

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On March 13, 2001 in Room 313-S of the Capitol.

All members were present except:

Representative Geraldine Flaharty - Excused
Representative Andrew Howell - Excused
Representative Kathe Lloyd - Excused
Representative Rick Rehorn - Excused
Representative Clark Shultz - Excused

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Doug Wareham, Kansas Grain & Feed Association & Kansas Fertilizer & Chemical Association
Jim Yonally, Kansas Society of Land Surveyors
Doug Farrar, Kansas Society of Land Surveyors
Jean Krahn, Executive Director, Kansas Guardianship Program

Committee minutes from February 28, March 1, 5, 6 & 7 were distributed.

Hearings on **Substitute SB 36 - farm animal & field crop & research facilities protection act**, were opened.

Doug Wareham, Kansas Grain & Feed Association & Kansas Fertilizer & Chemical Association, appeared before the committee as the sponsor of the bill. This would make tougher penalties for persons who willfully destroy or damage field crops. The proposed bill is model legislation from Council of State government. (Attachment 1) He showed the committee a segment of 60 Minutes in which the Earth Liberation Front caused \$37 million in damage. Their goal is to inflict economic damages to those companies they believe cause a threat to our environment.

Senator Steve Morris did not appear before the committee but provided written testimony in support of the legislation. He also provided an article written by himself titled Fighting the Wrong Fight. (Attachment 2)

Kansas Grain Sorghum Producers Association also provided a letter in support of the proposed legislation. (Attachment 3)

Hearings on **Substitute SB 36** were closed.

Hearings on **HB 2539 - allowing land surveyors to enter upon property for a land survey**, were opened.

Jim Yonally, Kansas Society of Land Surveyors, appeared as the sponsor of the bill. He commented that it would clarify that a surveyor would be liable for any damages they might cause to property when they are conducting a survey. (Attachment 4)

Doug Farrar, Kansas Society of Land Surveyors, informed the committee that if a surveyor can not get permission to enter from the owner, he must "trespass" to get the survey done. The change would simply state that in these cases entering on land for the reason of surveys would not constitute trespassing. (Attachment 5)

Hearings on **HB 2539** were closed.

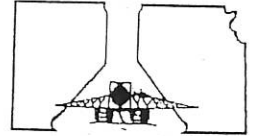
Hearings on **HB 2509 - Kansas guardianship program, volunteers under the Kansas Tort Claims Act**, were opened.

Jean Krahn, Executive Director, Kansas Guardianship Program, appeared as a proponent of the bill. She

commented that volunteers are concerned about the type of protection available to them while they serve as a guardian or conservator. This would be a proactive step by including them under the Kansas Tort Claims Act. (Attachment 6)

Hearings on **HB 2509** were closed.

The next committee meeting is scheduled for March 14, 2001.



STATEMENT OF THE
KANSAS GRAIN & FEED ASSOCIATION
AND THE
KANSAS FERTILIZER & CHEMICAL ASSOCIATION
SUBMITTED TO THE
HOUSE JUDICIARY COMMITTEE
REGARDING SUB FOR S.B. 36
REP. MIKE O'NEAL, CHAIR
MARCH 13, 2001

KGFA & KFCA MEMBERS ADVOCATE PUBLIC POLICIES THAT ADVANCE A SOUND ECONOMIC CLIMATE FOR AGRIBUSINESS TO GROW AND PROSPER SO THEY MAY CONTINUE THEIR INTEGRAL ROLE IN PROVIDING KANSANS AND THE WORLD THE SAFEST, MOST ABUNDANT FOOD SUPPLY.

Chairman O'Neal and members of the committee, I am Doug Wareham appearing today on behalf of both the Kansas Fertilizer and Chemical Association (KFCA) and the Kansas Grain and Feed Association (KGFA). KFCA's over 550 members are primarily plant nutrient and crop protection retail dealers with a proven record of supporting Kansas producers by providing the latest crop protection products and services. KGFA is comprised of more than 1100 member firms including country elevators -- both independent and cooperative -- terminal elevators, grain merchandisers, feed manufacturers and associated businesses. KGFA's membership represents 99% of the over 860 million bushels of commercially licensed grain storage space in the state of Kansas.

I want to express our support for Substitute for Senate Bill 36, which would prescribe tougher penalties than those available under current law, for persons who willfully destroy or damage field crops that are grown in conjunction with a crop product development program associated with public or private research facilities.

During the next few minutes I will do my best to provide you with information that I hope will justify the need for specific legislative language that we hope will serve as a deterrent against acts of bio or eco-terrorism in Kansas and will send a message to "special interest extremists", that destroying or damaging research crop production test plots in Kansas will come with a very expensive price-tag. I want to first point out that the terms, bio-terrorism, eco-terrorism and special interest extremists are not flashy phrases I came up with to spice up my testimony this afternoon, but rather are terms used by the Federal Bureau of Investigation as they describe organizations such as the Environmental Liberation Front (ELF), the Bioengineering Action Network, Reclaim the Seeds, the Bolt Weevils and The Genetic Jokers.

The blue attachment with my testimony today, which was compiled by MSNBC, outlines a detailed list of terrorists acts by organizations opposed to agricultural biotechnology. The examples listed range from the destruction of vegetable test plots in California to the uprooting of experimental hybrid trees in Washington state to the trampling of corn test plots in Minnesota to the firebombing of a biotech research facility on the campus of Michigan State University. We realize there have been no such reported acts within the borders of Kansas, but we believe the Kansas Legislature should take preemptive action to discourage acts of bio-terrorism and more importantly to ensure just compensation is paid by the guilty parties should there ever be cases similar to these in Kansas.

I have also attached (green copies) for your review the cover page of the Bioengineering Action Network (BAN) of North America's Website found at www.tao.ca/~ban along with their featured information entitled, "The Nighttime Gardener". "The Nighttime Gardener" has nothing to do with backyard gardening in the dark, but is instead a step-by-step guide for extreme activists to follow as they plan and prepare to destroy genetically

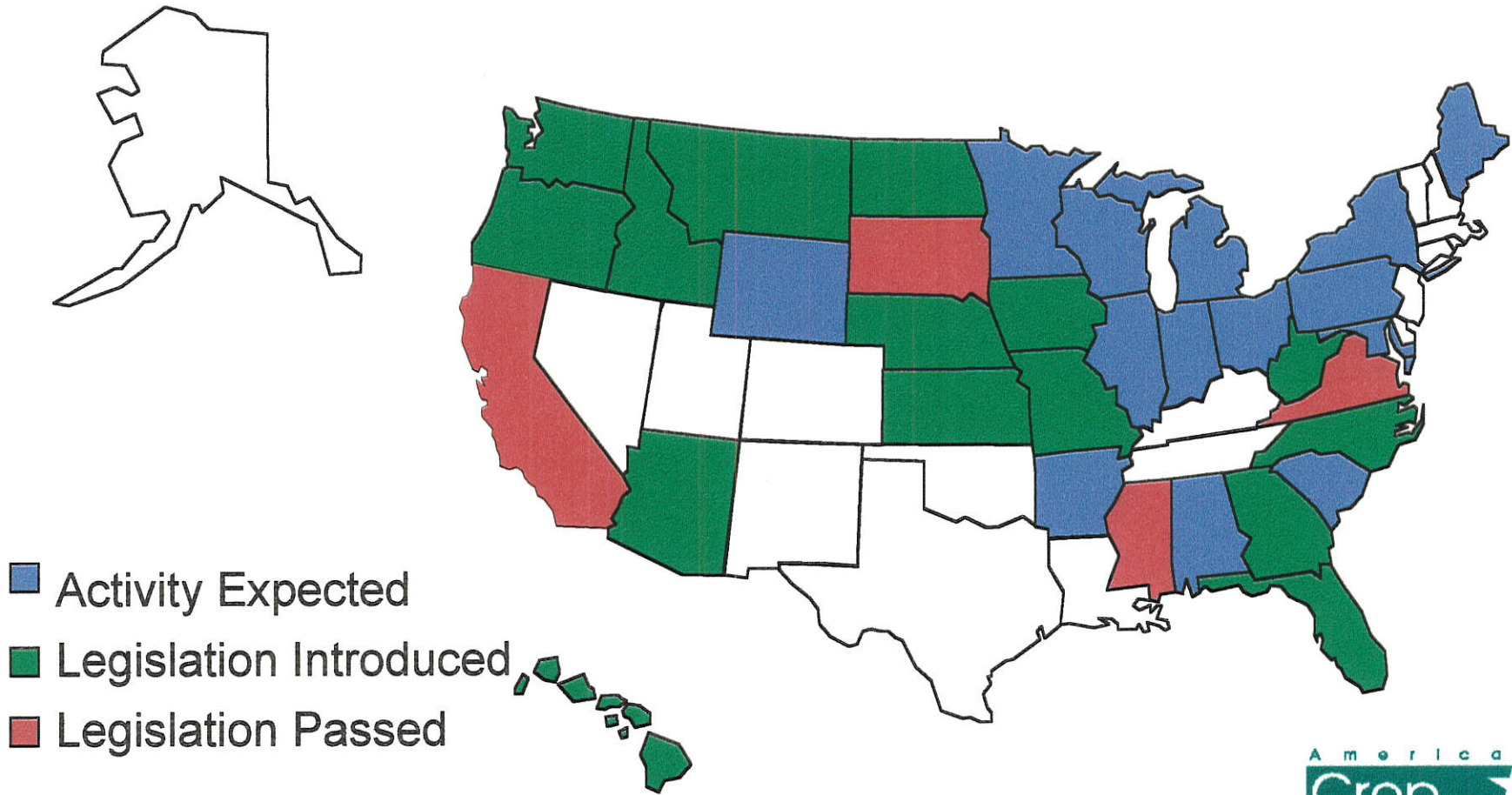
enhanced crop production test plots. This step-by-step crop destruction guide provides advice to bio-terrorists on the following:

- How to identify genetically enhanced crops;
- Suggested dress for nighttime destruction of crops;
- Suggested tools for destruction of crops;
- Advice on disposal of evidence that could link activists to the damaged or destroyed site;
- Recommendations on “when” to destroy genetically enhanced crops as to afflict the most economic damage to the public or private research facility.

It is unfortunate that acts of terrorism and this type of information is being promoted. The fact that it is being promoted, and in the cases I've shared actually followed through on, is what led to anti-crop destruction legislation being adopted by the State of California during their 2000 Legislative Session. It also led to model legislation being approved by the Council for State Governments and has led to anti-crop destruction bills being introduced for consideration in Nebraska, Missouri, South Dakota, North Dakota, Mississippi, Virginia, Georgia, Oregon and Hawaii. It is my understanding that bills have already been adopted in South Dakota, Mississippi, Virginia and California, which I mentioned earlier. A map highlighting states where anti-crop destruction bills have been introduced, are pending introduction or have been adopted has been provided for your review.

Once again, I appreciate the opportunity to appear in support of Substitute for Senate Bill 36 and would be happy to answer any questions at this time.

Anti-Crop Destruction



U.S. Gets a New Crop of Terrorists

“Activists opposed to genetic engineering have stepped up attacks on private and government properties in North America. News reports cited 18 strikes in 1999, compared with just a handful in prior years and 11 attacks have been made so far this year...A review by MSNBC.com found that 2000 is on track to be a record year for violence by these biotech extremists.” Source: MSNBC, June 14, 2000

Sites attacked by groups opposed to genetic engineering.

SEATTLE, WASHINGTON

DATE: November 27, 1999

VICTIM: University of Washington

INCIDENT: Washington Tree Improvement Association hacks up about 200 experimental poplars and alders

PUYALLUP, WASHINGTON

DATE: November 27, 1999

VICTIM: University of Washington

INCIDENT: Washington Tree Improvement Association pulls up at least 150 raspberry plants it mistakes for hybrid poplar trees.

CANBY, OREGON

DATE: June 4, 2000

VICTIM: Pure-Seed Testing

INCIDENT: The Anarchist Golfing Association destroys experimental grass plots. The company, specializing in golf greens, said the grass was grown using plant breeding, not genetic engineering. Estimated damage: \$300,000-\$500,000.

TUELAKE, CALIFORNIA

DATE: May 26, 1987

VICTIM: UC-Berkeley

INCIDENT: Vandals pull up about 3,000 experimental potato plants scheduled to be treated with frost-inhibiting bacterium.

WOODLAND, CALIFORNIA

DATE: May 23, 2000

VICTIM: Seminis Vegetable Seeds

INCIDENT: Unnamed activists destroy tomato, broccoli, pea, onion, and pepper crops at research greenhouses.

DATE: September 30, 1999

VICTIM: Novartis Seeds Inc.

INCIDENT: Reclaim the Seeds and Future Farmers smash watermelons, cut up plastic irrigation pipes and pull down trellises.

DATE: September 30, 1999

VICTIM: Pioneer Hi-Bred International Inc.

INCIDENT: Reclaim the Seeds and Future Farmers crush corn, destroy sunflower seed plants - neither genetically engineered.

DAVIS, CALIFORNIA

DATE: September 27, 1999

VICTIM: UC-Davis

INCIDENT: Reclaim the Seeds smashes experimental watermelons, hacks up walnut trees, turns over a weather station.

DATE: September 14, 1999

VICTIM: UC-Davis

INCIDENT: Reclaim the Seeds pulls up and tops Round Up resistant sugar beets in UC-Davis experimental crop.

DATE: July 14, 1999

VICTIM: UC-Davis

INCIDENT: Reclaim the Seeds destroys experimental corn at UC-Davis "to fight the nightmares of biotechnology."

LODI, CALIFORNIA

DATE: July 28, 1999

VICTIM: Eureka Seeds Inc.

INCIDENT: Lodi Loppers cut down more than 500 stalks of corn engineered to resist the herbicide Round Up

SONOMA COUNTY, CALIFORNIA

DATE: April 7, 2000

VICTIM: Vinifera

INCIDENT: The Petaluma Pruners destroy grape plants in Sonoma County, Calif. The company says the plants were not genetically modified, but raised via plant breeding.

ALBANY, CALIFORNIA

DATE: May 21, 2000

VICTIM: USDA

INCIDENT: Reclaim the Seeds enter research offices at night but flee after being spotted by a security guard.

DATE: January 11, 2000

VICTIM: USDA's Agricultural Research Service

INCIDENT: Reclaim the Seeds breaks into the Western Regional Research Center, dumps experimental wheat plants on floor.

DATE: January 10, 2000

VICTIM: USDA, University of California

INCIDENT: Reclaim the Seeds raid research offices to disrupt tests on genetically modified wheat.

DATE: August 2, 1999

VICTIM: UC-Berkeley

INCIDENT: California Croppers play football in UC-Berkeley cornfields, but the stalks aren't genetically engineered

BERKELEY, CALIFORNIA

DATE: September 14, 1999

VICTIM: UC-Berkeley

INCIDENT: Reclaim the Seeds carves circle in cornfield, but the crop contains no genetically engineered corn.

DATE: November 26, 1998

VICTIM: UC-Berkeley

INCIDENT: The California Croppers play tackle football in genetically engineered corn, damaging UC-Berkeley experiment.

BRENTWOOD, CALIFORNIA

DATE: April 24, 1987

VICTIM: Advanced Genetic Sciences

INCIDENT: Strawberry Liberation Front uproots strawberry plants designed to fight frost formation

WATSONVILLE, CALIFORNIA

DATE: January 20, 2000

VICTIM: Plant Sciences Inc.

INCIDENT: The Fragaria Freedom Farmers destroy an experimental patch of strawberries.

KAUAI, HAWAII

DATE: May 10, 2000

VICTIM: USDA, University of Hawaii

INCIDENT: The Menehune strike test crops on Kauai.

DATE: May 9, 2000

VICTIM: Novartis

INCIDENT: Activists calling themselves the Menehune, or elves in Hawaiian, strike a corn plot near Kekaha.

MANKATO, MINNESOTA

DATE: September 12, 1999

VICTIM: Pioneer Hi-Bred International Inc.

INCIDENT: Bolt Weevils trample research corn at Pioneer Hi-Bred International seed company, damage vehicles, paint graffiti.

GOLDEN VALLEY, MINNESOTA

DATE: September 1, 1999

VICTIM: Novartis Seeds Inc.

INCIDENT: Bolt Weevils trample and crush corn owned by Novartis, glue locks on company building.

ST. PAUL, MINNESOTA

DATE: April 1, 2000

VICTIM: U.S. Forest Service

INCIDENT: The Genetic Jokers trash vehicles at the University of Minnesota in St. Paul. The USFS was targeted because of its research into genetic engineering of trees.

DATE: February 9, 2000

VICTIM: University of Minnesota

INCIDENT: The Earth Liberation Front destroys tests on genetically engineered oat crops.

EAU CLAIRE, WISCONSIN

DATE: October 27, 1999

VICTIM: Pioneer Hi-Bred International Inc.

INCIDENT: Seeds of Resistance breaks four windows at a research center leased by Pioneer Hi-Bred.

LANSING, MICHIGAN

DATE: December 31, 1999

VICTIM: Michigan State University

INCIDENT: The Earth Liberation Front, targeting a researcher, sets a \$400,000 fire in MSU's 91-year old Agriculture Hall.

NEWBURY, VERMONT

DATE: August 24, 1999

VICTIM: Paul Knox farm

INCIDENT: Vandals cut down a small patch of Round Up resistant corn, stick cutouts of Monarch butterflies in ground.

OLD TOWN, MAINE

DATE: August 19, 1999

VICTIM: University of Maine

INCIDENT: Seeds of Resistance damages a half-acre plot of Round Up resistant corn.

Information is taken from the "Eco-saboteurs" section of an MSNBC article that can be viewed at: <http://www.msnbc.com/news/417499.asp?cp1=1>

BIOENGINEERING ACTION NETWORK

of north america

join the movement to protect
the fabric of life



THE NIGHTTIME GARDENER

a how-to guide for the shy gardener in North
Amerika-

BAN RANTS

activist commentaries on strategy and tactics

DIGGING DEEPER

investigations into a wide variety of issues
relating to bioengineering and biopiracy



THE CROSS-POLLINATOR (BAN) Newsletter #1

GE ACTIVIST CALENDAR

GENETIX ALERT PRESS OFFICE

24 hours of **GE FREE** news headlines

Action Reports news from the frontlines

"Don't ever forget the seed is the most important thing in the whole world. I am going to tell you a story. It was during the war and I was doing some drawings in the Bethlehem-Fairfield shipyard near Baltimore. There was a great battleship being made there and while I was looking at it, suddenly I saw at my feet a rubble heap and a little dandelion plant. As I was standing there a puff of wind came and wafted the seed from that dandelion plant right across the big steel ship, and as I looked at it, suddenly I realized there was more power in that one little seed than there was in this great big steel ship, because the steel ship was static. It had no power of growth. But that one tiny dandelion seed had in itself the force of immortality beyond my lifetime, because it held inside that tiny little shell the power of growth. And so I think that when we play with earth and seeds, we do it with a stimulating

Mad Science news from the brave new world

Research Links how to find your targets

Activist Links contacts for regional action groups and links to organizations working against GE

BAN Goodies Merchandise--shirts, stickers etc.

earth and seeds, we do it with a stimulating humility because we know we are playing with the things of this life which are of the most enduring importance".

From the 'The Philosophy of Gardening' by Clare Leighton. An address given at a horticultural meeting St. Paul, Minnesota, June 1947.

This page last updated December 9, 2000

Questions? Comments? Send email to ban@tao.ca
Site design, maintenance by denny@tao.ca

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The Nighttime Gardener

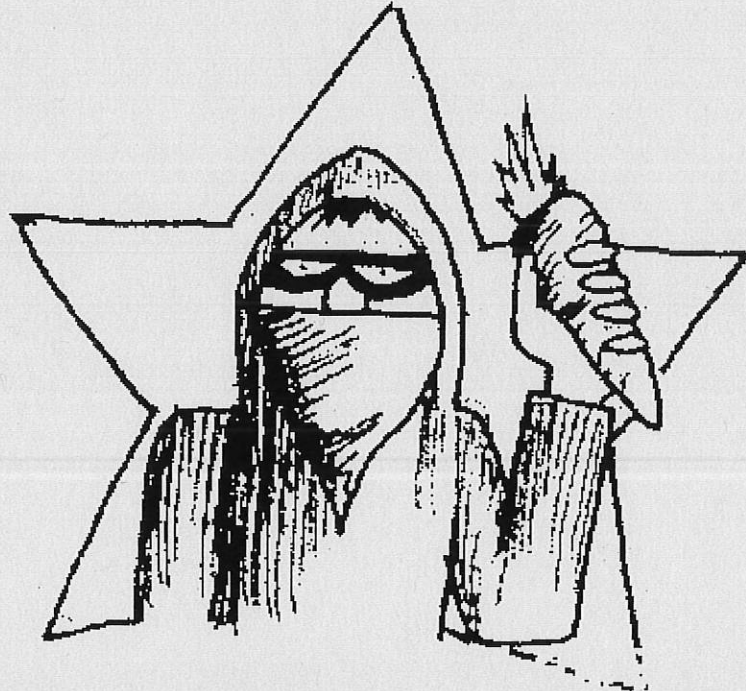
-A guide for the shy gardener in North Amerika-

Greetings. The following guide was put together for the WTO gathering in the hopes that people from all over the continent would find this informational useful and inspiring. The corporate biotechnology onslaught embodies the New World Order perhaps better than any other issue. Johnna Appleseed of Reclaim the Seeds, one of several nighttime gardening groups, describes it well: "If you care about wildlife and think the natural world is fine without mutant genes, you should resist genetic engineering. If you care about social justice and don't want to poison farm workers with pesticides and herbicides, you should resist genetic engineering. If you care about biological and cultural diversity as opposed to a global corporate monoculture, you should resist genetic engineering. If you care about laboratory animals and don't want researchers creating hybrid genetic monsters, you should resist genetic engineering. If you eat food, you should resist genetic engineering. If not you, then who? If not now, when? Resistance to genetic engineering is as transnational as capital."

A section on computer security will be released with a future draft of this guide. Please make sure and check it out. There are numerous benefits of encryption technology and anonymous web-surfing. Also, a read-through of the essential book Ecodefense will be most helpful, in particular the "Security" chapter.

These GE plants are held captive as biotech slaves. By harvesting them early, we free them from the bonds of corporate servitude. Remember this while gardening because sometimes it feels strange to garden in this manner. Life is sacred, which is why we garden at night in the first place. May nighttime gardening flourish here as it has in Europe and other lands around the globe.

-This guide shall be continuously updated. Please give us your input at: nighttimegardeners@angelfire.com



THE NIGHTTIME GARDENERS

Evening Attire for The Nighttime Gardener

Gardening is a very dirty job. For the least hassle it is recommended to wear a complete set of old clothes that can easily be discarded in dumpsters after gardening. Don't be cheap. It's really necessary, even if like us, you hate wasting anything. Black evening attire is the most appropriate for shy gardeners. You may get very wet and cold, so wear appropriate cold-weather and rain gear. Have some comfortable clean clothes and shoes to change into before you get home.

A forensic scientist can tell roughly where you've been from the composition of the dirt and soil that you will have picked up on your travels. Say, for instance, you've been gardening at a Monsanto test site of

GE corn, then traces of earth will be upon you, as will traces of plant life, such as pollen that you may have brushed against.

These traces are used to put you at a certain place, and in some instances, at a certain time. Once again, it is best to dispose of any gardening clothing. i.e. give up your attachment to your clothes! And before you leave for the action, empty your pockets and don't bring along anything (even to leave in a vehicle) you don't need and wouldn't want to see in court.

On soft surfaces, such as mud, earth, dog shit, etc., shoe impressions will be left behind. From these marks identification can be made. The only sensible thing to do is to wear old shoes and to throw them a long way away immediately afterwards. Shoes (and clothes) will also carry traces away with them, such as oil, gas, glass splinters and other such gardening giveaways. Don't wear them in your vehicle or in your home. When gardening in urban areas, consider the impact that you may have on a passer-by wearing all black from head to toe. Wearing inconspicuous clothes such as dark pants and a hooded sweatshirt may serve the purpose.

Make sure you don't have activist bumper stickers on your action vehicle. A "Smash The State" sticker may narrow down the pool of suspects.

Gardening just after a spraying of RoundUp, Liberty or other toxic herbicides may pose a grave threat to the health-conscious gardener Gore-Tex or rubber rain gear (cheaply purchased or easily stolen from Wal-Mart) as well as medical masks, and chemical-protective gloves (Home Depot, etc.) are necessary. It is possible to find out from county extension offices whether or not there is a particular timing for spraying of certain local crops. Particularly sensitive gardeners may want to hit BT or other pest-resistant crops rather than Roundup-Ready/Liberty Link (herbicide tolerant) crops. It is more likely that commercial GE. crops (those grown for market) will be sprayed. Be careful!

The Nighttime Gardener's Toolbox

The tools you use for gardening will vary, but for some crops you won't need any at all. Your hands in good work gloves (for fingerprint guard and protection) will do just fine. Gardening without tools is great when the crops are easy enough to rip up by hand because you'll have less weight to carry, and less gear to accidentally leave at the site or get nabbed with. Night gardeners have had success with rolling their bodies over the crops as well, but this may only bend certain crops at certain ages, instead of damaging them beyond repair.

However, some GE crops (older trees, for example) are nearly impossible to take out without tools. Some people like to use saws, scythes, machetes, hoes, shears, or other gardening tools, but it's really a personal preference. Think simple and streamlined. Ever try to carry a machete over barbed wire? Not easy! They can sometimes be too much trouble, too time consuming, or difficult to part with after gardening. One group reported that a long metal pole pushed across one or two rows of corn (dubbed the California Corn Cutter") worked well for quick, convenient, and energy-efficient gardening. Be creative. Practice beforehand if you are using any fancy methods.

Bolt cutters are good for getting through locked gates or into greenhouses. Another technique for gaining access into glass greenhouses is to duck tape a square one could crawl through, and then punch it in. The tape will muffle sound by absorbing the blow and keeping the glass from scattering all over the ground. There are also hand-held, manual, spring-loaded punches which paramedics use to break glass on car windows that work very well. Corrugated plastic greenhouses can be cut into with a sharp knife as well.

Another tool for rows of some crops is a strong board with holes in both ends through which a rope is strung. The board is placed on the ground, and then the gardener puts a foot on top of it and lifts up the rope to a comfortable waist height. Then, the gardener can go step by step stomping down the crops, and avoid stooping or kneeling on the ground, which can easily get very tiring.

Lots of tactics have been created since the need for nighttime gardening came about to survive in this modern (biotech) world. If not properly handled, some tools can also be a serious safety issue.

If you do use any tools, make sure they are cleaned of all fingerprints before taken on site. A good way to clear up those pesky fingerprints is with warm, soapy water. In a time-crunch, extensive rubbing with cloth can be satisfactory. Be thorough: even the batteries inside a flashlight have been touched, and you wouldn't want to drop anything while you were out and about!

On the subject of dropping things, it's easy to lose things such as jewelry and glasses when working hard in the garden, so take them off beforehand or make sure they are secure. If something is dropped (especially a hat with hair stuck to it) it might be a good idea to go back and get it if it's not too sketch.

Entry and exit of the site is often the most risky aspect of nighttime excursions. If you need to use a vehicle, it's worth parking away from your gardening and walking in, as tires leave those horrible distinctive marks and can accumulate soils that are easily identified. Leave someone with your vehicle, as there can be unexpected people about, and make sure the driver has a reason to be where s/he is. A pair of people making out can be a good excuse, or a problem getting the car started. Better yet, have a driver who can quickly pick you up when done gardening. The driver might need to come around at several different times before the final pick-up in order to make sure the gardening is going well. Set up an interval of time (such as 15 minutes) for the driver to wait and come around again if nobody's at the pick-up site. This way if you're running late, you don't miss your only chance for a pick-up.

If the site is located in a residential neighborhood, a drop-off may look suspicious. Therefore, it may be appropriate to have two different pick-up and drop-off points, and possibly alternate sites as well if access is cut off in one place. It is also essential to plan an emergency pick-up time/place where a crew can run to and hide all night if they are detected and the cops are crawling around the neighborhood.

When you're waiting by the road for a car, you can't make out what kind of vehicle it is until the last second because of the headlight glare. One technique is to leave some distinctive marker, such as a bag of trash (not yours) or a can at certain place by the road. When the driver comes by, if the marker is no longer there, s/he knows to pull over and pick up the crew. Another method is for the driver to flash a turn signal during the approach if there is clearly no place a regular vehicle would be turning, and that way the crew can identify their ride to safety. Lastly and best of all, get radios (see below).

Remember when you get home to vacuum and clean the whole car. Oh, and get rid of your directions, too!

For a smooth night of gardening it is best to bring along a reliable set of radios and a scanner. Remove all serial numbers on the radios, and make sure you purchase them discreetly and with cash. Ear pieces work best while gardening because they free up your hands. Check everything thoroughly before you leave, wipe them down, and have extra batteries. You can then be in communication with your driver (and other gardeners) and they can alert you to any possible disturbances.



The Best Time To Go

The best gardening time for the shy gardener is obviously at night. And at the new moon is better than when it is full. You have two main choices: early a.m. is quite dead, but remember how long the job will take, starting earlier in the evening will give you more of an excuse to be out and about. Try and start at a time that provides you with enough time to garden thoroughly for the specific site and have a buffer for the drop-offs/pick-ups if they take longer than expected, which is common. Agricultural areas or



neighborhood garden plots can be a busy place as farmers usually get an early start on the day, sometimes before dawn. At this time a flash-beam or light of any sort will draw attention. Cover flashlights with blue or red saran wrap, tinted tape, or a gel to filter the stark white light into something more subtle.

It is worth bearing in mind that when it's raining hard it will wash away most traces and provide visual and audio cover. You'll often get drenched from the dew alone. It is a good idea to scout your site of interest at many different times throughout the day/night to get a clear idea of what the scene is like.

An all-night recon is a really good idea to make sure the garden is right for you. There may be cameras at university test sites/greenhouses or biotech corporation labs/sites/greenhouses. For the main part, these cameras serve to deter potential "gardeners," and instill a healthy sense of paranoia. Paranoia, Nah! Those who are careful stay free!

How To Spot Your Crop

Firstly, the timing of your harvest is important if you want to actually sabotage their research and cause economic damage. Too early could let them replant, and too late could harvest their crop for them! Just before flowering obviously prevents the mutant genes from escaping through the plant's pollen, and if you can't get it by then, you can cut down the plant before the seeds are fully developed. Don't just harvest the beans or corncob either, harvest the whole plant from the stalk/stems, or better yet, pull it right up out of the ground. A slick trick would be to bag up some of the offending matter and leave it on the doorstep of the facility, or on your local USDA or State Ag. Dept.'s doorstep!

It's important to research WHAT you are targeting and WHO. Considering how pervasive commercial GE crops are, it's a good idea to target research, both at universities and corporate facilities (is there really any difference??). Industry links up with local farmers as "co-operators" to grow seed and test varieties in their fields, often in return for advertising their more impressive trials with big signs advertising the company and the variety. Oftentimes you may see signs for a certain company's seed trials in a field that is obviously belonging to a small farmer (there may be a house and driveway and family-type items around the yard). Targeting these types of sites will likely bring into question the intentions of night gardeners and may confuse the message of opposing the Ag-Biotech industry by targeting already desperate farmers.

On occasion you may be able to identify a commercial crop that is being grown specifically for a company, or on Agribusiness farmland where no family is present. You can sometimes find these type of sites by checking out property maps ("Plats") at the County tax assessor's office in the County Building closest to your target crop (or the local library, but they often don't have current maps), or through the LEXUS property records database at your local library.

This is also a good process for locating corporate facilities not listed in the phone book (or on www.yellowpages.net). If you know the address of a facility or a plot of fields, a quick search on the county assessor's web site will tell you the value of the property, the acreage, and possibly the types of structures on the site.

The basic reality is that commercial GE crops cover 20 million acres of American farmland, and attacking random commercial fields is simply not strategic, especially when there are so many better research targets. If a research project is "nipped in the bud," so to speak, it may never make it to the commercial market!

For example, the same colorful signs that hug the backroads are often posted in the same fashion in front of rows of research crops at corporate facilities, often boasting the "Roundup Ready" or "YIELDGUARD" trait, depending on the company. Bt crops are often listed on signs by a certain variety number ending in Bt. Corn and Soybeans are the most common GE crops, both commercially and in research. But at universities, one might also see a wide variety of GE crops including sunflowers, alfalfa, and wheat.

A helpful, but not infallible, tool for zeroing in on your target crop is the U.S. government database Field Trials listed through the USDA/APHIS web site. You can request searches of current trial notifications and permits as well as registered trials by state, crop, institution or phenotype (GE trait). The results will tell you the states these trials are being performed in, the acreage of the trial, and a contact person, usually a company researcher, for information.

What To Do When You Get There

Obviously the number of people you need will depend on the size of the GE site. Most sites can be done quite happily with 2-4 gardeners. The actual work could be 1 hour, or it could be all night. For larger sites you may need many gardeners, but it's harder to avoid detection in larger numbers. Again, make sure you're suitably dressed and scout out the site extensively, including in/out routes and an emergency escape plan/meeting place if things go awry. The group should decide what to do if confronted with an angry farmer. Instead of everyone scattering on their own, we strongly recommend sticking together as a group, at least at first, and then making a call to scatter if necessary.

Remember, a well-placed sheet over a camera can have a rather numbing effect on their security. A well-placed kick or spray paint shot over the lens can do the same.

The goal is to destroy the plants: you will either have to snap them off at the stem, or when uprooted pull them apart at times. At a release site in East Anglia (England), sugar beet was uprooted and left lying on the site. It was later replanted by the farmer (and later still, dug up by concerned gardeners and removed from the site). In 1987, the Strawberry Liberation Front in the U.S. pulled up a crop of strawberries that were to be sprayed with ice-minus bacteria. For the photo opportunity the next day, the scientist placed the strawberries back in the holes from which they had been pulled.

Remember, the test sites are experiments (with our future). If your aim is to disrupt this misguided experiment then you may not need to destroy all of the crop. Destroying 50-75% of the research plants will call into question any data collected. It will also disrupt the experiment if all the markers and identification tags are scattered around or taken, but be safe. Don't stick them in your closet. Make the garden messy, and it is less likely to be considered salvageable. Scattering bags and bags of organic or non/GE seeds can also ruin a test site and spread a little bit of consciousness as well. A good idea is to scatter seed in the beginning of the season and not issue a communique about it until a month later. By that time, your seeds have wreaked havoc on the GE varieties.

Don't forget to target irrigation equipment, greenhouses, solar thermometers and the like. Groups such as Reclaim The Seeds and the Future Farmers have sabotaged thousands of dollars of this sort of equipment in different actions. It is suggested that computers, data files, clipboards with research information, and other documentation should be removed for our own research, or quietly destroyed.

What You Will Be Gardening

Canola (Oilseed Rape)

There are two different breeds of canola that you might be gardening, winter and spring. The spring crop is sown mid March and April, and harvested late September to mid October. The winter crop is sown late August to mid September, flowering during May and is harvested mid July - mid August.

The plant has erect branching stems up to three feet high bearing deep-lobed, grass green, bristly lower leaves and lobed blue upper leaves, with distinctive yellow flowers. It may be harvested early by breaking the stalk of the plant. This can be achieved by holding a large disposable stick outstretched and falling onto a row of the crop. The California Corn Cutter is used the same way. Corn (Maize)

Corn is usually sown in late March early April and is harvested from July onward, depending on the region. It has a single main stem with irregular long thin drooping leaves. It can be harvested in the same way as canola. A good snap is enough to finish off the corn plant. Tomatoes

This crop is usually sown in seedbeds at the end of winter and then transplanted to the test fields between late March and early April. It is then harvested between mid-July and early September. They have a main stem with branches. Each branch produces a green fruit that turn red with ripening. To harvest early, pull or dig up the plant and snap the main stem. Wheat

Winter wheat is sown between late September and early October. Summer wheat is sown in early March and harvested in August or September. When young it is difficult to distinguish from barley, both of which look like large-leafed grasses, but as they grow you can see that wheat has a much larger head. To harvest when young, pull up, if older use a "grass hook" (a type of crescent shaped knife). Barley

Spring barley is sown February to March and harvested mid-May to mid-August. The winter crop is sown September to October and harvested July to August. Garden the same as wheat. Sugar Beet

This crop is sown in seedbeds in late February and then transplanted to the fields between late March and late April, and is then harvested in early November.

It has a whitish conical root that produces a lot of stems each with a single irregular green, lobed leaf as well as a garland of flowers. It can be harvested early by pulling or digging up the crop and removing the root bit from the leaves and scattering in opposite directions. Potato

There are lots of varieties of GE potatoes grown in North America, many of which would be appropriate to garden. The description and the growing times of the plants will depend on the variety, but generally potato plants look like straggly tomato plants with either small yellow flowers or small green flowers. To harvest early, pull or dig up the plant and snap the main stem and pull apart or smash the root. GE Forestry

Weyerhaeuser, International Paper, Westvaco, and Boise Cascade, among others, are working in conjunction with the oil industry (Shell) and universities to create GE trees for herbicide tolerance, higher growth rates, improved fiber yield/uniformity, salt tolerance, and much much more! Douglas fir, eucalyptus, banana, papaya, walnut, radiata pine, loblolly pine, American sweetgum, poplar, European larch, white spruce, orange, kiwifruit, cottonwood, alder and elm are all being genetically mutated and mutilated.

GE trees take a lot more energy, time, tools and research. For nighttime forestry it is important to have the right tools. Saws, hand saws, loppers, pruning tools, and ring-barking/girdling equipment are essential. Sometimes just good old brute force can bring down a small sapling. Or you can just snap it in two with your gloved hands. For small seedlings, cutting and pulling work together to make sure they not only are out of the earth, but cannot be put back in. Apparently, our distant cousins in England used a tool to "ring-bark" trees, which involves cutting a ring into the bark in a complete circle, which will end the tree's life. They also used knives to cut away the bark. The benefits of this silent method hold great potential.

Some GE tree sites are absolutely enormous and you can easily get lost in them. Others are small plots that won't take much time. Research sites generally have various sizes of trees, so come prepared accordingly. Frankentrees will most likely be out in the fields year round and are part of long-term research. Years of research have gone into them, so be meticulous in your work. Nighttime forestry works because the potency of economic sabotage is strongly felt at the frankenforest institution.

GE trees are also likely to be in pots in greenhouses at the research sites. Greenhouses can be spray painted, stink-bombed, broken, and have every pot within them emptied.

Appendices

A) Genetically engineered organisms that have been released in the environment in the form of field tests by the USDA/APHIS.

Alfalfa	Gladiolus	
Amelanchier Laevis	Grape	
Anthurium andreanum	Grapefruit	
Apple	Heterorhabditis	
Arab. Thaliana	bactriophora	
Arabidopsis	Kentucky bluegrass	Rhizobium fredii
Aspergillus flavus	Lettuce	Rhizobium
Barley	Melon	leguminosarum
Beet	Metaseilus	Rhizobium melioli
Belledonna	occidentalis	Rice
Brassica oleracea	Oat	Rubus idaeus
Carrot	Onion	Soybean
Cephalosporium	Papaya	Spruce
gramineum	Pea	Squash
Chrysanthemum	Peanut	Strawberry
Cichorium intybus	Pear	Sugrabeen
Clavibacter	Pelargonium	Sunflower
Calvibacter xyli	Pepper	Sweet Potato
Coffee	Persimmon	Sweetgum
Corn	Petunia	TEV
Cotton	Pine	TMV
Cranberry	Pineapple	Tobacco
Creeping bentgrass	Pink bollworm	Tomato
Cryphonectria	Plum	Walnut
parsitica	Poplar	Watermelon
Cucumber	Populus deltoides	Wheat
Cucurbita texana	Potato	Xanthomonas
E.Coli	Pseudomonas	Xanthomonas
Eggplant	Pseudomonas putida	campestris
Fetsuca	Pseudomonas	
Fusarium	syringae	
graminearum	Rapeseed	
Fusarium moniliforme	Rhizobium	
Fusarium	Rhizobium etli	
sporotrichiodes		

B) Links/Resources:

U.S. Dept. of Agriculture/Animal Plant and Health Inspection Service (APHIS).
Database of GE organisms released.

Bioengineering Action Network
links to more research, action news, etc.

--Genetix Alert
Receives anonymous communiques from nighttime gardeners and communicates with the press.
GenetX Alert Press Office

Genetic Engineering Network (UK)

Mapquest.
Print out a map and driving directions to your site.

Yellowpages.
Run a statewide or local search for an institution in your area.

--There are so many resources on the internet for locating sites and researchers that space does not allow for further information. But it's all out there for you to learn!

Back to **BAN MAIN PAGE**
This page last updated February 2, 2000

Doug Wareham

From: "skp" <skp@ksu.edu>
To: "doug" <doug@kgfa-kfca.org>
Sent: Wednesday, January 24, 2001 9:08 PM
Subject: Statement for SB36

Doug,

It is most difficult to determine the impact of destruction of field crops both in money and in time. However, researchers in the Plant Pathology Department have give the following information.

1. Actual replacement cost of chemicals, supplies, equipment, buildings, etc. damaged, destroyed, or made inoperable or unusable, and including any shipping and handling fees and faculty and staff time spent in procuring those materials.

2. Man-hours involved in bringing research materials to their present point of development. For research plants or animals or microorganisms, this would include the following:

a. Hours of time spent by all faculty, staff, students, and others, times the hourly rate paid those persons as they worked to develop the particular plant or animal or microorganism that was destroyed, damaged, or disabled, plus any additional benefit costs to the University or research unit.

b. Hours of time spent by all faculty, staff, students, and others, times the hourly rate paid those persons as they worked to develop any and all like plants or animals or microorganisms that were brought along the same research pathway and eliminated in the research process and its products become more refined.

Example: A plant breeder makes many crosses, and works with the progeny of many crosses to develop a single variety of crop. The crosses that are made that do not develop into crops are still the object of research effort, and cost time and money, until it becomes clear that they lack the characteristics needed in the final product, and they are systematically eliminated from the research process as these characteristics are determined.

3. Future earnings affected as a result of this destruction, damage, etc. include the following:

a. Earnings of the University research unit that might have resulted from the success in the research or research product destroyed, in the form of additional grants to the University or research unit, based on an assessment made by an independent team of experts, plus the cost of bringing those experts together.

b. Personal earnings to the researchers and others that would have resulted from the scientific prestige and prominence brought about, had they been able to bring the research to fruition and/or publication, in the form of continued employment for the temporary workers and salary increases and/or tenure for faculty based on an assessment made by an independent team of experts, plus the cost of bringing those experts together.

4. Actual funding dollars used to develop this research, including overhead, repaid to the funding agency.

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TOPEKA

SENATE CHAMBER

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 SRS TRANSITION OVERSIGHT
 MEMBER: AGRICULTURE
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 STATE BUILDING CONSTRUCTION
 CO-CHAIR: COUNCIL OF STATE GOVERNMENTS
 AGRICULTURE TASK FORCE

**Testimony on Substitute for SB 36 presented House Judiciary Committee
 March 13, 2001**

I am pleased to submit comments concerning the growing epidemic of eco-terrorism in our country and, specifically, how this disturbing trend is impacting agriculture across the nation. It may not have impacted Kansas yet, but we need to address what farmers and agricultural research are going through.

Environmental terrorists, who are apparently not satisfied with the legal means by which they can protest and challenge scientific innovations in agriculture, have begun a systematic and organized attack on farmers and the agricultural research being done across the country. These groups, like the Earth Liberation Front (ELF) who were discussed on 60 Minutes a few weeks ago, have destroyed research crops, trees, and facilities at both public universities and private labs in more than 10 states so far.

The issue was brought to my attention last year through my colleagues at the Council of State Governments (CSG). In my capacity as co-chairman of the Agricultural Policy Task Force, I was stunned as we learned of such attacks on both public and private research facilities, we as well as innocent growers across the country. I was pleased to find out that a California Legislator, Assemblywoman Thompson, introduced legislation in California last year which increased penalties and the security of the offense for destruction of agricultural research plot and or research facilities. This measure became law last fall. She sponsored this bill after learning that a California-Davis graduate student's two year doctoral project was completely destroyed by eco-terrorists.

1

The CSG task force decided to pursue this issue as well. After consulting with agriculture and industry research groups, we adapted a resolution supporting Assemblywoman Thompson's approach, and we recommended that her bill be included in the 2001 Book on Suggested State Legislation. The book should be available to all of us from CSG.

With that in mind, I to urge your support of Substitute for SB36. I have introduced this bill to protect the public and private agricultural research crops in Kansas, as well as the innovative new crops grown by our producers. Similar bills have already been introduced in 11 other states so far this session, and agricultural groups are hopeful that anti-crop destruction bills will be introduced in as many as 30 states this year and next.

These are not merely youthful pranksters or misunderstood activists we are dealing with. This is an organized assault on agricultural research by stealth eco-terrorist groups. There is reason to believe that facilities in all states will be targeted. Its time to send a strong message to these groups that their activities will have serious consequences. We should not and will not tolerate this kind of behavior and illegal activity. Thank you for your support.



Fighting the wrong fight

For most Americans, the word “terrorist” conjures up some very specific images. We think of masked hijackers or hostage takers. We think of cowardly extremists pursuing a radical agenda against our citizens and allies. But our view of terrorism is changing; indeed, the terrorists themselves are changing.

Over the past two to three years, we have seen a serious rise in domestic terrorism by groups of our own citizens who vandalize or destroy property to further their causes. In testimony before Congress last year, FBI Director Louis Freeh placed these domestic terrorists in the category of “special interest extremists.” Freeh said that, “The most recognizable single-issue terrorists at the present time are those involved in the violent animal rights, anti-abortion, and environmental-protection movements.”

It is with the environmental extremists that I am most concerned. According to an MSNBC investigation of these eco-terrorists, a dramatic increase in sabotage and attacks is expected this year. Groups like the Animal Liberation Front and the Earth Liberation Front (ELF), which is most infamous for its 1998 attack of a Vail, Colo., ski resort that caused \$12 million in damage, have been increasing activity across the country. The FBI says that cracking down on these terrorists is

very difficult because there is no real pattern to their destructive behavior. Just this December, activists set fire to several homes being constructed in Colorado to protest development. We are dealing with a new breed of activists who don’t care about the work and lives they ruin.

The attacks of these extremist groups are especially alarming to the agricultural community. Because of the significant investment in agricultural research made by universities and technology companies, they have become prime targets for the senseless and irresponsible activities of these eco-terrorists.

On Dec. 31, 1999, ELF set fire to the research facilities at Michigan State University’s school of agriculture. All the records and equipment used by one of the school’s biotechnology projects were destroyed, with damage totaling nearly \$400,000. This past February, a greenhouse at the University of Minnesota was vandalized, causing more than \$1,000 in damage and the loss of important research on disease resistance in oats. In an article in *The (Minneapolis) Star-Tribune*, a spokesman for the university expressed disappointment in the attack, saying, “We thought some of the research was very promising. I am very concerned about the psychological impact on our ability to do research like this.”

A senator from Kansas takes a critical look at groups that vandalize and destroy property to make a point.

BY STEVE MORRIS

Kansas Sen. Steve Morris is co-chairman of the CSG Agricultural Policy Task Force.

U.S. Department of Agriculture facilities and a Novartis agricultural laboratory in Hawaii have both been hit by a group called Menehune (or "elves" in Hawaiian). Several seed facilities in Minnesota have been damaged by a terrorist group called the Bolt Weevils, destroying important research on corn varieties. Corn research was also destroyed at the University of Maine in August of 1999.

Important research on trees is also being targeted. Last Christmas, more than \$1 million in damage was done to a Boise Cascade facility in Oregon. This past summer, more than 1,500 trees were destroyed at the Cold Spring Harbor Laboratory in Maine. A few days later, more than 500 trees were destroyed at a U.S. Forest Service research station in Wisconsin. The value of the research on growing stronger, heartier trees will never be known.

At the University of Washington last winter, a group called the Washington Tree Improvement Association cut down more than 200 experimental poplars. Last April, the Genetic Jokers trashed vehicles at the University of Minnesota because they were used for tree research by the U.S. Forest Service.

In many cases, these eco-terrorists don't know what they are destroying. According to a *Los Angeles Times* article in September, a raid at the University of California-San Diego ripped up valuable sorghum and corn experiments that had nothing to do with biotechnology. Dr. Bissrat Ghebru was working on drought-resistant plants for use in East Africa. "I don't understand it at all," said Ghebru. "These plants are farmers' varieties. They have nothing to do with genetic engineering. I won't get anything out of my work here." And neither will the hungry people of Africa.

A researcher at Seminis Vegetable Seeds Inc. commented on another botched attack, this time at UC-Davis, "The acts appear to have been indiscriminate. Eighty-five percent of the crops damaged were crops that were traditionally bred." A graduate stu-

dent's three-year doctoral project was destroyed. Valuable research on many vegetable varieties also was lost, and several of Seminis' greenhouses were damaged.

It seems to me that these groups have made an awful lot of costly mistakes. In Washington, the Washington Tree Improvement Association pulled up more than 150 raspberry bushes it mistook for hybrid poplar trees. The Anarchist Golfing Association destroyed experimental grass plots at Pure-Seed Testing Inc. in Oregon, only to learn that the grass was not genetically engineered. When a Pioneer Hybrid facility in California was damaged by the Reclaim the Seeds group, experiments on corn and sunflower seeds were destroyed — neither of which were biotech crops. Corn and grape research, which also turned out to be conventional, has been damaged in California.

Many universities are very concerned about the safety of researchers and students, who could be hurt during an attack by these eco-terrorist groups. Authorities fear that environmental extremists might target humans, not just crops and research. Some animal-rights groups have sent letters booby-trapped with razor blades to researchers who experiment with primates. It may be only a matter of time before this kind of violence escalates into a full-blown crisis.

Researchers in California have taken the brunt of these attacks, having fallen victim to many of the more than 40 crop-destruction incidents reported so far. In Tuelake, Calif., more than 3,000 frost-resistant potato plants were uprooted. At UC-Davis, experiments on watermelons, walnut trees and sugar beets have been destroyed. Eco-terrorists there even overturned a weather-station tower. USDA labs in Albany, Calif., also had research on biotech wheat disrupted by the group Reclaim the Seeds. In Brentwood, Calif., the Strawberry Liberation Front destroyed research plots of frost-resistant strawberries.

States take action

After hearing about these acts of domestic terrorism, California Assemblywoman Helen Thompson decided to do something about it. She introduced a bill that would double the fines imposed on people caught destroying research crops at California's universities. The bill easily passed the state Assembly and Senate, and this September, Gov. Gray Davis signed it into law.

Many of us involved in the agricultural community strongly support Assemblywoman Thompson's approach. In order to send a strong message to eco-terrorists, her bill was included in The Council of State Governments' *Suggested State Legislation* book for 2001 as a model for other states to follow. The CSG Agricultural Policy Task Force (which I co-chair with Sen. Gigi Dennis of Colorado) endorsed the bill this summer, and has passed a resolution of support for all the benefits that crop biotechnology offers. America's agricultural producers will be asked to feed the vast majority of an ever-growing world population that could reach 10 billion by 2020. They will need all the tools and technologies our institutions have to offer to meet this enormous challenge. We should ensure that those technologies are available.

I have discussed this issue with industry leaders, and I'm told that many states will be considering legislation to address this very serious problem. Bills being considered would protect not only university research, but also private research facilities and the farmers who are growing these crops commercially. Growers who are using this safe and legal technology to improve the quality of our food supply should be protected. Many of my colleagues want to send a very clear message to eco-terrorists that the vandalism and destruction of scientific research is not acceptable and will not be tolerated. The benefits and potential of crop biotechnology are much too valuable to a hungry world to be jeopardized by the senseless actions of a few misguided people. ★



March 13, 2001

The Honorable Mike O'Neal, Chairman
House Judiciary Committee
State Capitol, Room 170-West
Topeka, Kansas 66612

Re: Substitute for Senate Bill No. 36

Dear Representative O'Neal:

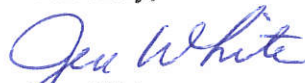
On behalf of the Kansas Corn Growers Association and the Kansas Grain Sorghum Producers Association, I wish to submit the following written comments supporting the passage of Substitute for Senate Bill No. 36.

Unfortunately, examples of the destruction of field crops, either in commercial production or in research plots, continue to occur around the country and world with an increasing frequency. Fortunately, this problem has not significantly affected Kansas farmers' operations to date, but the chance that it eventually will, grows with each passing day and each newly publicized occurrence elsewhere.

Any such event in Kansas would not only cause concerns to the entire agricultural industry, but it would cause devastating direct economic harm to the individual farmer's operation or the agricultural entity whose crop is targeted. With this in mind, we strongly support the types of criminal penalties and levels of civil damages as outlined in the proposed legislation.

Thank you for the opportunity to submit these written comments for the committee's favorable consideration of Substitute for Senate Bill No. 36.

Sincerely,


Jere White
Executive Director

TESTIMONY BEFORE THE HOUSE COMMITTEE ON
JUDICIARY

MARCH 13, 2001

Presented by Jim Yonally

on behalf of the Kansas Society of Land Surveyors

Mister Chairman, and members of the committee, I am Jim Yonally, and I am appearing today on behalf of the Kansas Society of Land Surveyors in support of HB 2539.

The subject of this bill, like many you see, addresses a situation that doesn't arise very often, but when it does, it's a real problem. The most common situation is this: a surveyor is employed to conduct a survey of property, and to do so must enter on property owned by someone other than the one for whom the survey is being done. The surveyor's code of conduct requires them to make every reasonable effort to get permission before entering someone's property, but sometimes, particularly with absentee ownership, it is difficult to get permission from the owner to enter their property.

All this bill does is allow such entry, and that act, in and of itself, does not constitute "criminal trespass". The bill clearly makes the surveyor liable for any damages they, or their agents, might cause to the property.

I would be happy to stand for questions.

TESTIMONY FOR KANSAS HOUSE JUDICIARY COMMITTEE
March 13, 2001

My name is Doug Farrar, and I am a licensed surveyor in the firm of Shafer, Kline and Warren and past president of the Kansas Society of Land Surveyors, an organization comprised of over 400 surveyors in the State of Kansas. I appreciate this opportunity to testify today in support of HOUSE BILL No. 2539.

A land surveyor, licensed pursuant to article 70 of Chapter 74, of the Kansas Statutes, is entrusted to maintain the public land system, and to protect the property rights of the citizens of this state. Unfortunately, in order to properly do their job, surveyors sometimes must violate the current trespass laws.

The Kansas Society of Land Surveyors adopted Minimum Standards for Boundary Surveys. These same standards have been adopted by the Kansas State Board of Technical Professions as being the minimum standards for property surveys in this state. These standards require that the surveyor shall, insofar as practical, acquire the necessary data, which may include but are not limited to deeds, maps, abstracts of title, section corner ties, subdivision plats, road records, County Surveyor notes, section lines, and other boundary line locations in the area.

To obtain the location of these other boundary lines one must, on some occasions, enter property other than that of the client. For example, in doing a survey on a five acre tract in a quarter section the surveyor will be required to locate the controlling corners for the quarter section. These corners, if not located in public right-of-way, will be located on private property. If the owner cannot be located to obtain permission, the surveyor must, technically, "trespass" in order to obtain the necessary measurements.

In doing a survey of a lot in a platted subdivision, the surveyor may have to survey an entire block in order to ensure that the results of his survey are correct. In doing so, he must enter on other property within the block.

Land surveying is like piecing together a puzzle, and your client's property is just one of the pieces. Sufficient measurements must be made in order to ensure that all the pieces fit together to make a complete picture. The surveyor must locate the property corners of adjacent property to ensure that his client's survey is correct and that this new survey does not infringe on the property rights of others.

Passage of House Bill No. 2539 will ensure that the land surveyors of this state are not violating the current trespass statute to meet the minimum standards for boundary surveys within this state. This passage will benefit the client, the surrounding property owners, and the public land system of the State of Kansas.

Thank you,
Douglas A. Farrar, Past President
Kansas Society of Land Surveyors

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Chairperson

*Judge Frank J. Yeoman, Jr.
Topeka*

To: The House Judiciary Committee, Representative Mike O'Neal, Chair
From: Jean Krahn, Executive Director

Vice Chairperson

*Sen. Janis K. Lee
Kensington*

Date: March 13, 2001

*Jack E. Dalton
Dodge City*

Re: HB 2509 - Concerning the Kansas Tort Claims Act
Relating to Volunteer Liability for KGP Guardians and Conservators

*Tim Emert
Independence*

*Barbara Lawrence
Wichita*

*Eloise Lynch
Salina*

*James Maag
Topeka*

Executive Director

M. Jean Krahn

The goal of the Kansas Guardianship Program (KGP) is to provide that qualified, caring, willing and trained volunteers are available throughout the State to serve as court appointed guardians and/or conservators for those eligible disabled persons in need of this level of protection and advocacy and those non-adjudicated persons who elect to have a voluntary conservator, and who do not have family members willing or able to assume such responsibilities.

The KGP was initiated in 1979 under the administration of Kansas Advocacy and Protective Services, Inc., a private non-profit 501-C-3 organization. The 1995 Kansas Legislature established the KGP as a separate public instrumentality pursuant to K.S.A 74-9601 et seq., as amended.

The KGP requested an opinion of the Attorney General as to the status of its governing board, staff and volunteers in relation to the protections offered under the Kansas Tort Claims Act. The resulting opinion maintained that, while the board and staff were covered, the volunteers were not.

Volunteers in the program are willing to commit themselves to be accountable to the court for the well being of their ward and/or conservatee. Other than a small monthly stipend of \$20 to offset their out-of-pocket expenses, they receive no financial compensation for the considerable contribution they make on behalf of their wards/conservatees and the State of Kansas.

HB 2509 amends the Tort Claims Act to extend liability protections to KGP volunteers similar to the board and staff. Such coverage would be reassuring to those persons currently serving in the program and help in recruiting new volunteers who may be concerned about personal liability issues should they agree to become a part of the program.

We ask for your support in this request.

The Kansas Guardianship Program is a partnership involving
the state of Kansas and its citizen volunteers.

House Judiciary
3-13-01
Attachment 6