



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 87-160A

Christopher Y. Meek  
Cherokee County Attorney  
Cherokee County Courthouse  
Columbus, Kansas 66725

Re: Corporations--Agricultural Corporations--  
Prohibition Against Certain Corporations Owning  
Agricultural Land

Synopsis: A hog raising operation in which a corporation contracts with a farmer to raise hogs to a slaughter weight and the animals are taken to slaughter comes within K.S.A. 1986 Supp. 17-5904(a)(8), the feedlot exception to the proscription against a corporation directly or indirectly owning, acquiring or otherwise obtaining or leasing any agricultural land. Cited herein: K.S.A. 1986 Supp. 17-5903; 17-5904; K.S.A. 47-1502 et seq.

\* \* \*

Dear Mr. Meek:

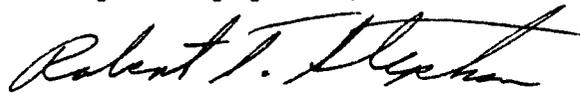
In response to an additional factual determination concerning a hog operation such as that discussed in Attorney General Opinion No. 87-160, we are issuing a clarification opinion. We have been advised that in a situation where a corporation contracts with a farmer to raise hogs to a slaughter weight, the animals are indeed taken to slaughter because there is no other marketable use for the animals. This factual information determines the applicability of an exception to the proscription found in K.S.A. 1986 Supp. 17-1504.

One of the exceptions to the proscription in K.S.A. 1986 Supp. 17-5904 (which prohibits a corporation from directly or indirectly owning, acquiring or otherwise obtaining or leasing agricultural land) is K.S.A. 1986 Supp. 17-5904(a)(8). This exception would allow a corporation to hold or lease agricultural land for use as a feedlot. A feedlot is defined in K.S.A. 1986 Supp. 17-5903(f) as a lot, yard, corral, or other area in which livestock fed for slaughter are confined. The feedlot regulation statutes found in K.S.A. 47-1502 et seq. define livestock as cattle, swine, sheep or horses. Thus, hogs can be animals that may be used in a feedlot operation, and if the hog operation requires not only that they be raised to slaughter weight but also that the animals be fed for slaughter in accordance with the statute, it is our opinion that the operation comes clearly within the feedlot exception.

In addition, we have been advised that while a swine confinement facility is equated with a feedlot (see Minutes of the House Economic Development Committee, February 1987), they are not the same. This information alleviates our concern that the 1987 Session of the Legislature had rejected a hog operation such as Rickel's as an exemption.

In summation, the additional facts presented to us persuade us to conclude that the hog operation described in Attorney General Opinion No. 87-160 comes within the feedlot exception to the proscription against a corporation indirectly or directly owning, acquiring or otherwise obtaining or leasing agricultural land.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Guen Easley  
Assistant Attorney General