



DATE: February 19, 2013

TO: House Committee on Judiciary

FROM: Randy E. Stookey, General Counsel
Kansas Grain and Feed Association (KGFA)
Kansas Agribusiness Retailers Association (KARA)

Leslie Kaufman, President and CEO
Kansas Cooperative Council (KCC)

RE: Joint Testimony in support of HB 2292, regarding limiting nuisance actions against certain agricultural activities.

Chairman Kinzer and members of the Committee on Judiciary, thank you for allowing us the opportunity to testify in support of HB 2292. The KGFA is a voluntary state-wide trade association with a membership encompassing the entire spectrum of the grain receiving, storage, processing and shipping industry in the state of Kansas. KARA's membership includes over 700 agribusiness firms that are primarily retail facilities which supply fertilizers, crop protection chemicals, seed, petroleum products and agronomic expertise to Kansas farmers. The Kansas Cooperative Council represents all types of cooperative businesses in Kansas including agriculture marketing and supply, utilities, financial co-ops and consumer cooperatives.

For more than three decades, it has been the declared policy of the state of Kansas to protect and encourage the use of Kansas resources for the production of food and other agricultural products. In 1982, through the *Protection of farmland and agricultural activities act*, the Kansas legislature identified a growing trend of nonagricultural land use in historically agricultural areas which led to an increase in private nuisance suits. These suits often resulted in the estoppel or reduction of agricultural activities, directly harming rural Kansas economies and communities.

The act provides protection for agricultural activities from nuisance suits when the activities are conducted according to good agricultural practices and established prior to surrounding nonagricultural activities. Agricultural activities are presumed to be good agricultural practice when conducted in conformity with federal, state, and local laws and regulations, and do not adversely affect public health and safety.

We have, unfortunately, continued to see such nuisance suits brought against our members when conducting traditional agricultural activities. In furtherance of Kansas' policy to protect and encourage the use of Kansas resources, we join with the Kansas Department of Agriculture in fully supporting the proposed amendments set forth in HB 2292, including the exclusive compensatory damages provision, and the amendment to the definition of "agricultural activity" to include activities related to the handling, storage and transportation of agricultural commodities.

We thank this Committee for the opportunity to share our comments. We would ask the Committee to pass HB 2292 out of the committee favorably, and I will stand for questions at the appropriate time.