

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Vice Chairperson Tim Huelskamp at 8:30 a.m. on February 5, 2003 in Room 423-S of the Capitol.

All members were present except: Senator Schmidt, excused

Committee staff present: Raney Gilliland, Legislative Research
Lisa Montgomery, Revisor of Statutes
Judy Swanson, Committee Secretary

Conferees appearing before the committee: Jennifer Mathes, Bartlett, KS
Oren Holle, Marysville, KS

Others attending: See attached guest list

Jennifer Mathes, Bartlett, Kansas farmer, testified concerning genetically altered wheat. She addressed the economic impact of GMO on Kansas farmers. She said she had researched the liability issues with GMO crops. (Attachment 1) She said liability protection is needed for Kansas farmers. Traditional crops from experimental varieties also need to be protected. Senator Umbarger requested documentation about the canola issue. Committee discussion was held.

Oren Holle, Marysville organic farmer, said the Monsanto vs. Canada case will be heard in Canada's high court. He felt Monsanto is using unconscionable tactics to lay the blame elsewhere in the Canadian issue. Contamination takes away the market value of organically grown wheat. Japan is a large portion of our specialty market and will not buy any products that are contaminated with GMO. Companies will claim ownership of the GMO, but will not take responsibility for introduction into other crops. It has become impossible for anyone to grow canola without insuring it is not contaminated. Marketability in Kansas has not run into a serious problem yet.

Doug Wareham, Kansas Agri-Business Retailers Association, expressed disappointment that they had such short notice of today's meeting, and he would like to address the claims made by Ms. Mathes by bringing in people who are involved. He noted that GMO products have been approved by the USDA, Food & Drug Administration, EPA and Health & Environment. He said Lisa Drake, Governmental Affairs, with Monsanto would be available after the meeting to answer questions

Senator Umbarger made a motion to conceptually introduce bills concerning 1) Liability protection for Kansas farmers 2) Protection of the states agriculture economy and 3) Protection of traditional crops from experimental varieties. Senator Lee seconded the motion, and the motion passed.

The meeting adjourned at 9:35 p.m.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2/5/03

NAME	REPRESENTING
Brett Myers	KAWA
DARVE STROUTS	Ks Crop Improvement
Donn Teske	Ks Farmers Union
Lana O'CONNOR	White Cloud Grain, Hiawatha, Ks
Mark Herz	Ag Partners Hiawatha Ks
Cory Falke	ADM-Collingwood Grain
Scott Anderson	KFSIA - Hutchinson KS
Charles Sauerwein	Wind River Grain LLC, Garden City Ks
M John Bender	Kansas Grain + Feed Assoc. Dodge City, co-ops
BRIAN LINN	Wallace County Coop, Sharon Springs, KS
LISA DRAKE	MONSANTO
Darg Wareham	KOFA/KIARA
Tom Tunnell	KOFA/KIARA
Chad Villwak	Syngenta
Ernie Theiken	Isabel co-op. Isabel, KS
Heddie Kaufman	KFB
Jennifer Mathes	Farmer - Bartlett
Oren Halle	Kansas Organic Producers Mansfield, KS
Steve Swaffar	Ks Farm Bureau

Senate Agriculture Meeting

February 5, 2003

Presented by
Jennifer Mathes, Bartlett, Kansas

#1 Liability protection for Kansas Farmers

#2 Protect the States Agricultural Economy

#3 Protect traditional crops from experimental varieties

#1 Protection for Kansas Farmers

Purpose: To protect producers who plant non GMO crops from cross-pollination or contamination from another producers GMO crop, and to provide a means for compensation to a producer or warehouseman whose crop has been contaminated and a loss of income has accrued.

- If a farmer plants a GMO crop according to the manufacturer's directions he should not be personally liable for any cross-pollination or contamination to another's crop.
- The manufacturer of GMO seed shall be held responsible for damages caused to farmers or grain warehouseman by the use of their products.
- Loss of premium, transportation, storage, handling, penalties, and litigation expenses should all be included in compensation to the producer or warehouseman.
- Manufacturers of GMO seed shall not be allowed to recover a technology fee from a producer who planted non-GMO seed, and by no fault of the producer, later contained GMO traits.

*Senate Agriculture
02-05-03
Attachment 1*

Protect the States Agricultural Economy

Purpose: To protect Kansas agriculture by ensuring that a decision to commercially introduce a genetically engineered wheat variety in Kansas is done in a careful, fully informed manner that will not adversely affect Kansas agriculture or the Kansas economy.

- Makers of GMO wheat shall obtain a certificate from the Department of Agriculture that will require that the manufacturer:
 - Prove financial responsibility to pay for possible damages incurred from the introduction of GMO wheat.
 - Prove that marketability in foreign and domestic markets is equivalent to conventional wheat varieties.
 - Prove the ability to segregate from conventional and organic in all channels.
 - Pay an appropriate filing fee to cover costs.
- The Ag Department shall notify persons who desired to be informed when an application has been received. Those persons shall be maintained on a mailing list.
- After receiving an application the department shall conduct a comprehensive environmental review and marketability impact.
- Hearings shall be established to bring forth any investigation, reports, or documentary evidence that should also be taken into consideration.
- Final decision to be made by the Secretary of Agriculture.
 - Once approved, the department has the right to inspect all fields.
 - If found in violation, certificate will be revoked and possibly resulting in the crop being destroyed.
 - The certificate holder shall be responsible for any damages suffered by a producer that are the result of the revocation of the certificate or the destruction of the crop or seeds.

#3 Protect traditional crops from experimental varieties

Purpose: To aid USDA in the enforcement of Federal Regulations regarding biotech test plots, and to maintain the public's confidence in biotech crops.

- A research plan shall be filed with the Kansas Department of Agriculture.
- All field test sites and greenhouse facilities be inspected to verify they meet USDA planting guidelines.
- Would allow the Kansas Department of Agriculture access to each field.
- Required to maintain adequate buffer zones.
- Notifies producers within one mile.
- Complies with all federal or state laws.
- May not be planted near State registered seed growers.