

Testimony on SB 168
to
The Senate Committee on Agriculture
By Chelsea Good
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Good afternoon, Chairman Love and members of the committee.

I am Chelsea Good, a staff attorney with the Kansas Department of Agriculture, and I am here to express KDA's support for SB 168. This bill will provide an important added layer of protection for farmers and ranchers from nuisance claims.

Kansas has a rich heritage rooted in agriculture. That tradition lives strong today as agriculture remains our state's largest economic driver. With a constant eye on improving their practices, Kansas farmers and ranchers are producing more food, fiber and energy than ever before using fewer resources. In today's agriculture, in addition to investing in conservation practices and in improvements to animal herds, agricultural facilities and equipment and to investing to comply with many state and federal regulations, farmers and ranchers are oftentimes forced to invest financial resources to protect their livelihood from an onslaught of legal attacks, including nuisance claims.

Currently, the Kansas protection of farmland and agricultural activities law limits the liability agricultural operations may face from nuisance claims. In Kansas, agricultural activities conducted on farmland established prior to the surrounding nonagricultural activities are presumed to be reasonable and do not constitute a nuisance. As individuals and groups opposed to modern agriculture across the nation have sought the legal system as a means to severely restrict and in some cases totally end production agriculture as we know it, some states, including our neighbors in Missouri, have strengthened agricultural nuisance protection laws, sometimes called right-to-farm laws, in recent years to increase protection of agricultural interests against this onslaught of legal attacks.

Kansas farmers and ranchers work 365 days a year, regardless of weather extremes, volatile markets and many other challenges. They make sacrifices in order to care for their animals and crops. They should not have to worry about unwarranted and expensive nuisance lawsuits being brought against them as well.

SB 168 will provide increased protection of farmland and agricultural activities from nuisance claims. This legislation will limit the damages agricultural operations may face in permanent nuisance claims to the reduction of fair market value of the affected property. For temporary agricultural nuisances, damages will be limited to the lesser of the reduction of fair rental value of the affected property caused by the nuisance, the value of the loss of the use and enjoyment of the affected property, or the reasonable cost to repair or the injury caused by such nuisance. The bill clarifies that agricultural

operations can expand, decrease or temporarily cease operation and still receive right-to-farm protections. It also makes clear that agricultural activities include activities related to the handling, storage, and transportation of agricultural commodities. Finally, SB 168 also strengthens Kansas right-to-farm law by clarifying that this protected status is assignable and inheritable. These actions to strengthen Kansas right-to-farm law will take important steps to protect Kansas farmland and agricultural operations and allow Kansas farmers and ranchers to focus on doing what they do best – growing healthy, wholesome food to feed your family and mine.

Thank you for the opportunity to speak with you today. I will stand for questions at the appropriate time.