

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 12:00 noon on March 26, 2001, in Room 527-S of the Capitol.

All members were present except: Representative O'Brien - absent

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

Conferees appearing before the committee:

Mike Jensen, President, Kansas Pork Association
Todd Johnson, Executive Secretary, Purebred Division, Kansas Livestock Association
John Harsch, Livestock Waste Management Section, Kansas Dept. of Health and Environment
Jamie Clover Adams, Secretary, Kansas Department of Agriculture

Others attending: See attached list

Hearing on HB 2572 - Unlawful entry by agricultural inspector, criminal and civil sanctions

Chairman Johnson opened the hearing on **HB 2572**. Raney Gilliland explained that **HB2572** would make it unlawful for a Kansas Department of Health and Environment or United States Environmental Protection Agency inspector to enter a confined livestock facility without maintaining full compliance with a bio-security plan. The bill provides for both criminal and civil penalties.

Mike Jensen, President, Kansas Pork Association, testified in support of **HB 2572**. He stressed the importance of government inspectors respecting the potential impact of their actions and related a recent incident involving EPA inspectors, accompanied by KDHE personnel, conducting inspections with no respect for the bio-security of the operations being inspected. He requested consideration of two amendments: 1) to allow a producer to seek damages from the government for actions resulting in disease transmission, and 2) additional language clarifying the ability of a producer to file or amend their bio-security plan at any time. (Attachment 1)

Todd Johnson, Executive Secretary, Purebred Division, Kansas Livestock Association, appeared in support of the general concept of **HB 2572** to protect the health and security of Kansas livestock operations. He noted that similar concerns have been raised regarding private citizens who visit livestock production facilities and unknowingly breach bio-security measures. (Attachment 2)

John Harsch, Livestock Waste Management Section, Kansas Department of Health and Environment, appeared in opposition to **HB 2572** as it is drafted. He testified that bio-security is taken very seriously by the Department and discussed inspector training in the importance of bio-security. The Department believes that if penalties for violating bio-security protocols are established, they should apply to all persons entering or exiting a facility. (Attachment 3)

Jamie Clover Adams, Secretary, Kansas Department of Agriculture, appeared in support of the concept of **HB 2572**, but expressed concern about the way the bill is currently drafted. She discussed several options and provided a substitute proposal that would apply to any individual entering the premises of a permitted livestock confinement facility. (Attachment 4)

The conferees, Livestock Commissioner George Teagarden, and Dr. Steve Dritz of the College of Veterinary Medicine at Kansas State University responded to committee questions.

CONTINUATION SHEET

The hearing on **HB 2572** was closed. Chairman Johnson requested that Mr. Harsch, Kansas Department of Health and Environment; Secretary Clover Adams, Kansas Department of Agriculture; and other interested parties draft mutually acceptable language and report to the Chairman by March 28, 2001, in order to schedule a date for possible action on **HB 2572**.

The meeting adjourned at 1:30 p.m.