



Since 1894

To: Senate Agriculture Committee
Senator Mark Taddiken, Chair

From: Aaron Popelka, Vice President of Legal and Governmental Affairs, Kansas Livestock Association

Re: **Testimony in Support of House Bill No. 2502.**

Date: February 15, 2012

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,300 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.

Thank you, Mr. Chairman and members of the Committee, for allowing me to represent the views of KLA on HB 2502. My testimony will only address the dairy production facility component of this legislation. If one change were made to the dairy-related section of the bill, KLA would support its passage.

As originally proposed by the Kansas Department of Agriculture and introduced by the House Agriculture and Natural Resources Committee, HB 2502 would allow a decision by the board of county commissioners to allow a dairy production facility to stand unless challenged by a protest petition signed by ten percent of qualified county electors. The current law allows a county commission's decision to be challenged by a protest petition signed by five percent of qualified county electors. Unfortunately, an amendment in the House Agriculture and Natural Resources Committee took the ten percent threshold back to the five percent threshold in current law.

KLA supports this Committee reinstating the original language of HB 2502 and establishing ten percent of county electors as the threshold for a successful protest petition. KLA's concern is that five percent in a county like Greeley County where the population is only 1,247 people opens the door for a small amount of people to hold up needed economic development. In a county like Greeley it would take only 62 people to complete a successful protest petition. This would allow a few people, potentially miles from any planned facility to hold up a facility. Even if the protest petition was unsuccessful, the facility must still comply with separation distance rules established by the state. Moving the protest petition threshold to ten percent would still allow legitimate protest petitions to be successful, while keeping a very small and potentially unaffected populace from delaying construction of a dairy production facility.