bill No. 2930

To: House Committee on Agriculture

From: Gary McBee, Dighton, Lane County, Kansas

I wish to support Rep. Larkin's House Bill No. 2930 for the following reasons:

- 1) This bill addresses the definition of "swine production facility" as an entity used for housing, breeding, farrowing, feeding or finishing of swine, or a nursery for swine. This is important in that it closes the feedlot exemption in swine production. This is a misunderstood and unclear area in reference to "swine production facilities".
- 2) This bill addresses the size of large scale hog producers, such as Murphy Farms, one of the largest hog producers in the world. The bill states that no business entity or individual who owns over 50,000 sows in total ownership regardless of whether located in Kansas or elsewhere, etc. shall own, acquire, or lease any agricultural land in any county in this state until such county has voted favorable, by county resolution or by the electorate. This should prevent mega hog production facilities from coming into counties under the guise of a family farm, even though the counties have voted against the corporate county option resolution.
- 3) The third reason I support Rep. Larkin's bill is that it allows for a resolution that has been adopted, to be resubmitted to the electors of the county once every two years by the prescribed process.

This is perhaps my biggest concern in this issue of large scale swine production. The decision making process in an issue of this magnitude must be done by the people and not left to two county commissioners as is the case in Lane County. Our County Commissioners passed the county option resolution with little knowledge or public notice concerning large scale hog production facilities in 1994. The people too, were very uninformed. I believe that when the county option legislation was passed in 1994, the intent was to allow the people in each county decide the issue. Since then, the social fabric in many rural communities has been ripped apart by controversy surrounding the introduction of large-scale hog operations.

Speaker Pro Tem of the House, Susan Wagle said in the Friday, Feb. 6, 1998, Wichita Eagle, "I think people thought they had a say about this issue, and they voted no, And I think we should uphold their vote". Some people seem determined to bring in the big hog operations, by almost any means, and others seem just as committed to keep them out. A bitterly divided community is incapable of much more than survival. The divisiveness can be avoided by allowing the people of each county to change their minds on this issue. I believe this bill allows that to happen.

For these reasons, I support Rep. Larkin's Bill 2930, and I urge you to carefully consider it as well.

Thank you for allowing me to comment on this very important issue.

Gary McBee

*House Agriculture Committee
February 18, 1998
Attachment 2*

TESTIMONY BEFORE THE HOUSE AGRICULTURE COMMITTEE ON HB 2930
February 18, 1998

Presented by Wanda Adams, 8051 CC Road, Plains, Kansas

Madam Chairman and Members of the House Agriculture Committee.

It is a pleasure to testify before you today in favor of House Bill 2930. My name is Wanda Adams. My background is agriculture, and I want to assure future generations a secure and independent place in agriculture.

In support of this bill, I believe swine finishing facilities should be exempt from the feedlot act. This would close the loophole which allows finishing facilities to locate in counties which have voted against corporate hog farming. Lets face it, when counties vote out corporate hog farming, citizens do not want finishing facilities as well as farrowing facilities.

I also support closing the loophole which allows Murphy Family Farms or any other entity or individual who owns in excess of 50,000 sows in total ownership to come into counties under the disguise of a family farm and locate in counties that do not allow corporate hog farming.

In 1994, Meade County Commissioners passed a resolution allowing corporate hog farming. The public brought the issue to a vote, and it passed by a narrow margin (941 in favor of and 817 against). Due to recent public pressure in our area, the county commissioners in November of last year allowed us to have a non-binding vote. Public sentiment has changed, this time the vote was 65% in favor of rescinding the resolution which allows corporate hog farming. The vote was 813 to 463. However, county commissioners have refused to act upon the will of the people. County commissioners are dictating to us without regard for majority vote. Furthermore, I believe it is clearly the intent of Senate Bill 554 to allow the citizens to decide what is in their best interest. The question has been asked, "Why aren't our elected officials representing us?" In Kansas--there have been 21 counties vote on this issue. The results of these votes have been 39,620 NO votes and 15,647 Yes votes. That comes to 72% of the citizens in 21 counties are against corporate hog farming. How much clearer can the message be?

*House Agriculture Committee
February 18, 1998
Attachment 3*

I support allowing counties to submit a valid petition to vote two years after a prior action permitting the establishment of swine production facilities. I feel this request is justified in the fact that new laws will continue to be written when new concerns are identified and additional protection is needed. This is a common sense approach to solving the problems in Western Kansas. This is an opportunity to put control back in the hands of the people who are being adversely affected.

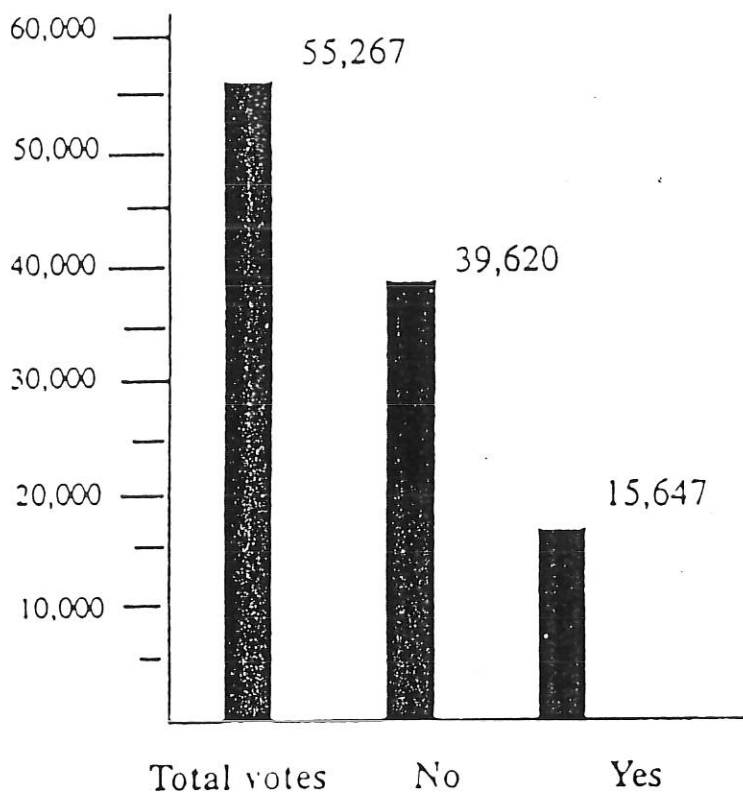
Thank you, Madam Chairman, for giving me the opportunity to testify.

Sincerely,

Wanda Adams

On the Corporate Front

Corporate Hog Votes in 21 Counties



Source: County Clerk Data as compiled by
Kansas Rural Center staff. As of Dec. 1997.

Madam Chairman and Members of the House Agriculture Committee:

State of Kansas

Bill of Rights

2. *Political power; privileges.*

All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit.

I would like to express my support for House Bill 2930. This bill would afford me equal protection and benefit to allow the people of Morton County to have the right to say "We think we have enough confined feeding facilities in our County."

When people feel they have been denied the right to express their opinion by voting, there will be division and unrest in their communities. All I want is the right to petition my commissioners to allow a vote to take place. If the vote favors corporate farming I have to realize that I would be in the minority and abide by that decision. But without being allowed to vote, a feeling of dictatorship prevails.

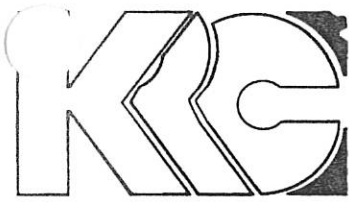
When we petitioned our commissioners in 1996 asking for a non-binding vote, we were told by one commissioner that he did not favor allowing the vote to take place because of the building going on in Rolla. The only building taking place was houses being built by his son. Mike Hendricks, a reporter for the Kansas City Star told a group of 6 people that he had a conversation with Mark Campbell in which Mr. Campbell stated Seaboard would buy any house our commissioner's son built that he could not sell. Things like this are what give people the idea their elected officials put personal interest first.

Please vote favorably for this bill. There are a lot of people counting on the right to vote.

Sheila Breeding

Rolla, KS 67954

*House Agriculture Committee
February 18, 1998
Attachment 4*



Testimony for the House Agriculture Committee

HB 2930

Submitted by Mary Fund

February 18, 1998

The Kansas Rural Center is a 19 year old private, non-profit organization that promotes the long term health of the land and its people through education, research and advocacy. The Rural Center cultivates grassroots support for public policies that encourage family farming and stewardship of soil and water. The Center is committed to an economically viable, environmentally sound and socially sustainable agriculture and rural communities .

The Kansas Rural Center has a long history of support for public policies that protect family farming interests, the environment, and rural communities in this state. In addition we have always supported the right of citizens to have a meaningful role in the decisions that most affect them.

The corporate and factory swine issues now facing the state are part of a long debate over the future of agriculture - a debate that perhaps the legislature felt was over with the establishment of the county option vote regarding corporate swine and dairy facilities back in 1994. We have been monitoring the corporate swine industry's developments and the growing dissatisfaction of citizens living closest to the issues.

The KRC believes that the legislature's intent was to protect family farms and family farm corporations and to provide citizens at the county level the right to make decisions about agriculture in their counties. But over the past 3 to 4 years, weaknesses within the corporate farm law and the county option process have become apparent as citizens throughout primarily the western part of the state have found that 1) the law does not provide them the protection and control they thought it did; citizens who thought they had voted no to swine production facilities are finding large facilities moving into their communities anyway; and 2) that their right to vote on the question of allowing corporate swine facilities in their counties meant little to nothing in the eyes of some elected officials.

The Kansas Rural Center supports HB 2930 as a reasonable solution to these issues. By repealing the feedlot exemption for swine, this bill clarifies that a corporation cannot move finishing facilities into a county that has not voted to approve such facilities.

continued on page 2
House Agriculture Committee
February 18, 1998
Attachment 5

This bill closes the loophole in the swine feedlot exemption so that finishing facilities are considered a part of the corporation and are subject to the same laws as the corporation, i.e. the county option vote.

Secondly it establishes a threshold (50,000) on the total number of sows a business entity or individual can own in Kansas and elsewhere, unless the county has voted favorably for swine facilities, through either resolution or countywide vote. This would address the public's concerns that corporations or individuals with mega-holdings seeking to build or expand ~~beyond~~ could slip in to their communities and build or expand without public notice or input. However, the Rural Center would like to see this threshold reduced to 10,000 to 15,000 sows (which will produce 170,000 to 255,000 pigs a year).

We realize that this threshold is not an attempt to address the legitimate concerns that citizens have about concentrations of animals and the size of individual facilities within a county and the potential problems that might bring. The bill appears to assume that the 50,000 sows are spread out among several states or several counties. Because we're concerned that the facilities will not be spread out in small numbers, we suggest that any threshold be set substantially lower than 50,000. We think 10,000 to 15,000 sows total ownership is reasonable and is fair to family farms and family farm corporations that often involve multiple families.

Finally, we applaud the provision that will ensure that people have the right to revisit the question of whether they want corporate swine facilities in their counties or not. Too many citizens have run into the brick walls of county commissioners who are unwilling to follow the will of the people and allow a vote on the issue. In some instances, even a no vote has not been enough to move commissioners to change the county's stand, thus the provision that establishes the elections as binding requiring no further action by commissioners, is a critical provision.

Overall, HB 2930 allows family farms and family farm corporations the flexibility and continued opportunity to produce swine but establishes clear parameters for corporate swine production and a clear democratic process for citizens.

**BYRON BIRD AND ASSOCIATES, CHARTERED**

CERTIFIED PUBLIC ACCOUNTANTS

316-624-1994
324 N. LINCOLN
LIBERAL, KANSAS 67901

February 17, 1998

FAX 785-296-0251

I understand that there is under consideration HB 2930 that deals with some of the problems concerning corporate swine production facilities. I have heard that the main points are as follows:

- 1) To close the loophole allowing a feedlot for swine production. I believe that this is an excellent piece of legislation. I would support that item. After Seward County voted to rescind the corporate swine resolution, Seaboard contended that they could still come into Seward County as a feedlot as long as they had no farrowing, breeding, or nursery units. I disagreed with that position and I appreciate the legislature closing that potential loophole.
- 2) Limit number of hogs to 50,000 in any county that has voted to keep them out. My questions would be "Is this an absolute number or is it animal units? Does this refer to additional hogs in expansion facilities or total hogs, including existing facilities?" For example, DeKalb Swine Breeders already has over 70,000 hogs in Seward County. If it is the total number of hogs (including existing facilities), not animal units, then I would support that action.
- 3) Option to have a county wide vote every two years. This could be a minus for those of us that have voted against corporate swine facilities by a 3 to 1 margin. That could put us in the position of having to do battle with the mega hog companies every two years. If it was only available to the counties that have approved swine production facilities then I would support that action.

As you can tell, I have not read the complete proposal. However, I am in favor of the above points with the comments that I have made concerning them. However, there is a possibility that a two year moratorium may be better. This would allow sufficient time to obtain sound science from the KSU 5 year study with which to draft regulations that would be acceptable to all parties concerned.

Sincerely,

Byron G. Bird

House Agriculture Committee
February 18, 1998
Attachment 6

TESTIMONY IN SUPPORT OF HOUSE BILL 2950

The reason I am supporting Bruce Larkin's Bill 2950 is because if MULTINATIONAL SWINE CORPORATIONS are allowed to compete with INDIGENOUS, PRIVATELY OWNED FARMS.....UNREGULATED, WITHOUT BUILT-IN SAFE GUARDS.....they will NOT SAVE the family farms,....They will "ENSLAVE" them. Whenever these HUGE CORPORATIONS have subsidiaries and free access to foreign markets, to not only sell or market their finished product but to export raw products such as grain back into the U.S. in order to keep the local grain price low and thus increase their PROFIT MARGINS by KEEPING their expenses low. NO LOCAL BUSINESS will be able to COMPETE with them.

WITHOUT LEGISLATIVE SAFEGUARDS, these PROFIT DRIVEN MULTINATIONAL CORPORATIONS will end up "ENSLAVING" the LOCAL INDIGENOUS FARMERS, or local producers of food or human energy....INSTEAD of SAVING them as is being PROMOTED now by many legislatures and MULTINATIONAL CORPORATION supporters.

They will do this by PROMOTING LEGISLATION that supports their operations, while blocking bills that would keep the playing field level.

They will do this by finding LOOPHOLES in the laws that could restrict them...such as pretending to be FAMILY FARMS whenever the only place that they exist as a FAMILY FARM...IS...in the "EYES" of the written law and NO where else.

They will do this by CONTROLLING the MARKETS of their COMPETITORS, the TRUE FAMILY FARM, by displacing or keeping their markets so low that they will have NO CHOICE but to either sell out to the MNC'S or become "ENSLAVED" to them by becoming "CONTRACT FARMERS" or LOW WAGE EMPLOYEES on their own farms.

In this way, the LARGE MNC'S can gain TOTAL CONTROL over food production, over the LAND upon which food, human energy is produced,.....WITHOUT BUYING A SINGLE ACRE. The LIABILITY of owning the ground.. such as carrying insurance and paying property taxes... will be the PRIVILEGE of the LOCAL FARMER. "RISK SHARING" will automatically become "RISK SHIFTING".

If you believe this is a bunch of HOT AIR, ASK your local "RURAL ELECTRIC COOPERATIVES" what they think about RETAIL WHEELING".....or.....the DEREGULATION of VERTICAL INTEGRATION, within the INDUSTRY of ELECTRICAL PROVIDERS. Within this month's REC'S publication they have a 2 page article exclaiming the fact that if this is allowed to happen.....WITHOUT APPROPRIATE CONSUMER and INDUSTRY SAFEGUARDS.....IT WILL BE DEVASTATING upon the small consumers as well as the LOCAL PROVIDERS of ELECTRICAL ENERGY.

The LOCAL communities must have the right or privilege of VOTING upon this issue, for if they do not get to, PROFIT DRIVEN MNC'S or CORPORATE SWINE PRODUCERS will MINE OUT the local resident's only source of water even if they do not pollute it because CONCENTRATION or DENSITY of facilities, and therefore TOTAL WATER USE, is one of the many FACETS which is NOT covered by any written law at any level of Government including Kansas's own famous KDHE.

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*House Agriculture Committee
February 18, 1998
Attachment 7*

2

OF ALL the SAFEGUARDS in place, which many LEGISLATORS swear are more than adequate, the THREE VERY MOST IMPORTANT ONES ARE TOTALLY MISSING and that is..(1) the ABILITY of the LOCAL RESIDENTS to IDENTIFY and DISTINGUISH the difference BETWEEN TRUE FAMILY FARMS and PROFIT DRIVEN, MULTINATIONAL CORPORATE MINING OPERATIONS. (2) Once IDENTIFIED, the ability to PROTECT THEIR WATER SOURCE, MARKETS, and ENVIRONMENT FROM DEPLETION and CONTROL by these PROFIT-DRIVEN MNC'S MINING OPERATIONS And..(3) to PRESERVE LOCAL CONTROL by ASSURING the LOCAL RESIDENTS that they WILL be ABLE to HAVE BINDING ELECTIONS on ALL IMPORTANT ISSUES.

The TRUTH contained within the words of former Supreme Court Justice, Louis Brandeis, has recently "COME TO LIFE" within several counties in Western Kansas. He has been quoted as saying....."We can have DEMOCRACY within this country; or we can have WEALTH IN THE HANDS OF A FEW. We CAN'T HAVE BOTH!"

Jerold Hubbard, R.R.# 2, P.O.Box 26B, Johnson, Kansas 67855
316-593-4436

TESTIMONY
HOUSE BILL 2930
FEBRUARY 18, 1998

Dear House Agriculture Committee,

I commend you for the hearing on House Bill 2930. I would like to make a statement in favor of this bill because it supports the values of what America was founded on by closing the loop-holes that do not support the voice of the people.

The whole issue of mega hog farms (corporate, or family) has brought a challenge to us as Americans and the democratic way. "For the People by the People." When America speaks thro her vote she has upheld the values she was founded on. When legislation allows loop holes that undermine the voice of the people we are in danger of losing that foundation. Worse yet is leadership that will not let the people exercise their rights to vote.

As you may know, several counties petitioned for a vote in 1995 and were refused that vote by their leaders. Other counties have been allowed to vote but their leaders have not taken action to support the voice of their people. Whether the decision of the people is right or wrong, it should be the voice of the people. America has turned away from her high values of honesty and integrity and upholding the truths. Now we operate on loop-holes and half truths to accomplish the desire of greed and power and what someone else thinks is good for us.

It's my understanding that several legislators and the Governor have made a trips to Southwest Kansas and taken tours of these mega hog farms sponsored by Seaboard. I also have taken a tour of Seaboard and would like to challenge each legislators and the Governor to come back to Southwest Kansas and take a tour of the people. Only then can you say you've seen it all and that you have an objective view when you make decisions that affect the lives of the people that elected you.

It troubles me when I hear legislators from our area say there is no real opposition now, that they supported the corporate hog farm bill because of what their people wanted. A questionnaire that only goes to a select few people and doesn't deal with the issue directly is a sad reflection of representation of the people. A vote is the only true reflection of the voice of the people.

Kansas is the Heartland of America. Let's keep her that way by making a stand based on truth, honesty, integrity and the heart of the people. Without heart we have a cold nation that has no hope.

Thank you for your time and Thanks to those who sponsored this bill. You restore my faith in government.

Karen Nix
Stevens County

*House Agriculture Committee
February 18, 1998
Attachment 8*

TOTAL P.01
P. 1

Dear Ladies and Gentlemen:

We are testifying in behalf of Bill #2930. We need a closure to the feedlot exemption concerning the finishing of hogs. In fact, we do not need these hogs period-- breeding, farrowing, fattening and finishing. No hogs--period.

No one should enter the county with more than 50,000 hogs in a county which has voted against hogs--- No corporation, family farm, partnership, sole proprietorship, or any other business form. A vote should be allowed every 2 years after a prior action has been taken if it is so petitioned.

Larry G. Birmingham

Larry G. Birmingham
Box 217
Sublette, Ks. 67877
(316) 675-8020

Edna I. Birmingham

Edna I. Birmingham
702 Anderson Street
Garden City, Ks. 67846

*House Agriculture Committee
February 18, 1998
Attachment 9*



Kansas Dairy Association

Providing a unified voice for Kansas dairy farmers

Warren Winter
President
Hillsboro

Cletus Grosdidier
Vice President
Eudora

Roy Buessing
Treasurer
Axtell

Richard Benoit
Damar

Walter Burress
Augusta

Richard Gress
Seneca

Joe Hinton
Fort Scott

Dennis Metz
Wellington

Elwood Schmidt
Riley

Office

4210 Wam-Teau Drive
Wamego, KS 66547
785-456-8357
FAX 785-456-9705

**Testimony To The House Agriculture Committee
In Opposition Of HB 2930**

**By
The Kansas Dairy Association
Kerri Ebert, Executive Secretary**

February 18, 1998

Chairman Flower, members of the Committee, I am Kerri Ebert, executive secretary of the Kansas Dairy Association. Our association's obligation is to represent the state's 800 dairy farmers with regard to legislative and regulatory issues that affect the dairy industry.

While HB 2930 is not a dairy industry-specific bill, we have chosen to speak in theoretical opposition. It appears to our industry that this bill would set strict limits on the size of livestock operations. Dairy producers are concerned about the precedent being set with this legislation. We have a number of concerns (in the form of questions) about the effects of this legislation that we hope you will consider carefully before acting on this bill.

First, if allowed to become law for the swine industry in Kansas, how long will it take before the Legislature limits the size of our dairy operations?

How big is too big? Who among us is qualified to determine how many animals is too many for one producer to own? In our industry the national trend is toward fewer, but larger dairies. In Kansas the average dairy herd size has jumped from 66 head in 1993 to 100 head in 1998. The dairies in our state range in size from about 10 head to 5,000 head. For years, our producers have been told to expand so that they can benefit from the economies of scale and maximize the efficiencies of their dairy. Buying feed in quantity and selling milk in quantity is desirable. We believe that the intense time commitment of good animal husbandry means that producers will not tend to take on more animals than they can realistically handle.

Is it wise to legislate size limits on businesses?

We ask you to seriously consider the consequences of HB2930 in your deliberations. Thank you.

*House Agriculture Committee
February 18, 1998
Attachment 10*



Since 1894

Testimony

presented by

Rich McKee

Executive Secretary, Feedlot Division

regarding

House Bill 2930

before the

House Agriculture Committee

February 18, 1998

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 7,400 members on legislative and regulatory issues. KLA members are involved in all segments of the livestock industry including cow-calf, feedlot, seedstock, swine, dairy and sheep. In 1996 cash receipts from agriculture products totaled over \$7.8 billion, with nearly sixty percent of that coming from the sale of livestock. Cattle represent the largest share of cash receipts, representing approximately ninety percent of the livestock and poultry marketings.

*House Agriculture Committee
February 18, 1998
Attachment 11*

Chairperson Flower and members of the House Agriculture Committee, thank you for the opportunity to testify. My name is Rich McKee and I am representing the Kansas Livestock Association.

The Kansas Livestock Association has and continues to support legislation that will allow agriculture operations the freedom to utilize the most favorable business structure available. This bill begins to remove that opportunity by further limiting who can operate a swine facility based on their business structure. We oppose these types of restrictions.

Of greater concern is the language found on page 7 of the bill, lines 34 through 42. If enacted, this would set a very dangerous precedent, not only for agriculture, but for all business in Kansas. Based on the language, the state would allow counties to determine who could do business in Kansas based on the number of sows owned world-wide. Should the legislature grant this power to voters for other business? Should voters have the right to decide whether an individual can operate a trucking firm, real estate business or construction company based on the number of trucks owned, houses sold or buildings constructed? We think not.

We respectfully request the committee reject this bill. Thank you for considering our position.



Testimony to House Agriculture Committee

Opposition to House Bill 2930

Prepared by Mike Jensen, Executive Vice President

The KPPC strongly opposes any legislation which in any way further restricts the ability of swine producers in Kansas to do business. The ability of a Kansas swine feedlot to operate was codified in the comprehensive changes of the corporate farming law in 1981.

Opinions given by the Attorney General in 1983, 1985 and 1997 further enforced the legal right of any producer or business entity to feed swine bound for slaughter in any county of the state.

The bill also places a purely arbitrary restriction on who can produce swine and where based on their current involvement in the industry (50,000 sows). We question what possible public policy is served by limiting where an operation may locate in Kansas based on how many sows a producer might own in China.

Our last area of opposition in this bill is in regards to the ability of a county to continue to vote (allowable every two years) on swine production facilities. The business decision to make a large capitol investment in a county under the threat that every two years you could be subject to public referendum, is contrary to success. The economic development message this proposed legislation sends would be detrimental to not only our industry but every other statewide.

*House Agriculture Committee
February 18, 1998
Attachment 12*