

SENATE BILL No. 365

By Committee on Assessment and Taxation

2-2

1 AN ACT concerning agriculture; relating to poultry processing facilities
2 and poultry slaughter facilities; providing for the establishment thereof
3 in a county; amending K.S.A. 2017 Supp. 17-5903 and 17-5904 and
4 repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) (1) Notwithstanding the provisions of K.S.A. 17-
8 5904, and amendments thereto, on or after July 1, 2018, no individual,
9 corporation, trust, limited liability company, limited partnership, corporate
10 partnership, family farm corporation, authorized farm corporation, limited
11 liability agricultural company, family farm limited liability agricultural
12 company, limited agricultural partnership, family trust, authorized trust or
13 testamentary trust shall, either directly or indirectly, own, acquire or
14 otherwise obtain or lease any agricultural land in this state for the purpose
15 of establishing a poultry processing facility or a poultry slaughter facility,
16 as such terms are defined in K.S.A. 17-5903, and amendments thereto.

17 (2) The restrictions provided in subsection (a)(1) do not apply to
18 agricultural land held by an individual, corporation, trust, limited liability
19 company, limited partnership, corporate partnership, family farm
20 corporation, authorized farm corporation, limited liability agricultural
21 company, family farm limited liability agricultural company, limited
22 agricultural partnership, family trust, authorized trust or testamentary trust
23 for use as: (A) A poultry processing facility in any county that has voted
24 favorably pursuant to section 2, and amendments thereto, either by county
25 resolution or by the electorate; or (B) a poultry slaughter facility in any
26 county that has voted favorably pursuant to section 3, and amendments
27 thereto, either by county resolution or by the electorate.

28 (b) Any individual, corporation, trust, limited liability company,
29 limited partnership or corporate partnership, family farm corporation,
30 authorized farm corporation, limited liability agricultural company, family
31 farm limited liability agricultural company, limited agricultural
32 partnership, family trust, authorized trust or testamentary trust violating
33 the provisions of this section shall be subject to a civil penalty of not more
34 than \$50,000 and shall divest itself of any land acquired in violation of this
35 section within one year after judgment is entered in the action. The district
36 courts of this state may prevent and restrain violations of this section

1 through the issuance of an injunction. The attorney general or district or
2 county attorney shall institute suits on behalf of the state to enforce the
3 provisions of this section.

4 (c) Civil penalties sued for and recovered by the attorney general
5 shall be paid into the state general fund. Civil penalties sued for and
6 recovered by the county attorney or district attorney shall be paid into the
7 general fund of the county where the proceedings were instigated.

8 New Sec. 2. (a) (1) The board of county commissioners, by
9 resolution, shall permit or deny any poultry processing facility, as such
10 term is defined in K.S.A. 17-5903, and amendments thereto, that processes
11 more than 250,000 poultry per year, to be established within the county by
12 an individual, corporation, trust, limited liability company, limited
13 partnership, corporate partnership, family farm corporation, authorized
14 farm corporation, limited liability agricultural company, family farm
15 limited liability agricultural company, limited agricultural partnership,
16 family trust, authorized trust or testamentary trust. Such resolution shall be
17 published once each week for two consecutive weeks in the official county
18 newspaper. The resolution shall take effect 60 days after final publication,
19 unless a valid petition in opposition to the same is filed.

20 (2) If, within 60 days of the final publication of the resolution, a valid
21 protest petition to submit the resolution to the qualified electors of the
22 county is signed by qualified electors of the county, equal in number to not
23 less than 5% of the electors of the county who voted for the office of
24 secretary of state at the last preceding general election at which such office
25 was elected and is filed with the county election officer, the county
26 election officer shall submit the question, as established in subsection (c),
27 of whether such poultry processing facility shall be allowed to be
28 established in such county at the next state, county or special election.

29 (b) (1) The board of county commissioners, upon a petition filed in
30 accordance with subsection (b)(2), shall submit to the qualified electors of
31 the county a proposition to permit such poultry processing facility, as such
32 term is defined in K.S.A. 17-5903, and amendments thereto, to be
33 established within the county by an individual, corporation, trust, limited
34 liability company, limited partnership, corporate partnership, family farm
35 corporation, authorized farm corporation, limited liability agricultural
36 company, family farm limited liability agricultural company, limited
37 agricultural partnership, family trust, authorized trust or testamentary trust.

38 (2) A petition to submit a proposition to the qualified voters of a
39 county pursuant to this section shall be filed with the county election
40 officer. The petition shall be signed by qualified electors of the county
41 equal in number to not less than 5% of the electors of the county who
42 voted for the office of secretary of state at the last preceding general
43 election at which such office was elected. The following shall appear on

1 the petition:

2 "We request an election to determine whether an individual,
3 corporation, trust, limited liability company, limited partnership, corporate
4 partnership, family farm corporation, authorized farm corporation, limited
5 liability agricultural company, family farm limited liability agricultural
6 company, limited agricultural partnership, family trust, authorized trust or
7 testamentary trust shall be allowed to, either directly or indirectly, own,
8 acquire or otherwise obtain or lease any agricultural land in _____
9 county for the purpose of establishing a poultry processing facility."

10 (3) Upon the submission of a valid petition calling for an election
11 pursuant to this subsection, the county election officer shall submit the
12 question, as established in subsection (c), of whether such poultry
13 processing facility shall be allowed to be established in such county at the
14 next countywide election that occurs more than 60 days after the petition is
15 filed with the county election officer.

16 (c) In any election established pursuant to this section, the following
17 shall appear on the ballot:

18 "Shall an individual, corporation, trust, limited liability company,
19 limited partnership, corporate partnership, family farm corporation,
20 authorized farm corporation, limited liability agricultural company, family
21 farm limited liability agricultural company, limited agricultural
22 partnership, family trust, authorized trust or testamentary trust be allowed
23 to, either directly or indirectly, own, acquire, or otherwise obtain or lease
24 any agricultural land in _____ county for the purpose of establishing
25 a poultry processing facility?"

26 (d) If a majority of the votes cast and counted are in opposition to
27 allowing such poultry processing facility to be established in such county,
28 the county election officer shall transmit a copy of the result to the
29 secretary of state, who shall publish in the Kansas register the result of
30 such election and that such poultry processing facility is not allowed to be
31 established in such county.

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

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

40 New Sec. 3. (a) (1) The board of county commissioners, by
41 resolution, shall permit or deny any poultry slaughter facility, as such term
42 is defined in K.S.A. 17-5903, and amendments thereto, that slaughters
43 more than 250,000 poultry per year, to be established within the county by

1 an individual, corporation, trust, limited liability company, limited
2 partnership, corporate partnership, family farm corporation, authorized
3 farm corporation, limited liability agricultural company, family farm
4 limited liability agricultural company, limited agricultural partnership,
5 family trust, authorized trust or testamentary trust. Such resolution shall be
6 published once each week for two consecutive weeks in the official county
7 newspaper. The resolution shall take effect 60 days after final publication,
8 unless a valid petition in opposition to the same is filed.

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

18 (b) (1) The board of county commissioners, upon a petition filed in
19 accordance with subsection (b)(2), shall submit to the qualified electors of
20 the county a proposition to permit such poultry slaughter facility, as such
21 term is defined in K.S.A. 17-5903, and amendments thereto, to be
22 established within the county by an individual, corporation, trust, limited
23 liability company, limited partnership, corporate partnership, family farm
24 corporation, authorized farm corporation, limited liability agricultural
25 company, family farm limited liability agricultural company, limited
26 agricultural partnership, family trust, authorized trust or testamentary trust.

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% of the electors of the county who
31 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 an individual,
35 corporation, trust, limited liability company, limited partnership, corporate
36 partnership, family farm corporation, authorized farm corporation, limited
37 liability agricultural company, family farm limited liability agricultural
38 company, limited agricultural partnership, family trust, authorized trust or
39 testamentary trust shall be allowed to, either directly or indirectly, own,
40 acquire or otherwise obtain or lease any agricultural land in _____
41 county for the purpose of establishing a poultry slaughter facility."

42 (3) Upon the submission of a valid petition calling for an election
43 pursuant to this subsection, the county election officer shall submit the

1 question, as established in subsection (c), of whether such poultry
2 slaughter facility shall be allowed to be established in such county at the
3 next countywide election that occurs more than 60 days after the petition is
4 filed with the county election officer.

5 (c) In any election established pursuant to this section, the following
6 shall appear on the ballot:

7 "Shall an individual, corporation, trust, limited liability company,
8 limited partnership, corporate partnership, family farm corporation,
9 authorized farm corporation, limited liability agricultural company, family
10 farm limited liability agricultural company, limited agricultural
11 partnership, family trust, authorized trust or testamentary trust be allowed
12 to, either directly or indirectly, own, acquire, or otherwise obtain or lease
13 any agricultural land in _____ county for the purpose of establishing
14 a poultry slaughter facility?"

15 (d) If a majority of the votes cast and counted are in opposition to
16 allowing such poultry slaughter facility to be established in such county,
17 the county election officer shall transmit a copy of the result to the
18 secretary of state, who shall publish in the Kansas register the result of
19 such election and that such poultry slaughter facility is not allowed to be
20 established in such county.

21 (e) If a majority of the votes cast and counted is in favor of the
22 proposition, the county election officer shall transmit a copy of the result
23 to the secretary of state, who shall publish in the Kansas register the result
24 of such election and that such poultry slaughter facility is allowed to be
25 established in such county.

26 (f) The election provided for by this section shall be conducted, and
27 the votes counted and canvassed, in the manner provided by law for
28 question-submitted elections of the county.

29 Sec. 4. K.S.A. 2017 Supp. 17-5903 is hereby amended to read as
30 follows: 17-5903. As used in this act:

31 (a) "Corporation" means a domestic or foreign corporation organized
32 for profit or nonprofit purposes.

33 (b) "Nonprofit corporation" means a corporation organized not-for-
34 profit and ~~which~~that qualifies under section 501(c)(3) of the federal
35 internal revenue code of 1986 as amended.

36 (c) "Limited partnership" has the meaning provided by K.S.A. 56-
37 1a01, and amendments thereto.

38 (d) "Limited agricultural partnership" means a limited partnership
39 founded for the purpose of farming and ownership of agricultural land in
40 which:

41 (1) The partners do not exceed 10 in number;

42 (2) the partners are all natural persons, persons acting in a fiduciary
43 capacity for the benefit of natural persons or nonprofit corporations, or

1 general partnerships other than corporate partnerships formed under the
2 laws of the state of Kansas; and

3 (3) at least one of the general partners is a person residing on the farm
4 or actively engaged in the labor or management of the farming operation.
5 If only one partner is meeting the requirement of this provision and such
6 partner dies, the requirement of this provision does not apply for the period
7 of time that the partner's estate is being administered in any district court
8 in Kansas.

9 (e) "Corporate partnership" means a partnership, as defined in K.S.A.
10 56a-101, and amendments thereto, ~~which~~^{that} has within the association
11 one or more corporations or one or more limited liability companies.

12 (f) "Feedlot" means a lot, yard, corral, or other area in which
13 livestock fed for slaughter are confined. The term includes within its
14 meaning agricultural land in such acreage as is necessary for the operation
15 of the feedlot.

16 (g) "Agricultural land" means land suitable for use in farming.

17 (h) "Farming" means the cultivation of land for the production of
18 agricultural crops, the raising of poultry, the production of eggs, the
19 production of milk, the production of fruit or other horticultural crops,
20 grazing or the production of livestock. Farming does not include the
21 production of timber, forest products, nursery products or sod, and farming
22 does not include a contract to provide spraying, harvesting or other farm
23 services.

24 (i) "Fiduciary capacity" means an undertaking to act as executor,
25 administrator, guardian, conservator, trustee for a family trust, authorized
26 trust or testamentary trust or receiver or trustee in bankruptcy.

27 (j) "Family farm corporation" means a corporation:

28 (1) Founded for the purpose of farming and the ownership of
29 agricultural land in which the majority of the voting stock is held by and
30 the majority of the stockholders are persons related to each other, all of
31 whom have a common ancestor within the third degree of relationship, by
32 blood or by adoption, or the spouses or the stepchildren of any such
33 persons, or persons acting in a fiduciary capacity for persons so related;

34 (2) all of its stockholders are natural persons or persons acting in a
35 fiduciary capacity for the benefit of natural persons; and

36 (3) at least one of the stockholders is a person residing on the farm or
37 actively engaged in the labor or management of the farming operation. A
38 stockholder who is an officer of any corporation referred to in this
39 subsection and who is one of the related stockholders holding a majority of
40 the voting stock shall be deemed to be actively engaged in the
41 management of the farming corporation. If only one stockholder is
42 meeting the requirement of this provision and such stockholder dies, the
43 requirement of this provision does not apply for the period of time that the

1 stockholder's estate is being administered in any district court in Kansas.

2 (k) "Authorized farm corporation" means a Kansas corporation, other
3 than a family farm corporation, all of the incorporators of which are
4 Kansas residents, family farm corporations or family farm limited liability
5 agricultural companies or any combination thereof, and ~~which~~ is founded
6 for the purpose of farming and the ownership of agricultural land in which:

7 (1) The stockholders do not exceed 15 in number; and

8 (2) the stockholders are all natural persons, family farm corporations,
9 family farm limited liability agricultural companies or persons acting in a
10 fiduciary capacity for the benefit of natural persons, family farm
11 corporations, family farm limited liability agricultural companies or
12 nonprofit corporations; and

13 (3) if all of the stockholders are natural persons, at least one
14 stockholder must be a person residing on the farm or actively engaged in
15 labor or management of the farming operation. If only one stockholder is
16 meeting the requirement of this provision and such stockholder dies, the
17 requirement of this provision does not apply for the period of time that the
18 stockholder's estate is being administered in any district court in Kansas.

19 (l) "Trust" means a fiduciary relationship with respect to property,
20 subjecting the person by whom the property is held to equitable duties to
21 deal with the property for the benefit of another person, ~~which~~ *that* arises as
22 a result of a manifestation of an intention to create it. A trust includes a
23 legal entity holding property as trustee, agent, escrow agent, attorney-in-
24 fact and in any similar capacity.

25 (m) "Family trust" means a trust in which:

26 (1) A majority of the equitable interest in the trust is held by and the
27 majority of the beneficiaries are persons related to each other, all of whom
28 have a common ancestor within the third degree of relationship, by blood
29 or by adoption, or the spouses or stepchildren of any such persons, or
30 persons acting in a fiduciary capacity for persons so related; and

31 (2) all the beneficiaries are natural persons, are persons acting in a
32 fiduciary capacity, other than as trustee for a trust, or are nonprofit
33 corporations.

34 (n) "Authorized trust" means a trust other than a family trust in
35 which:

36 (1) The beneficiaries do not exceed 15 in number;

37 (2) the beneficiaries are all natural persons, are persons acting in a
38 fiduciary capacity, other than as trustee for a trust, or are nonprofit
39 corporations; and

40 (3) the gross income thereof is not exempt from taxation under the
41 laws of either the United States or the state of Kansas.

42 For the purposes of this definition, if one of the beneficiaries dies, and
43 more than one person succeeds, by bequest, to the deceased beneficiary's

1 interest in the trust, all of such persons, collectively, shall be deemed to be
2 one beneficiary, and a husband and wife, and their estates, collectively,
3 shall be deemed to be one beneficiary.

4 (o) "Testamentary trust" means a trust created by devising or
5 bequeathing property in trust in a will as such terms are used in the Kansas
6 probate code.

7 (p) "Poultry confinement facility" means the structures and related
8 equipment used for housing, breeding, laying of eggs or feeding of poultry
9 in a restricted environment. The term includes within its meaning only
10 such agricultural land as is necessary for proper disposal of liquid and
11 solid wastes and for isolation of the facility to reasonably protect the
12 confined poultry from exposure to disease. ~~As used in this subsection,~~
13 ~~"poultry" means chickens, turkeys, ducks, geese or other fowl.~~

14 (q) "Rabbit confinement facility" means the structures and related
15 equipment used for housing, breeding, raising, feeding or processing of
16 rabbits in a restricted environment. The term includes within its meaning
17 only such agricultural land as is necessary for proper disposal of liquid and
18 solid wastes and for isolation of the facility to reasonably protect the
19 confined rabbits from exposure to disease.

20 (r) "Swine marketing pool" means an association whose membership
21 includes three or more business entities or individuals formed for the sale
22 of hogs to buyers but shall not include any trust, corporation, limited
23 partnership or corporate partnership, or limited liability company other
24 than a family farm corporation, authorized farm corporation, limited
25 liability agricultural company, limited agricultural partnership, family
26 trust, authorized trust or testamentary trust.

27 (s) "Swine production facility" means the land, structures and related
28 equipment used for housing, breeding, farrowing or feeding of swine. The
29 term includes within its meaning only such agricultural land as is
30 necessary for proper disposal of liquid and solid wastes in environmentally
31 sound amounts for crop production and to avoid nitrate buildup and for
32 isolation of the facility to reasonably protect the confined animals from
33 exposure to disease.

34 (t) "Limited liability company" has the meaning provided by K.S.A.
35 17-7663, and amendments thereto.

36 (u) "Limited liability agricultural company" means a limited liability
37 company founded for the purpose of farming and ownership of agricultural
38 land in which:

39 (1) The members do not exceed 10 in number; and

40 (2) the members are all natural persons, family farm corporations,
41 family farm limited liability agriculture companies, persons acting in a
42 fiduciary capacity for the benefit of natural persons, family farm
43 corporations, family farm limited liability agricultural companies or

1 nonprofit corporations, or general partnerships other than corporate
2 partnerships formed under the laws of the state of Kansas; and

3 (3) if all of the members are natural persons, at least one member
4 must be a person residing on the farm or actively engaged in labor or
5 management of the farming operation. If only one member is meeting the
6 requirement of this provision and such member dies, the requirement of
7 this provision does not apply for the period of time that the member's
8 estate is being administered in any district court in Kansas.

9 (v) "Dairy production facility" means the land, structures and related
10 equipment used for housing, breeding, raising, feeding or milking dairy
11 cows. The term includes within its meaning only such agricultural land as
12 is necessary for proper disposal of liquid and solid wastes and for isolation
13 of the facility to reasonably protect the confined cows from exposure to
14 disease.

15 (w) "Family farm limited liability agricultural company" means a
16 limited liability company founded for the purpose of farming and
17 ownership of agricultural land in which:

18 (1) The majority of the members are persons related to each other, all
19 of whom have a common ancestor within the third degree of relationship,
20 by blood or by adoption, or the spouses or the stepchildren of any such
21 persons, or persons acting in a fiduciary capacity for persons so related;

22 (2) the members are natural persons or persons acting in a fiduciary
23 capacity for the benefit of natural persons; and

24 (3) at least one of the members is a person residing on the farm or
25 actively engaged in the labor or management of the farming operation. If
26 only one member is meeting the requirement of this provision and such
27 member dies, the requirement of this provision does not apply for the
28 period of time that the member's estate is being administered in any district
29 court in Kansas.

30 (x) "Hydroponics" means the growing of vegetables, flowers, herbs,
31 or plants used for medicinal purposes, in a growing medium other than
32 soil.

33 (y) *"Poultry" means chickens, turkeys, ducks, geese or other fowl.*

34 (z) *"Poultry product" means the same as such term is defined in*
35 *K.S.A. 65-6a18, and amendments thereto.*

36 (aa) *"Poultry processing facility" means any facility or section*
37 *thereof that packs, cans, salts, renders, bones, cuts up or otherwise*
38 *manufactures poultry into poultry products. "Poultry processing facility"*
39 *does not include any facility that processes 250,000 poultry or less per*
40 *year.*

41 (bb) *"Poultry slaughter facility" means any facility or section thereof*
42 *that carries on the slaughter and dressing of poultry. "Poultry slaughter*
43 *facility" does not include any facility that slaughters 250,000 poultry or*

1 *less per year.*

2 Sec. 5. K.S.A. 2017 Supp. 17-5904 is hereby amended to read as
3 follows: 17-5904. (a) *Subject to the provisions of section 1, and*
4 *amendments thereto*, no corporation, trust, limited liability company,
5 limited partnership or corporate partnership, other than a family farm
6 corporation, authorized farm corporation, limited liability agricultural
7 company, family farm limited liability agricultural company, limited
8 agricultural partnership, family trust, authorized trust or testamentary trust
9 shall, either directly or indirectly, own, acquire or otherwise obtain or lease
10 any agricultural land in this state. The restrictions provided in this section
11 do not apply to the following:

12 (1) A bona fide encumbrance taken for purposes of security.

13 (2) Agricultural land when acquired as a gift, either by grant or
14 devise, by a bona fide educational, religious or charitable nonprofit
15 corporation.

16 (3) Agricultural land acquired by a corporation or a limited liability
17 company in such acreage as is necessary for the operation of a nonfarming
18 business. Such land may not be used for farming except under lease to one
19 or more natural persons, a family farm corporation, authorized farm
20 corporation, family trust, authorized trust or testamentary trust. The
21 corporation shall not engage, either directly or indirectly, in the farming
22 operation and shall not receive any financial benefit, other than rent, from
23 the farming operation.

24 (4) Agricultural land acquired by a corporation or a limited liability
25 company by process of law in the collection of debts, or pursuant to a
26 contract for deed executed prior to the effective date of this act, or by any
27 procedure for the enforcement of a lien or claim thereon, whether created
28 by mortgage or otherwise, if such corporation divests itself of any such
29 agricultural land within 10 years after such process of law, contract or
30 procedure, except that provisions of K.S.A. 9-1102, and amendments
31 thereto, shall apply to any bank ~~which~~ that acquires agricultural land.

32 (5) A municipal corporation.

33 (6) Agricultural land which is acquired by a trust company or bank in
34 a fiduciary capacity or as a trustee for a nonprofit corporation.

35 (7) Agricultural land owned or leased or held under a lease purchase
36 agreement as described in K.S.A. 12-1741, and amendments thereto, by a
37 corporation, corporate partnership, limited corporate partnership or trust
38 on the effective date of this act if: (A) Any such entity owned or leased
39 such agricultural land prior to July 1, 1965, provided such entity shall not
40 own or lease any greater acreage of agricultural land than it owned or
41 leased prior to the effective date of this act unless it is in compliance with
42 the provisions of this act; (B) any such entity was in compliance with the
43 provisions of K.S.A. 17-5901, prior to its repeal by this act, provided such

1 entity shall not own or lease any greater acreage of agricultural land than it
2 owned or leased prior to the effective date of this act unless it is in
3 compliance with the provisions of this act, and absence of evidence in the
4 records of the county where such land is located of a judicial
5 determination that such entity violated the provisions of K.S.A. 17-5901,
6 prior to its repeal, shall constitute proof that the provisions of this act do
7 not apply to such agricultural land, and that such entity was in compliance
8 with the provisions of K.S.A. 17-5901, prior to its repeal; or (C) any such
9 entity was not in compliance with the provisions of K.S.A. 17-5901, prior
10 to its repeal by this act, but is in compliance with the provisions of this act
11 by July 1, 1991.

12 (8) Agricultural land held or leased by a corporation or a limited
13 liability company for use as a feedlot, a poultry confinement facility or
14 rabbit confinement facility.

15 (9) Agricultural land held or leased by a corporation for the purpose
16 of the production of timber, forest products, nursery products or sod.

17 (10) Agricultural land used for bona fide educational research or
18 scientific or experimental farming.

19 (11) Agricultural land used for the commercial production and
20 conditioning of seed for sale or resale as seed or for the growing of alfalfa
21 by an alfalfa processing entity if such land is located within 30 miles of
22 such entity's plant site.

23 (12) Agricultural land owned or leased by a corporate partnership or
24 limited corporate partnership in which the partners associated therein are
25 either natural persons, family farm corporations, authorized farm
26 corporations, limited liability agricultural companies, family trusts,
27 authorized trusts or testamentary trusts.

28 (13) Any corporation, either domestic or foreign, or any limited
29 liability company, organized for coal mining purposes ~~which~~*that* engages
30 in farming on any tract of land owned by it which has been strip mined for
31 coal.

32 (14) Agricultural land owned or leased by a limited partnership prior
33 to the effective date of this act.

34 (15) Except as provided by K.S.A. 17-5908, as it existed before the
35 effective date of this act, and K.S.A. 1998 Supp. 17-5909, agricultural land
36 held or leased by a corporation or a limited liability company for use as a
37 swine production facility in any county ~~which~~*that*, before the effective
38 date of this act, has voted favorably pursuant to K.S.A. 17-5908, as it
39 existed before the effective date of this act, either by county resolution or
40 by the electorate.

41 (16) Agricultural land held or leased by a corporation, trust, limited
42 liability company, limited partnership or corporate partnership for use as a
43 swine production facility in any county where the voters, after the effective

1 date of this act, have voted pursuant to K.S.A. 17-5908, and amendments
2 thereto, to allow establishment of swine production facilities within the
3 county.

4 (17) Agricultural land held or leased by a corporation, trust, limited
5 liability company, limited partnership or corporate partnership for use as a
6 dairy production facility in any county ~~which~~*that* has voted favorably
7 pursuant to K.S.A. 17-5907, and amendments thereto, either by county
8 resolution or by the electorate.

9 (18) *Agricultural land held by an individual, corporation, trust,*
10 *limited liability company, limited partnership, corporate partnership,*
11 *family farm corporation, authorized farm corporation, limited liability*
12 *agricultural company, family farm limited liability agricultural company,*
13 *limited agricultural partnership, family trust, authorized trust or*
14 *testamentary trust for use as a poultry processing facility prior to July 1,*
15 *2018, or on and after July 1, 2018, in any county that has voted favorably*
16 *pursuant to section 2, and amendments thereto, either by county resolution*
17 *or by the electorate.*

18 (19) *Agricultural land held by an individual, corporation, trust,*
19 *limited liability company, limited partnership, corporate partnership,*
20 *family farm corporation, authorized farm corporation, limited liability*
21 *agricultural company, family farm limited liability agricultural company,*
22 *limited agricultural partnership, family trust, authorized trust or*
23 *testamentary trust for use as a poultry slaughter facility prior to July 1,*
24 *2018, or on and after July 1, 2018, in any county that has voted favorably*
25 *pursuant to section 3, and amendments thereto, either by county resolution*
26 *or by the electorate.*

27 (20) Agricultural land held or leased by a corporation or a limited
28 liability company used in a hydroponics setting.

29 (b) Production contracts entered into by a corporation, trust, limited
30 liability company, limited partnership or corporate partnership and a
31 person engaged in farming for the production of agricultural products shall
32 not be construed to mean the ownership, acquisition, obtainment or lease,
33 either directly or indirectly, of any agricultural land in this state.

34 (c) Any corporation, trust, limited liability company, limited
35 partnership or corporate partnership, other than a family farm corporation,
36 authorized farm corporation, limited liability agricultural company, family
37 farm limited liability agricultural company, limited agricultural
38 partnership, family trust, authorized trust or testamentary trust, violating
39 the provisions of this section shall be subject to a civil penalty of not more
40 than \$50,000 and shall divest itself of any land acquired in violation of this
41 section within one year after judgment is entered in the action. The district
42 courts of this state may prevent and restrain violations of this section
43 through the issuance of an injunction. The attorney general or district or

1 county attorney shall institute suits on behalf of the state to enforce the
2 provisions of this section.

3 (d) Civil penalties sued for and recovered by the attorney general
4 shall be paid into the state general fund. Civil penalties sued for and
5 recovered by the county attorney or district attorney shall be paid into the
6 general fund of the county where the proceedings were instigated.

7 Sec. 6. K.S.A. 2017 Supp. 17-5903 and 17-5904 are hereby repealed.

8 Sec. 7. This act shall take effect and be in force from and after its
9 publication in the statute book.