

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2502

By Committee on Agriculture and Natural Resources

1-23

Proposed Amendment to HB 2502 by
Senator Francisco
Committee on Agriculture
February 22, 2012
Prepared by David Wise
Office of Revisor of Statutes

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

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

5 Section 1. K.S.A. 17-5907 is hereby amended to read as follows: 17-
6 5907. (a) (1) The board of county commissioners, by resolution, may
7 permit or deny a dairy production facility, as defined in K.S.A. 17-5903,
8 and amendments thereto, to be established within the county. Such
9 resolution shall be published once each week for two consecutive weeks in
10 the official county newspaper. The resolution shall take effect 60 days after
11 final publication unless a valid petition in opposition to the same is filed.

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

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

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% 10% 5% of the electors of the county
31 who 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 a corporation, trust,
35 limited liability company, limited partnership or corporate partnership,
36

The board of county commissioners, by resolution, may submit to the qualified voters of the county a proposition to allow dairy 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 dairy production facilities shall be allowed to be established in such county at the next state, county or special election.
(b)

(d)

(c)

1 other than a family farm corporation, authorized farm corporation, limited
2 liability agricultural company, limited agricultural partnership, family
3 trust, authorized trust or testamentary trust shall be allowed to, either
4 directly or indirectly, own, acquire or otherwise obtain or lease any
5 agricultural land in _____ county for the purpose of establishing a
6 dairy production facility."

7 (3) Upon the submission of a valid petition calling for an election
8 pursuant to this subsection, the county election officer shall submit the
9 question, as established in subsection (e), of whether a dairy production
10 facility shall be allowed to be established in such county at the next
11 countywide election which occurs more than 60 days after the petition is
12 filed with the county election officer.

13 (e) In any election established pursuant to this section, the following
14 shall appear on the ballot:

15 "Shall a corporation, trust, limited liability company, limited
16 partnership or corporate partnership, other than a family farm corporation,
17 authorized farm corporation, limited liability agricultural company, limited
18 agricultural partnership, family trust, authorized trust or testamentary trust
19 be allowed to, either directly or indirectly, own, acquire or otherwise
20 obtain or lease any agricultural land in _____ county for the purpose of
21 establishing a dairy production facility? Such facility shall be in
22 compliance with rules and regulations of the Kansas department of
23 health and environment, the Kansas department of agriculture and
24 any other state agency."

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

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

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

39 Sec. 2. K.S.A. 17-5908 is hereby amended to read as follows: 17-
40 5908. (a) The board of county commissioners, by resolution, may submit
41 to the qualified voters of the county a proposition to allow swine
42 production facilities, as defined in K.S.A. 17-5903, and amendments
43 thereto, to be established within the county. Upon adoption of such

(d)

(e)

(f)

(g)

1 resolution, the county election officer shall submit the question of whether
2 swine production facilities shall be allowed to be established in such
3 county at the next state or county-wide regular or special election.

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

9 (2) A petition to submit a proposition to the qualified voters of a
10 county pursuant to this subsection (b) shall be filed with the county
11 election officer. The petition shall be signed by qualified voters of the
12 county equal in number to not less than 5% of the voters of the county who
13 voted for the office of secretary of state at the last preceding general
14 election at which such office was elected. The following shall appear on
15 the petition:

16 "We request an election to determine whether corporate swine
17 production facilities shall be allowed to be established in _____ county,
18 pursuant to K.S.A. 17-5904."

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

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

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

36 (e) The election provided for by this section shall be conducted, and
37 the votes counted and canvassed, in the manner provided by law for
38 question submitted elections of the county, except that the county election
39 officer shall publish in the official county newspaper a notice of such
40 election once each week for two consecutive weeks, the first publication to
41 be not less than 21 days before the election, and such notice shall state the
42 date and time of the election and the proposition that will appear on the
43 ballot. (a) (1) The board of county commissioners, by resolution, may

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, county or special election.

(b)

1 permit or deny a swine production facility; as defined in K.S.A. 17-5903,
2 and amendments thereto, to be established within the county. Such
3 resolution shall be published once each week for two consecutive weeks in
4 the official county newspaper. The resolution shall take effect 60 days after
5 final publication unless a valid petition in opposition to the same is filed.

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

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

20 (2) A petition to submit a proposition to the qualified voters of a
21 county pursuant to this section shall be filed with the county election
22 officer. The petition shall be signed by qualified electors of the county
23 equal in number to not less than ~~10%~~ 5% of the electors of the county who
24 voted for the office of secretary of state at the last preceding general
25 election at which such office was elected. The following shall appear on
26 the petition:

27 "We request an election to determine whether a corporation, trust,
28 limited liability company, limited partnership or corporate partnership,
29 other than a family farm corporation, authorized farm corporation,
30 limited liability agricultural company, limited agricultural partnership,
31 family trust, authorized trust or testamentary trust shall be allowed to,
32 either directly or indirectly, own, acquire or otherwise obtain or lease any
33 agricultural land in _____ county for the purpose of establishing a
34 swine production facility."

35 (3) Upon the submission of a valid petition calling for an election
36 pursuant to this subsection, the county election officer shall submit the
37 question, as established in subsection ~~(e)~~ of whether a swine production
38 facility shall be allowed to be established in such county at the next
39 countywide election which occurs more than 60 days after the petition is
40 filed with the county election officer.

41 ~~(e)~~ In any election established pursuant to this section, the following
42 shall appear on the ballot:
43 "Shall a corporation, trust, limited liability company, limited

(d)

(c)

(d)

1 partnership or corporate partnership, other than a family farm
2 corporation, authorized farm corporation, limited liability agricultural
3 company, limited agricultural partnership, family trust, authorized trust or
4 testamentary trust be allowed to, either directly or indirectly, own, acquire
5 or otherwise obtain or lease any agricultural land in _____ county for
6 the purpose of establishing a swine production facility? Such facility shall
7 be in compliance with rules and regulations of the Kansas department
8 of health and environment, the Kansas department of agriculture and
9 any other state agency."

(e)

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

(f)

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

(g)

21 ~~(h)~~ The election provided for by this section shall be conducted, and
22 the votes counted and canvassed, in the manner provided by law for
23 question submitted elections of the county.
24 Sec. 3. K.S.A. 17-5907 and 17-5908 are hereby repealed.
25 Sec. 4. This act shall take effect and be in force from and after its
26 publication in the statute book.
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