

MINUTES

SPECIAL COMMITTEE ON AGRICULTURE

December 12, 2001
Room 519-S—Statehouse

Members Present

Senator Derek Schmidt, Chair
Representative Dan Johnson, Vice Chair
Senator Janis Lee
Senator Stan Clark
Senator Larry Salmans
Senator Mark Taddiken
Representative Don Dahl
Representative John Faber
Representative Gary Hayzlett
Representative Bruce Larkin
Representative Dennis McKinney
Representative Sharon Schwartz

Members Absent

Representative Dan Thimesch

Staff Present

Raney Gilliland, Kansas Legislative Research Department
Amy Kramer, Kansas Legislative Research Department
Jill Wolters, Revisor of Statutes Office
Jo Cook, Committee Secretary

Conferees

Dr. Jerry Jaax, Kansas State University
Dr. Kevin Varner, United States Department of Agriculture
Terry Knowles, Kansas Bureau of Investigation
Jamie Clover Adams, Department of Agriculture
George Teagarden, Animal Health Department

Others Attending

See attached list.

Morning Session

Chairman Schmidt opened the meeting by announcing that the Committee would again address the issue of bioterrorism. He then welcomed Dr. Jerry Jaax, Associate Vice Provost for Research Compliance and University Veterinarian at Kansas State University (KSU). Dr. Jaax provided a power point presentation titled "The Biological Threat" ([Attachment 1](#)). Dr. Jaax defined biological warfare as the intentional use of microorganisms or toxins derived from living organisms to produce death or disease in humans, animals, and plants. He explained that the threat is largely rooted in well-funded, state-sponsored, offensive biological warfare programs that flourished during the cold war. Dr. Jaax provided background information on biological warfare developed in the former Soviet Union and about test chambers and anthrax pilot plants in the United States. Showing how the biological threat has evolved, Dr. Jaax outlined the diseases most often mentioned in the context of biological warfare. They are broken into different types (human, plant, animal, and zoonotics) with the zoonotics chosen most often by those who participate in bioweaponry. He stated that the risk in these diseases is agent, target, and delivery dependent. He stated that agricultural bioterrorism is not about someone trying to kill cows; it is an economic assault on our national security and infrastructure. He explained the need for timely and seamless communication between the human and veterinary public health communities. Dr. Jaax addressed the recent outbreak of foot and mouth disease in the United Kingdom and stated that a coordinated partnership is critical. Dr. Jaax responded to questions from the Committee.

Dr. Kevin Varner, Area Veterinarian in Charge-Kansas, United States Department of Agriculture (USDA), addressed the Committee about the Animal and Plant Health Inspection Service Division ([Attachment 2](#)) and its activities concerning the potential for bioterrorism in agriculture. Dr. Varner outlined the services provided through the Veterinary Services section. He also spoke about the emergency response services provided. He said it was important to build partnerships and to maximize available resources. With the increased reports of biological warfare, new partnerships are developing and the definition of national emergency has changed. Dr. Varner responded to questions from the Committee.

Mr. Terry Knowles, Deputy Director of the Kansas Bureau of Investigation (KBI), testified before the Committee on the threat of bioterrorism in Kansas agriculture ([Attachment 3](#)). Mr. Knowles stated that KBI had changed considerably since the early days; however, its mission remains very much the same. The mission is to provide local police and sheriff departments with investigative, forensic, and technical assistance. He stated that today's challenge is more complex, with more severe and widespread consequences. Mr. Knowles then outlined the role KBI would play in a coordinated response to an intentional biological attack on Kansas agriculture. He explained that, within state and federal regulations, his agency is expanding its existing intelligence database to help identify any potential threat to Kansas agriculture. Mr. Knowles responded to questions from the Committee.

Kansas Secretary of Agriculture, Jamie Clover Adams, appeared before the Committee to discuss issues regarding the Kansas plant and animal disease prevention infrastructure ([Attachment 4](#)). Secretary Adams stated that the evolution of trade and open borders over the past decades has dramatically increased the risk of invasive plant pest introductions and that potential terrorist attacks compound existing risks. Secretary Adams responded to questions from the Committee.

George Teagarden, Livestock Commissioner for the Animal Health Department, addressed the Committee with information about his agency's biosecurity plan ([Attachment](#)

5). Commissioner Teagarden detailed the plan and listed the support system and participants. Mr. Teagarden answered questions from the Committee.

Afternoon Session

Chairman Schmidt opened the floor for Committee discussion in preparation for the final Committee report. The first issue addressed was that of biosecurity. Representative Schwartz requested that the report include plant agriculture and review the penalties in relation to 2001's HB 2468. *Representative Schwartz moved to consider establishing criminal penalties for persons who intentionally introduce pathogens to plants, similar to the penalties in law for animals and that the standing committees spend time in the 2002 Session reviewing the overall structure of our criminal penalties for damage to the food supply and related statutes that govern damage to particular animals. Senator Lee seconded the motion.* During discussion of the motion, it was requested to have the Attorney General's office review the penalties, and the motion was amended to include that request. *Motion carried.*

Chairman Schmidt brought up the issue of research and having the information in our arsenals to protect our food supply. In light of KSU's request for funds to construct the research facility, Chairman Schmidt asked the Committee if there was interest in making a recommendation as to advising the construction of such a facility. *Representative Johnson moved that the Committee recommend that the research facility be constructed. Senator Taddiken seconded the motion.* A request to modify the motion to have the Building Construction Committee and the Appropriations and Ways and Means Committees review and plan a biosecurity facility at KSU a priority. Representative Johnson and Senator Taddiken agreed to amend the motion. *Motion carried.* The Committee decided that a copy of the Committee report with a cover letter from the Chairman will be sent to members of the Building Construction Committee.

Senator Lee moved to have the Committee make an affirmative statement indicating that there is great importance in the interagency cooperation currently occurring and that the Committee is interested in seeing if there is a way to insure that the spirit of interagency cooperation lasts beyond the current crisis. Senator Lee's motion requested that the agencies that are now cooperating provide the standing agriculture committees with their thoughts on how to ensure that there is formal written policy to ensure this cooperation occurs in the future. Representative Schwartz seconded the motion. Motion carried.

Chairman Schmidt opened the floor for discussion on the proposed Committee report on the issue of Karnal bunt (Attachment 6). *Representative McKinney moved that the Committee recommend a resolution be introduced, as a House Concurrent Resolution, reiterating the requests in the letter sent to USDA Secretary Veneman and sent to the USDA and the Administration. Representative Faber seconded the motion. Motion carried.*

Turning its attention to the Committee report on Federal Safety Requirements for Agricultural Fertilizer Trailers (Attachment 7), *Representative Dahl moved to accept the Committee report. Representative Hayzlett seconded the motion and the motion carried.*

Raney Gilliland, Principal Analyst, and Amy Kramer, Fiscal Analyst, distributed a memorandum outlining the recommendations made by conferees at the various tour meetings (Attachment 8). Chairman Schmidt allowed the Committee time to consider the document and opened the floor for other items to discuss.

Senator Clark distributed copies of a portion of the Agriculture, Conservation, and Rural Enhancement Act of 2001 (U.S.) (Attachment 9). *Senator Clark moved to request a resolution be introduced and sent to the U.S. Senate requesting the adoption of the "Country of Origin Labeling" portion of the Act . Representative McKinney seconded the motion.* During discussion a request for specificity on the actual wording of that portion be that only the U.S. label be obligatory. Both Senator Clark and Representative McKinney agreed to the amendment. Motion carried.

Chairman Schmidt requested the Committee consider recommending that the state find a mechanism to help local units of government which carry the entire financial burden of controlling sericea lespedeza to cover the costs of eradication. At the request of a Committee member, the request was amended to include all noxious weed control. *Chairman Schmidt moved to have the appropriate committee explore mechanisms to make additional, nonlocal money available to local units battling noxious weeds in Kansas. Representative Schwartz seconded the motion and the motion carried.*

Representative Johnson requested that the issue of the high cost of producers meeting the standards of the Kansas Department of Health and Environment (KDHE) be addressed by the use of an income tax credit. Representative Johnson stated that without a one-stop shopping place to get answers to their questions about compliance models, it is very difficult for a farmer or rancher to meet KDHE environmental standards.

Representative McKinney moved to recommend that a House bill be introduced to allow for a tax credit for actual construction costs to comply with KDHE requirements of up to \$10,000 a year. The proposed bill would include a five-year carry over. Representative Dahl seconded the motion. Motion carried.

Representative Larkin requested that the standing agriculture committees take a look at the issue of the use of eminent domain in watershed districts and the possible abuse thereof be included in the Committee report.

Representative Faber, referring to the report distributed by Mr. Gilliland, requested that the Committee look at water usage under HB 2950, as there are currently no standards for minimal water needs regarding nutrient utilization plans. Senator Clark distributed a proposed resolution (Attachment 10) regarding the need for a plan guiding producers on waste disposal. *Senator Clark moved to introduce the resolution and Representative Faber seconded the motion. The motion carried.* This will be introduced as a Senate Concurrent Resolution.

Senator Taddiken moved to include in the Committee report support for the need to have long-range plans and capitalization efforts for economic development in rural areas. Representative Schwartz seconded the motion and the motion carried.

Representative McKinney distributed language for a proposed bill on a limited contract grower protection act and for a resolution for the development of a plan to make more new seed genetics available (Attachment 11). *Representative McKinney moved to have the Committee recommend the introduction of a bill with the language proposed on the limited contract grower protection act. Senator Clark seconded the motion. The motion carried.*

Representative Larkin addressed the prior year's Special Committee's recommendation for a bill introduction on priority liens. That bill was sent to the House Judiciary Committee but never received a hearing. *Representative Larkin moved to have the Committee issue an encouragement to the Chairman of the House Judiciary Committee to*

take up the recommendation of the 2000 Interim Committee on Agriculture regarding the priority lien bill. Senator Clark seconded the motion and the motion failed.

With no objection from the Committee, the Chairman stated that the document prepared by Raney Gilliland would become an informational part of the Committee report. With no further business, the meeting was adjourned.

Prepared by Jo Cook
Edited by Raney Gilliland

Approved by Committee on:

May 3, 2002