

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2502

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2502 would make amendments to the provisions of law which permit certain dairy production facilities and swine production facilities to be established in counties under the Kansas Corporate Farming Law. The bill would align the process for approval of the establishment of a swine production facility with that of a dairy production facility by county commissions and, under certain conditions, by qualified electors.

Under the bill, the provisions relating to dairy production facilities would be amended to clarify that if there is an election it would be at the next state, county, or special countywide election. In addition, these provisions would be amended to allow a board of county commissioners to either permit (current law) or deny by resolution the issue of the establishment of a dairy production facility in its county. The provision of the law dealing with the language to be placed on the ballot on the question of whether to permit the establishment of a dairy production facility would be amended to include language stating that the facility would be in compliance with rules and regulations of the Kansas Department of Health and Environment, the Kansas Department of Agriculture, and any other appropriate state agency.

With respect to the establishment of swine production facilities in counties, the current provisions of law which require a vote by the electors of a county would be repealed.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Under the new provisions, a board of county commissioners would be authorized by resolution to permit or deny a swine production facility within its county. The permission or denial would be subject to a petition protesting the decision within 60 days of the resolution signed by five percent of the county voters in the last Secretary of State election. The submission of the petition would result in the issue being placed before the qualified voters at the next county, state, or special countywide election. Identical to the provisions relating to dairy production facilities, the ballot language also would require that the proposed facility be in compliance with rules and regulations of the Kansas Department of Health and Environment, the Kansas Department of Agriculture, or any other appropriate state agency. The denial by the county commissioners of such a production facility, which under current law represents an absolute rejection, also would be subject to a petition protesting said denial following the guidelines of a petition protesting the establishment of such a facility.

Background

The bill was introduced at the request of a spokesperson from the Kansas Department of Agriculture. At the hearing on the bill, two representatives of the Kansas Department of Agriculture appeared in support of the bill. These conferees indicated that one of the objectives of the current Administration was to grow the animal agriculture industry in the State. They indicated that the original bill was designed to strengthen the role of Kansas in animal agriculture in the world. Other proponents included a representative of the Kansas Pork Association and the Hodgeman County Economic Development Director. Written support for the bill also was provided by the Deputy Secretary of the Kansas Department of Agriculture. Neutral testimony was provided by a spokesperson representing the Kansas Farm Bureau.

Testimony in opposition to the bill was provided by representatives of the Kansas Farmers Union and the Kansas Rural Center.

The fiscal note on the bill indicates that there would be no impact on the Kansas Department of Agriculture and that any expenses for the requirements of the bill would be borne by the counties.