

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on March 18, 2002, in Room 423-S of the Capitol.

All members were present except: Representative Flora - excused
Representative O'Brien - excused

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

Conferees appearing before the committee:

Steve McAllister, Dean, University of Kansas School of Law
Leslie Kaufman, Associate Director, Public Policy Division, Kansas Farm Bureau
George Teagarden, Livestock Commissioner, Kansas Animal Health Department
Major General Gregory Gardner, Adjutant General
Jamie Clover Adams, Secretary, Kansas Department of Agriculture

Others attending: See attached list

Hearing, discussion, and action on SCR 1622 - Concurrent Resolution urging the University of Kansas school of law to establish an agriculture law teaching professorship and an agriculture law clinic

Chairman Johnson opened the hearing on **SCR 1622**. Raney Gilliland briefed the committee on the resolution.

Steve McAllister, Dean, University of Kansas School of Law, appeared in support of **SCR 1622**. He believes investment in an agriculture law teaching professorship and an agriculture law clinic at the University of Kansas School of Law would benefit countless farmers across the state, the Kansas agricultural industry as a whole and, ultimately, the State of Kansas. (Attachment 1)

Leslie Kaufman, Associate Director, Public Policy Division, Kansas Farm Bureau, appeared in support of **SCR 1622** and the concept of an increased agriculture law focus at the University of Kansas School of Law to provide farmers and ranchers additional legal resources through an agriculture law clinic and more attorneys practicing in Kansas that understand agriculture law and modern production agriculture. (Attachment 2)

As there were no other conferees, Chairman Johnson closed the hearing and opened discussion on **SCR 1622**. Representative Hutchins moved to recommend SCR 1622 be adopted. Seconded by Representative Larkin, the motion carried.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, reviewed the time line of activities on March 12 and 13 when a rumor of a possible foreign animal disease at the Holton Livestock Exchange was reported by the media. The Commissioner discussed changes in emergency management response procedures in light of last week's incident. He reported that USDA is investigating the impact the information had on the market and that KLA has asked the Commodity Futures Trading Commission to investigate whether someone used the information for their own personal gain. (ATTACHMENT 3)

Major General Gregory Gardner, Adjutant General, reported on Kansas Emergency Management activities following notification of a rumor of a foreign animal disease in Holton.

Jamie Clover Adams, Secretary, Kansas Department of Agriculture, reported on the department's response to the events of March 12. She noted that the story originated in Iowa, not Kansas.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE on March 18, 2002, in Room 423-S of the Capitol.

Briefing on proposed amendments to SB 395 - State of emergency disaster and unlawful acts involving contagious or infectious diseases of plants or animals

Gordon Self, Revisor of Statutes, briefed the committee on balloon amendments based on proposals made at the hearing on **SB 395** and suggestions made by the working group. (Attachment 4)

The Chairman asked committee members to review the suggested amendments prior to working the bill on Wednesday.

The meeting adjourned at 4:53 p.m. The next meeting is scheduled for March 20, 2002.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 18, 2002

NAME	REPRESENTING
Jim Allen	Sca board
Don Rezac	KCA
Mike Jensen	KPA
Tom Brune	FARM Credit Council
JEFF GUARDINO	SPRINKLER Proc TECH'S OFFICE
Steve McAllister	KU Law School
Bill Howsill	Governor's Office
Keith Brookshaw	Dir of the Budget
ORVILLE COLE	SEN. R. TYSON
John Milburn	Associated Press
MajGen Greg Gardner	Adjutant General
Jamie Clover Adams	KS Dept of Agriculture
Lisa Taylor	KS Dept of Agriculture
Ⓟ	

TESTIMONY OF STEPHEN R. McALLISTER
DEAN OF THE UNIVERSITY OF KANSAS SCHOOL OF LAW

**On A Senate Resolution To Create A Chair And Clinic In Agricultural Law
At The University Of Kansas School Of Law**

March 18, 2002

Good morning. My name is Steve McAllister and it is my privilege to appear before you as the dean of the University of Kansas School of Law. I am a native Kansan. I was born in Lawrence and lived in Hiawatha and Chanute before ending up in the place I call my hometown, Lucas, Kansas--the home of the Garden of Eden.

Growing up in rural Kansas, I was acutely aware of the state's agricultural economy and the challenges that our small farmers face. My father was the banker in Lucas, so I was a "town" kid, but virtually all of my classmates and friends were farm kids. And I was fortunate enough to have the experiences of baling hay, discing fields, and working cattle during the summers as I grew up. Many of my childhood friends are still part of the agricultural industry.

Now I am a lawyer and the leader of our state's law school. As a lawyer, I have learned to appreciate the value and importance of good lawyering to the success of industry and the economy. The agricultural industry is no exception.

Small farmers in Kansas face many challenges with respect to the laws that regulate their activities and those with whom they deal. Commercial transactions are increasingly complex, as are the tax laws and the laws regulating agricultural trade. It was my experience growing up that most farmers rarely, if ever, consulted a lawyer. They rarely received legal assistance in organizing and financing their operations, engaging in tax planning, or expanding their activities.

But I think such assistance could benefit countless farmers across this state, the Kansas agricultural industry as a whole and, ultimately, the State of Kansas.

House Agriculture Committee
March 18, 2002
Attachment 1

Thus, I speak in support of the resolution currently before this honorable Committee. An investment in a chair in agricultural law and an agricultural law clinic at the University of Kansas School of Law would generate significant rewards for the state.

Currently very few, if any, law schools train lawyers specifically to represent agricultural interests and agricultural clients. We obviously teach our students the fundamentals of contract law, business planning, tax law, regulatory law and so forth, but there is a real opportunity for Kansas to take the lead in this area and prepare generations of lawyers to promote and advance the interests of the Kansas agricultural industry. The KU Law School, by the way, has a faculty member who has written an agricultural law casebook, Professor Keith Meyer, but the other demands on his time preclude him from devoting his full attention to agricultural law.

Law has become increasingly complex, and the agriculture industry is no exception. And there is every reason to believe that the trend toward greater complexity will continue. Agricultural producers in this state increasingly will need legal advice and assistance from lawyers with a sophisticated background in the areas of special interest to agriculture.

A chair in agricultural law at the KU Law School would permit us to recruit an additional, outstanding faculty member to do several things: (1) teach substantive courses that address the legal issues fundamental to the success of the agricultural industry; (2) write and lecture about legal issues of special importance to the agricultural industry; (3) provide expertise to the Legislature on issues involving the agricultural industry; and (4) supervise a clinic in agricultural law that would permit KU law students to work with farmers.

My vision is not of a clinic that would litigate cases that arise from disputes within the agricultural industry, but of a clinic that would focus on business planning and forward-looking transactional work, in some ways the very best of lawyering--helping people to achieve their goals. I thank you for your time and attention.



Kansas Farm Bureau

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PUBLIC POLICY STATEMENT

HOUSE COMMITTEE ON AGRICULTURE

RE: SCR 1622 – encouraging the University of Kansas to establish an agriculture law teaching professorship and agriculture law clinic.

**March 18, 2002
Topeka, Kansas**

**Presented by:
Leslie Kaufman, Associate Director
Public Policy Division**

Chairman Johnson and members of the House Agriculture Committee, thank you for the opportunity to present testimony supporting the concept of an increased agriculture law focus at the University of Kansas School of Law.

Our members strongly encourage private organizations, governmental agencies and educational institutions to develop and promote educational programs and material that provide technical and practical information about contract production, marketing contracts and cooperative business. Our members understand the importance of seeking legal advice, not only as it might pertain to agricultural contracts, but on many facets of modern production agriculture. In order for farmers and ranchers to receive solid legal advice relative to their farming and ranching enterprises, a corps of Kansas attorneys who are well trained in agriculture law will be essential.

SCR 1622 is one approach to foster increased opportunities for Kansas farmers and ranchers to access legal advice from practitioners well versed in agriculture law. The bill seeks to accomplish this through encouraging the University of Kansas School of Law to establish an agriculture law teaching professorship and agriculture law clinic.

House Agriculture Committee
March 18, 2002
Attachment 2

We appreciate the goal of the bill. Being a farm organization, we would support an increased emphasis on agriculture law in all of our law schools.

If a program such as the one envisioned in SCR 1622 would be implemented, we would hope farmers and ranchers across the state could find additional legal resources through the clinic and an ever-increasing number of attorneys practicing in Kansas that understand agriculture law and modern production agriculture.

As such, we respectfully request the Committee act favorably on SCR 1622 in order to enhance the agriculture law opportunities available in Kansas. Thank you.

Kansas Farm Bureau represents grassroots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

TIMELINE OF ACTIVITIES
FMD SUSPECTS AT HOLTON LIVESTOCK MARKET

Tuesday, March 12

1:30 p.m. Dr. Zimmerman, market veterinarian at Holton, reported possible FAD to Dr. Grosdidier at KAHD. Zimmerman reported oral lesions in a consignment of cows. USDA Veterinary Services Topeka office also notified.

1:30 p.m. to 5:00 p.m. Cattle were isolated under continuous supervision of Dr. Zimmerman.

5:00 p.m. Dr. Grosdidier arrived at Holton market and performed a visual inspection of suspect animals. No outward clinical signs were apparent. Cattle were moved into chute area for physical examination. First cow through the chute had lesions in the mouth area. Eight cows had mouth and tongue lesions and slightly elevated, though not abnormal temperatures. Cattle didn't have foot or teat lesions characteristic of FMD. Tissue and blood samples were collected.

8:00 p.m. Dr. Grosdidier talked about results of animal examination with Teagarden. Reported the lesions were more likely feed-related, not FMD. Dr. Grosdidier has firsthand experience in diagnosing FMD, both at the USDA lab in Plum Island, New York, and last year in the U.K. KAHD, in concurrence with USDA, made the collective decision not to order the market closed or quarantine the animals, both of which could have disrupted market activities.

9:00 p.m. Cattle were taken back to initial holding pen and remained isolated.

10:00 p.m. Further discussions among KAHD and USDA Vet Services concluded it was likely not FMD, but as a precautionary measure, arrangements were made to ship results to Plum Island. It was too late to use overnight delivery, so Dr. Grosdidier was scheduled to hand-carry the samples to Plum Island.

Wednesday, March 13

6:30 a.m. Dr. Grosdidier leaves KCI with samples enroute to Plum Island, New York.

8:00 a.m. Dr. Sam Graham from KAHD left Kingman to conduct further investigation at the farm of origin.

9:30 a.m. Deputy administrator of APHIS was made aware of investigation.

11:00 a.m. Teagarden left message about situation for Kansas Ag Secretary Jamie Adams. He also followed up in person with Dr. Even Sumner, who said he would discuss the matter with Adams.

11:30 a.m. Dr. Evans with USDA Vet Services in Topeka received a media call. Evans, the area epidemiologist, responded to two media inquiries, telling them this was a routine investigation similar to the 800 FAD investigations conducted nationwide last year. He told both outlets sample results would be available that evening. Shortly thereafter, USDA-APHIS in Washington, D.C., ordered media inquiries received by the Vet Services office in Topeka be directed to federal level. At that point, Dr. Varner ordered all media calls be directed to D.C., but the Vet Services staff continued to answer questions from producers, state agencies and legislators. At least 75 such calls were received.

11:35 a.m. Teagarden remained in constant contact with USDA.

12:00 p.m. Teagarden contacted KLA, which is a lead on the communications team of the Kansas Foreign Animal Disease Emergency Response Plan.

12:30 p.m. Teagarden contacted Kansas Emergency Management.

1:00 p.m. Dr. Graham returned to KAHD offices in Topeka, having substantiated the problem was feed-related. He agreed with Dr. Grosdidier that the problem was likely not FMD. Dr. Graham began answering calls from media and other sources.

8:15 p.m. USDA reported results of sample testing at Plum Island were NEGATIVE.

KLA has asked the Commodity Futures Trading Commission to investigate whether someone used the information for their own personal gain in the marketplace. The USDA Office of Inspector General is investigating the impact the information had on the market.

SENATE BILL No. 395

By Committee on Agriculture

1-16

Proposed Amendments to SB 395

House Agriculture Committee
March 18, 2002
Attachment 4

12 AN ACT concerning plant and animal diseases; relating to state of dis-
13 aster emergency; unlawful acts and punishment therefor; amending
14 K.S.A. [21-3419 and] 21-3436 and K.S.A. 2001 Supp. 47-623 and 48-
15 924 and repealing the existing sections; also repealing K.S.A. 2001
16 Supp. 47-623.

17
18 Be it enacted by the Legislature of the State of Kansas:

19 New Section 1. (a) It shall be unlawful for any person to knowingly:
20 ~~(1) Bring into this state any plant which is affected with any conta-~~
21 ~~gious or infectious disease or any plant which has been exposed to any~~
22 ~~contagious or infectious disease; or~~

23 ~~(2) expose any plant in this state to any contagious or infectious~~
24 ~~disease.~~

25 ~~(b) Violation of subsection (a)(1) or (a)(2) is a severity level 3, non-~~
26 ~~person felony.~~

27 New Section 1. (a) Endangering the food supply is knowingly:

28 (1) ~~Bringing into this state any domestic animal which is af-~~
29 ~~ected with any contagious or infectious disease or any animal~~
30 ~~which has been exposed to any contagious or infectious disease;~~

31 (2) ~~exposing any animal in this state to any contagious or infec-~~
32 ~~tious disease;~~

33 (3) ~~except as permitted under K.S.A. 2-2112 et seq., and amend-~~
34 ~~ments thereto, bringing or releasing into this state any plant pest as~~
35 ~~defined in K.S.A. 2-2113, and amendments thereto, or exposing any~~
36 ~~plant to a plant pest; or~~

37 (4) ~~exposing any raw agricultural commodity, animal feed or~~
38 ~~processed food to any contagious or infectious disease.~~

39 (b) ~~As used in this section: (1) "Animal feed" means an article~~
40 ~~which is intended for use for food for animals other than humans~~
41 ~~and which is intended for use as a substantial source of nutrients~~
42 ~~in the diet of the animal, and is not limited to a mixture intended to~~
43 ~~be the sole ration of the animal;~~

Except as provided in subsection (b),

except as provided in subsection (b),

contaminant or

The provisions of this act shall not apply to bona fide experiments and actions related thereto carried on by commonly recognized research facilities.

(c)

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(2) "contagious or infectious disease" means any disease which can be spread from one subject to another by direct or indirect contact or by an intermediate agent, including, but not limited to, anthrax, all species of brucellosis, equine infectious anemia, hog cholera, pseudorabies, psoroptic mange, rabies, tuberculosis, vesicular stomatitis, avian influenza, pullorum, fowl typhoid, psittacosis, viscerotropic velogenic Newcastle disease, foot and mouth disease, rinderpest, African swine fever, piroplasmosis, vesicular exanthema, Johne's disease, scabies, scrapies, bovine leukosis and bovine spongiform encephalopathy;

(3) "processed food" means any food other than a raw agricultural commodity and includes any raw agricultural commodity that has been subject to processing, such as canning, cooking, freezing, dehydration or milling; and

(4) "raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

~~[(e)] Endangering the food supply is a severity level 9, nonperson felony.~~ Endangering the food supply is a severity level 3, nonperson felony, if done with the intent to cause damage to plants or animals or to cause economic harm or social unrest. Endangering the food supply is a severity level 3, person felony, if done with the intent to cause illness, injury or death to a human being or beings.

(d)

Class A nonperson misdemeanor

[Sec. 2. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

[(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation; or

[(2) adulterate or contaminate any food, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply; or

[(3) expose any animal in this state to any contagious or infectious disease.

[(b) A criminal threat is a severity level 9, person felony.

[(c) As used in this section, "threat" includes any statement that one has committed any action described by subsection (a)(1) or (2).]

Sec. 2 [3]. K.S.A. 21-3436 is hereby amended to read as follows: 21-3436. (a) Any of the following felonies shall be deemed an inherently dangerous felony whether or not such felony is so distinct from the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto as not to be an ingredient of the homicide alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amendments thereto:

1 (1) Kidnapping, as defined in K.S.A. 21-3420 and amendments
2 thereto;

3 (2) aggravated kidnapping, as defined in K.S.A. 21-3421 and amend-
4 ments thereto;

5 (3) robbery, as defined in K.S.A. 21-3426 and amendments thereto;

6 (4) aggravated robbery, as defined in K.S.A. 21-3427 and amend-
7 ments thereto;

8 (5) rape, as defined in K.S.A. 21-3502 and amendments thereto;

9 (6) aggravated criminal sodomy, as defined in K.S.A. 21-3506 and
10 amendments thereto;

11 (7) abuse of a child, as defined in K.S.A. 21-3609 and amendments
12 thereto;

13 (8) felony theft under subsection (a) or (c) of K.S.A. 21-3701 and
14 amendments thereto;

15 (9) burglary, as defined in K.S.A. 21-3715 and amendments thereto;

16 (10) aggravated burglary, as defined in K.S.A. 21-3716 and amend-
17 ments thereto;

18 (11) arson, as defined in K.S.A. 21-3718 and amendments thereto;

19 (12) aggravated arson, as defined in K.S.A. 21-3719 and amendments
20 thereto;

21 (13) treason, as defined in K.S.A. 21-3801 and amendments thereto;

22 (14) any felony offense as provided in K.S.A. 65-4127a, 65-4127b or
23 65-4159 or K.S.A. 1995 2001 Supp. 65-4160 through 65-4164 and amend-
24 ments thereto; **and**

25 (15) any felony offense as provided in K.S.A. 21-4219 and amend-
26 ments thereto; **and**

27 (16) ~~any offense as provided in K.S.A. 47-623, and amendments~~
28 ~~thereto; and~~

29 ~~(17) any offense as provided endangering the food supply as de-~~
30 ~~fin~~ **ined in section 1, and amendments thereto.**

31 (b) Any of the following felonies shall be deemed an inherently dan-
32 gerous felony only when such felony is so distinct from the homicide
33 alleged to be a violation of subsection (b) of K.S.A. 21-3401 and amend-
34 ments thereto as to not be an ingredient of the homicide alleged to be a
35 violation of subsection (b) of K.S.A. 21-3401 and amendments thereto:

36 (1) Murder in the first degree, as defined in subsection (a) of K.S.A.
37 21-3401 and amendments thereto;

38 (2) murder in the second degree, as defined in subsection (a) of
39 K.S.A. 21-3402 and amendments thereto;

40 (3) voluntary manslaughter, as defined in subsection (a) of K.S.A. 21-
1 3403 and amendments thereto;

42 (4) aggravated assault, as defined in K.S.A. 21-3410 and amendments
43 thereto;

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1 (5) aggravated assault of a law enforcement officer, as defined in
2 K.S.A. 21-3411 and amendments thereto;

3 (6) aggravated battery, as defined in subsection (a)(1) of K.S.A. 21-
4 3414 and amendments thereto; and

5 (7) aggravated battery against a law enforcement officer, as defined
6 in K.S.A. 21-3415 and amendments thereto.

7 (c) This section shall be part of and supplemental to the Kansas crim-
8 inal code.

9 ~~Sec. 3. K.S.A. 2001 Supp. 47-623 is hereby amended to read as fol-
10 lows: 47-623. (a) It shall be unlawful for any person to knowingly;~~

11 ~~—(1) Bring into this state any domestic animal which is affected with
12 any contagious or infectious disease or any animal which has been exposed
13 to any contagious or infectious disease;~~

14 ~~—(2) except as provided in paragraph (3), expose any domestic animal
15 in this state to any contagious or infectious disease; or~~

16 ~~—(3) expose any animal in this state to foot and mouth disease.~~

17 ~~—(b) Violation of subsection (a)(1) or (a)(2) or (a)(3) is a class A non-
18 person misdemeanor severity level 3, nonperson felony. Violation of sub-
19 section (a)(3) is a severity level 4, nonperson felony.~~

20 Sec. 4. ~~3.~~ [4.] K.S.A. 2001 Supp. 48-924 is hereby amended to read
21 as follows: 48-924. (a) The governor shall be responsible for meeting the
22 dangers to the state and people presented by disasters.

23 (b) (1) The governor, upon finding that a disaster has occurred or
24 that occurrence or the threat thereof is imminent, shall issue a procla-
25 mation declaring a state of disaster emergency.

26 (2) In addition to or instead of the proclamation authorized by K.S.A.
27 47-611, and amendments thereto, the governor, upon a finding or when
28 notified pursuant to K.S.A. 47-611, and amendments thereto, that a quar-
29 antine or other regulations are necessary to prevent the spread among
30 ~~plants or~~ domestic animals of any contagious or infectious disease, may
31 issue a proclamation declaring a state of disaster emergency. *In addition,*
32 *the governor, upon a finding that a quarantine or other regulations*
33 *are necessary to prevent the spread among plants, raw agricultural*
34 *commodities, animal feed or processed food of any contagious or*
35 *infectious disease, may issue a proclamation declaring a state of*
36 *disaster emergency.*

37 (3) The state of disaster emergency so declared shall continue until
38 the governor finds that the threat or danger of disaster has passed, or the
39 disaster has been dealt with to the extent that emergency conditions no
40 longer exist. Upon making such findings the governor shall terminate the
41 state of disaster emergency by proclamation, but except as provided in
42 paragraph (4), no state of disaster emergency may continue for longer
43 than 15 days unless ratified by concurrent resolution of the legislature,

to or instead of a proclamation authorized by
K.S.A. 47-611, and amendments thereto

or when notified pursuant to K.S.A. 2-2114, and
amendments thereto,

1 with the single exception that upon specific application by the governor
2 to the state finance council and an affirmative vote of a majority of the
3 legislative members thereof, a state of disaster emergency may be ex-
4 tended once for a specified period not to exceed 30 days beyond such 15-
5 day period.

6 (4) If the state of disaster emergency is proclaimed pursuant to par-
7 agraph (2), the governor shall terminate the state of disaster emergency
8 by proclamation within 15 days, unless ratified by concurrent resolution
9 of the legislature, except that when the legislature is not in session and
10 upon specific application by the governor to the state finance council and
11 an affirmative vote of a majority of the legislative members thereof, a
12 state of disaster emergency may be extended for a specified period not
13 to exceed 30 days. The state finance council may authorize additional
14 extensions of the state of disaster emergency by a unanimous vote of the
15 legislative members thereof for specified periods not to exceed 30 days
16 each. Such state of disaster emergency shall be terminated on the 15th
17 day of the next regular legislative session following the initial date of the
18 state of disaster emergency unless ratified by concurrent resolution of the
19 legislature.

20 (5) At any time, the legislature by concurrent resolution may require
21 the governor to terminate a state of disaster emergency. Upon such action
22 by the legislature, the governor shall issue a proclamation terminating the
23 state of disaster emergency.

24 (6) Any proclamation declaring or terminating a state of disaster
25 emergency which is issued under this subsection shall indicate the nature
26 of the disaster, the area or areas threatened or affected by the disaster
27 and the conditions which have brought about, or which make possible
28 the termination of, the state of disaster emergency. Each such procla-
29 mation shall be disseminated promptly by means calculated to bring its
30 contents to the attention of the general public and, unless the circum-
31 stances attendant upon the disaster prevent the same, each such procla-
32 mation shall be filed promptly with the division of emergency manage-
33 ment, the office of the secretary of state and each city clerk or county
34 clerk, as the case may be, in the area to which such proclamation applies.

35 (c) In the event of the absence of the governor from the state or the
36 existence of any constitutional disability of the governor, an officer spec-
37 ified in K.S.A. 48-1204 and amendments thereto, in the order of succes-
38 sion provided by that section, may issue a proclamation declaring a state
39 of disaster emergency in the manner provided in and subject to the pro-
40 visions of subsection (a). During a state of disaster emergency declared
41 pursuant to this subsection, such officer may exercise the powers con-
42 ferred upon the governor by K.S.A. 48-925, and amendments thereto. If
43 a preceding officer in the order of succession becomes able and available,

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1 the authority of the officer exercising such powers shall terminate and
2 such powers shall be conferred upon the preceding officer. Upon the
3 return of the governor to the state or the removal of any constitutional
4 disability of the governor, the authority of an officer to exercise the powers
5 conferred by this section shall terminate immediately and the governor
6 shall resume the full powers of the office. Any state of disaster emergency
7 and any actions taken by an officer under this subsection shall continue
8 and shall have full force and effect as authorized by law unless modified
9 or terminated by the governor in the manner prescribed by law.

10 (d) A proclamation declaring a state of disaster emergency shall activate
11 the disaster response and recovery aspects of the state disaster
12 emergency plan and of any local and interjurisdictional disaster plans
13 applicable to the political subdivisions or areas affected by the proclamation.
14 Such proclamation shall be authority for the deployment and use
15 of any forces to which the plan or plans apply and for use or distribution
16 of any supplies, equipment, materials or facilities assembled, stockpiled
17 or arranged to be made available pursuant to this act during a disaster.

18 (e) The governor, when advised pursuant to K.S.A. 74-2608, and
19 amendments thereto, that conditions indicative of drought exist, shall be
20 authorized to declare by proclamation that a state of drought exists. This
21 declaration of a state of drought can be for specific areas or communities,
22 can be statewide or for specific water sources and shall effect immediate
23 implementation of drought contingency plans contained in state approved
24 conservation plans, including those for state facilities.

25 Sec. ~~5-4~~ [5.] K.S.A. [21-3419 and] 21-3436 and K.S.A. 2001 Supp.
26 47-623 and 48-924 are hereby repealed.

27 Sec. ~~6-5~~ [6.] This act shall take effect and be in force from and
28 after its publication in the Kansas register.