

MINUTES OF THE SENATE AGRICULTURE COMMITTEE.

The meeting was called to order by Chairperson Derek Schmidt at 8:30 a.m. on February 20, 2002 in Room 423-S of the Capitol.

All members were present except: Senator Downey (excused)

Committee staff present: Raney Gilliland, Legislative Research Department  
Betty Bomar, Secretary

Conferees appearing before the committee:

Mike Beam, Kansas Livestock Association  
Mike Helbert, Kansas Trial Lawyers Association  
Steve McAllister, Dean, Kansas University School of Law  
Leslie Kaufman, Kansas Farm Bureau

Others attending: See attached list

**SB 548 - Control and eradication of sericea lespedeza**

\_\_\_\_\_Greg Foley, Assistant Secretary, Department of Agriculture, distributed a balloon amending **SB 548**, striking the noxious weed division language and that language referring to the “old agriculture board”.

**Senator Morris moved, seconded by Senator Umbarger, that SB 548 be amended as reflected in the balloon (Attachment 1). The motion passed unanimously by voice vote.**

**SB 556 - Establishment of sericea lespedeza research and experiment station at Toronto state park.**

**Senator Corbin moved, seconded by Senator Morris, that substitute for SB 556 be recommended favorably for passage. The motion passed unanimously by voice vote.**

**SB 549 - Immunity from liability for livestock producers in certain circumstances**

Mike Beam, Kansas Livestock Association, testified in support of **SB 549**, stating the key policy change in the legislation is found at Page 1, Line 26, which provides immunity from damages in civil actions caused by a meat food product under certain conditions: derived from livestock that has passed a premortem inspection; has passed a postmortem inspection, and was inspected and approved by state or federal officials.

Mr. Beam stated the request for this legislation is the result of USDA officials proposing an identification regulatory program and producers utilizing the advanced identification technology for managing their herds and obtaining vital production and performance records. As a result of the identification technology being available and the benefits to producers in making adjustments in their breeding and management program and the need for effective disease control there is a risk for producers who run a risk of civil lawsuits. The increased liability risk, accompanied by technological changes, has caused KLA members to be hesitant to move forward with individual animal identification programs.

KLA supports **SB 549**, as a means of giving immunity to producers who raise livestock in a legal manner and who pass inspection at the processing plant. (Attachment 2)

In response to questions raised by the Committee, Allie Devine, KLA, stated the proposed legislation applies only to Kansas producers, and the bill should be amended to cover illegal drug use.

Michael Helbert, Kansas Trial Lawyers Association (KTLA), testified in opposition to **SB 549**, stating it is important to assure the safety of products produced by the agricultural industry to all citizens of Kansas and the entire world to whom the state markets its products and not only to the agriculture community. **SB 549** provides immunity to any livestock producer, for any defective meat food product

produced in which a state or federal official has inspected the animal either before or after slaughter. This legislation is anti-consumer and establishes a dangerous precedent. **SB 549** provides immunity for the producer by placing all of the burden upon the packers for any defective meat food product. KTLA strongly urges the Committee to be a voice for the consumer and oppose **SB 549**. (Attachment 3)

**SCR 1622 - Urging University of Kansas school of law to establish an agriculture law teaching professorship and an agriculture law clinic**

Steve McAllister Dean of the University of Kansas School of Law, stated that by growing up in rural Kansas, he is acutely aware of the state's agricultural economy and the many challenges the small Kansas farmer faces with respect to the laws that regulate their activities and those with whom they deal. Farmers rarely receive legal assistance in organizing and financing their operations, engage in tax planning, or in expanding their activities. Dean McAllister, therefore, testified in support of **SCR 1622**, stating an investment in a chair in agricultural law and an agricultural law clinic at the KU School of Law would generate significant rewards for the state.

A chair in agricultural law would permit the School to recruit an outstanding individual to Kansas to: (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 small farmers in addressing the many legal issues they confront. (Attachment 4)

In response to a question from the Committee, Dean McAllister stated the approximate cost for such a program would be approximately \$200,000 annually.

Leslie Kaufman, Associate Director, Kansas Farm Bureau (KFB), submitted written testimony in support of **SCR 1622**. The testimony stated KFB supports an increased emphasis on agriculture law in all of the state law schools. (Attachment 5)

The meeting concluded at 9:30 a.m.

The next meeting is scheduled for February 26, 2002.