

REVISED
SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2816

As Recommended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2816 would amend the Farm Animal and Field Crop and Research Facilities Protection Act (Act).

The bill would remove references to a person's "intent" to damage or destroy property, which would allow the Act's prohibitions to apply to all persons, regardless of intent. The bill would add provisions prohibiting persons from knowingly making false statements on an employment application to gain access to an animal facility, field crop production area, or research facility.

The bill would also add violations for entering or remaining upon or in any property in a field crop production area development program in conjunction or coordination with a private research facility, a university, or any federal, state, or local government entity without consent of the property owner.

These violations would include flying an aircraft within the airspace directly above the property area but below the minimum safe altitude prescribed in 14 CFR 91.119(c), which contains the federal regulations of flying aircraft at minimum safe altitudes.

The bill would also clarify the penalties for violations of the Act, remove the definitions of "deprive," "effective

*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>

consent,” “possession,” and “notice,” and make technical amendments to the Act.

Background

The bill was introduced by the House Committee on Appropriations at the request of Representative Rahjes.

House Committee on Agriculture and Natural Resources

In the House Committee hearing, **proponent** testimony was provided by a representative of the Kansas Livestock Association. The proponent stated how the bill is a direct response to the 10th Circuit Court of Appeals ruling in which it struck down subsections (b), (c), and (d) of the Act, citing constitutional concerns of speech due to intent of action requirement. The bill would address the Court’s ruling by removing the intent requirements for violations and creating violations for entering or remaining upon property without owner consent. The proponent also noted that flying aircraft was not previously a part of this Act, so the bill would bring further protection to property owners.

Written-only proponent testimony was provided by representatives of the Kansas Dairy Association; Kansas Farm Bureau; Kansas Grain and Feed Association, Kansas Agribusiness Retailers Association, and Renew Kansas Biofuels Association; Kansas Pork Association; and Pet Advocacy Network.

No other testimony was provided.

Fiscal Information

According to the fiscal note provided by the Division of the Budget on the bill, the Board of Indigents’ Defense Services indicated the bill would have a negligible fiscal effect

on its operations. It also indicated that it typically does not handle cases involving only misdemeanors.

The Judicial Branch indicated the bill has the potential to increase the number of cases filed in district courts, which may increase agency operating expenditures due to additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate an exact estimate of this effect. The bill has the potential to increase collection of docket fees, fines, and supervision fees, which are deposited into the State General Fund; however, the amount of additional collections is unknown.

The Kansas Sentencing Commission estimated the bill has the potential to increase prison admissions and beds by a negligible amount. The Department of Corrections indicated the bill would have a negligible fiscal effect on agency operations. The State Board of Regents indicated the bill would have no fiscal effect on its operations or state universities. The Department of Agriculture indicated the bill would have no fiscal effect on agency operations.

Any fiscal effect associated with the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicated the bill has the potential to increase county government expenditures on law enforcement, court proceedings, and jail operations; however, an exact estimate cannot be determined. The League of Kansas Municipalities indicated enactment of the bill would have no fiscal effect on cities.

Farm Animal and Field Crop and Research Facility Protection Act; agriculture; field crop production area; research facility; animal facility