

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on January 22, 2002 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Gordon Self, Revisor of Statutes
 Betty Bomar, Secretary

Conferees appearing before the committee:

Jamie Clover Adams, Secretary, Department of Agriculture
Kyle Smith, Office of the Attorney General and KBI
Todd Johnson, Kansas Livestock Association
Doug Wareham, Kansas Grain & Feed Association and the Kansas
 Agribusiness Retailers Association
Janet McPherson, Assistant Director, Kansas Farm Bureau

Others attending: See attached list

SB 395 - State of emergency disaster and unlawful acts involving contagious or infectious diseases of plants or animals

Gordon Self, Revisor of Statutes, presented an overview of **SB 395**. The legislation raises the penalty from a Class A misdemeanor to a severity level 3 nonperson felony for exposing any animal to any contagious or infectious disease; makes it unlawful for any persons to knowingly bring into the state any plant which is affected with any contagious or infectious disease, and makes the penalty a severity level 3, nonperson felony.

Jamie Clover Adams, Secretary, Kansas Department of Agriculture (KDA), stated that **SB 395**, in new section 1 (a) as drafted, could impede commerce in the green house and nursery industry and have an impact on grain markets. Further section 1 (b) could be construed to prevent any public or private research from being performed on plant diseases by prohibiting field inoculations.

In view of these concerns, Ms. Adams submitted a proposed amendment which makes clear that activities allowed under the Plant Pest Act would not be subject to the penalty as defined in **SB 395**. The proposed legislation further allows the current system of certification for public and private research to continue.

KDA supports the inclusion of plant disease on the list of issues for which the Governor may declare a state of disaster emergency. (Attachment 1)

Kyle Smith, Office of the Attorney General and the KBI, stated the Attorney General's office is in favor of **SB 395**, as it does plug some holes in the criminal code, and the legislation provides the KBI with investigative authority. There is some concern relating to the application of the severity level. A written response will be submitted at a later time.

Todd Johnson, Kansas Livestock Association (KLA), testified in support of **SB 395**, stating that since the terrorist attacks of September 22, 2001, the introduction of infectious animal or plant diseases is viewed differently than in the past. The possibility of an inadvertent introduction has changed to the threat of an intentional terrorist attack on the agricultural industry. **SB 395** protects the integrity of the Kansas agriculture industry and by increasing the penalty, brings greater awareness of and punishment of the crime. The KLA supports the passage of **SB 395**. (Attachment 2)

Doug Wareham, Kansas Grain and Feed Association (KGFA) and the Kansas Agribusiness Retailers Association (KARA) support **SB 395**, stating the proposed legislation makes it unlawful for any person to knowingly bring into this state a plant that is infected with a contagious or infectious disease or to expose plants grown in Kansas to contagious or infectious diseases. **SB 395** gives notice to all terrorist organizations that the price for knowingly harming crops in Kansas through the introduction of infectious or contagious diseases will be very high. (Attachment 3)

Janet McPherson, Assistant Director, Public Policy Division, Kansas Farm Bureau (KFB), testified in support of **SB 395**. The KFB supports the greatest penalty provisions provided by law be applied to individuals convicted of bioterrorist or ecoterrorist activities. **SB 395** ensures the Governor of Kansas has the authority to take action to address a disease outbreak that could jeopardize the agriculture sector; ensures that those who knowingly commit a crime against agricultural operators and their enterprises are subject to appropriate remedies. (Attachment 4)

The Committee asked Thomas Sim, Program Manager, Plant Protection & Weed Control Program, Department of Agriculture, whether there are any plants that could cause such a catastrophic event as addressed in **SB 395**. Mr. Sim replied that there are molds and by-products of plants that can cause severe problems in plants and crops.

Upon motion by Senator Huelskamp, seconded by Senator Umbarger, the minutes of the January 16, 2002 meeting were unanimously approved.

The meeting concluded at 9:25 a.m.

The next meeting is January 23, 2002.

