

Approved April 8, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE

The meeting was called to order by Representative Lee Hamm at
Chairperson

9:13 a.m./~~pm~~ on Thursday, March 26, 1992 in room 423-S of the Capitol.

All members were present except: Representative Rock, Representative Wisdom,
and Representative Jennison (all were excused)

Committee staff present: Raney Gilliland, Legislative Research
Lynne Holt, Legislative Research
Jill Wolters, Revisor of Statutes Office
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Mike Beam, Executive Secretary
Cow-Calf/Stocker Division
Kansas Livestock Association
Topeka

Edwin A. Van Petten
Deputy Attorney General
Office of the Attorney General
State of Kansas

Chairman Hamm opened hearings on **SB 680** - concerning domestic animals;
violating quarantine is a class E felony.

Mike Beam, Kansas Livestock Association, testified in support of **SB 680**
stating the members of the Kansas Livestock Association requested this
legislation. He further stated a livestock owner who disregards quarantine
notices and restrictions may cause serious damage to other livestock owners.
A specific example of this damage is the spread of Brucellosis in cow herds.
(Attachment 1).

Edwin A. Van Petten, Deputy Attorney General, testified in support of **SB**
680 stating this legislation, among other things, modifies the punishments
for a violation of our quarantine laws. The law as it now stands is
unworkable, and to a large degree ineffective. (Attachment 2).

A question and answer period followed each testimony.

Hearings were closed on **SB 680**. Discussion was held.

Representative Heinemann made a motion to amend SB 680 by changing section
1 to the first violation being a class A misdemeanor and the second
violation being a class D felony. Seconded by Representative Neufeld.
Motion carried.

Representative Minor made a motion to pass SB 680 as amended. Seconded
by Representative Reinhardt. Motion carried.

An amendment was offered to **SB 681**. (Attachment 3).

Representative Rezac made a motion to adopt the amendment to SB 681.
Seconded by Representative Reinhardt. Motion carried.

Representative Mollenkamp moved to pass SB 681 as amended. Representative
Bryant seconded. Motion carried.

The meeting adjourned at 10:00 a.m. The next meeting will be held Friday,
March 27, 1992, in room 423-S, State Capitol.



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Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

March 26, 1992

TO: House Agriculture Committee
Representative Lee Hamm, Chairman
Representative Don Rezac, Vice Chairman

FROM: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

RE: SB 680, A bill relating to penalties for quarantine violation.

Kansas Livestock Association (KLA) members, at our last convention, asked us to seek legislation to strengthen the livestock quarantine law and stiffen the penalty for a person who disregards a quarantine order from the Kansas Animal Health Department. Senate Bill 680 was introduced at our request and addresses this issue.

Section 1, on page 2, amends K.S.A. 47-604 to say it is a Class E felony for anyone to knowingly and intentionally violate a quarantine order. Please note this new language is very specific and only applies to someone who "knowingly and intentionally" violates the law. The other violations of current law in the animal disease statutes designate misdemeanor charges.

A livestock owner who disregards quarantine notices and restrictions may cause serious damage to other livestock owners. A specific example of this damage is the spread of Brucellosis in cow herds.

This disease is contagious and is often spread to other herds by direct contact. An infected herd could be exposed to several herds through contact across the fence. Once a herd is diagnosed with Brucellosis, it usually means depopulation of all animals in the herd.

The infection and subsequent testing and depopulation can cost cow-calf producers thousands of dollars. It can be very costly and disheartening if a purebred operator is forced to liquidate an entire herd that took years or perhaps a generation to develop. In this example, the loss is not replaceable.

A person who intentionally violates a quarantine restriction poses a risk to many livestock owners. We believe the penalty should adequately reflect the seriousness of this offense.

Section 2 of the bill amends K.S.A. 47-624 to allow the department to impose civil penalties [\$250 to \$1,000] for each violation of other orders by the Animal Health Department. This should allow the department more flexibility in enforcing the laws and regulations of livestock health.

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ATTACHMENT 1

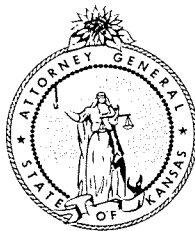
SB 680
Page Two

Mr. Chairman and committee members there are two other policy issues in this bill. First, Section 3 changes the definition of livestock to clarify that the Animal Health Department may regulate other species of animals. The intention is to assure the department can regulate the movement of domestic elk or other animals which may impose health threats to other livestock. We support this change.

Secondly, Section 4 repeals three sections of law that require "syringe tranquilizer projectors" to be registered with the Animal Health Department.

These last two provisions were suggested by the department and included in SB 719. The Senate Agriculture Committee amended these provisions into SB 680.

We urge this committee to give this bill a favorable recommendation. I would be happy to respond to any questions or comments.



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TESTIMONY OF
DEPUTY ATTORNEY GENERAL EDWIN A. VAN PETTEN
OFFICE OF THE ATTORNEY GENERAL
BEFORE THE HOUSE COMMITTEE ON AGRICULTURE
MARCH 26, 1992
RE: SENATE BILL 680, AS AMENDED

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I thank you for the opportunity to address you and ask for your support for Senate Bill 680, which among other things modifies the punishments for a violation of our quarantine laws.

That portion of the bill which modifies K.S.A. 47-604 and 47-624 is the result of consultations our office has had with the Kansas Livestock Association and the Animal Health Commissioner, subsequent to a very serious violation of the existing act in southeast Kansas, and the resulting prosecution conducted by our office, which proved to us that the law as it now stands is unworkable, and to a large degree ineffective.

In that case, we prosecuted an individual who totally thumbed his nose at the Animal Health Department, not only after learning of the outbreak of brucellosis in his own

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ATTACHMENT 2

herd, prior to quarantine, but also subsequent to the quarantine itself being issued. Even based upon facts such as that, we were in a situation of prosecuting an individual for the violations, which were misdemeanor offenses, for which no jail time could be imposed, however upon that fact situation we had a potential fine in excess of \$500,000 which could have been assessed. While I felt that the monetary damages were appropriate, as a professional prosecutor it makes no sense to me that a fine of that magnitude can be imposed with no possibility of jail time whatsoever.

It is obvious to me that the modifications proposed in Senate Bill 680 address the valid concerns of the livestock industry, in allowing civil penalties for those producers who negligently violate the act, without the intent to hurt other herds, or with callous disregard for other herds. However this act does create a felony violation, for those individuals who do intentionally violate the quarantine laws of the State of Kansas, and commit acts which this committee knows could totally devastate the livestock industry of our State.

I appreciate the opportunity to address the committee today, and would be more than happy to stand for any questions the committee may have with regard to this measure.

3/24/92

SENATE BILL No. 681

By Committee on Agriculture

2-17

9 AN ACT concerning fertilizer; relating to the analysis thereof; amend-
10 ing K.S.A. 2-1201, 2-1202 and 2-1204 and repealing the existing
11 section sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2-1202 is hereby amended to read as follows:
15 2-1202. (1) Application for registration shall be filed with the secretary
16 and shall set forth:

17 (a) The brand and grade of the commercial fertilizer;

18 (b) the name and address of the person making application for
19 registration of the commercial fertilizer;

20 (c) the guaranteed analysis including: (A) The minimum per-
21 centage of nitrogen, (B) the minimum percentage of total phosphorus
22 pentoxide (P²O⁵), which is more commonly known and which shall
23 be shown as total phosphoric acid; (C) the minimum percentage of
24 available phosphorus pentoxide (P²O⁵), which is more commonly
25 known and which shall be shown as available phosphoric acid; (D)
26 the minimum percentage of dipotassium oxide (K²O), which is more
27 commonly known and which shall be shown as water soluble potash;
28 (E) the kind and minimum percentage of any and all other plant
29 food elements or compounds contributing to the value of the com-
30 mercial fertilizer, expressed separately; (F) a guarantee that the
31 commercial fertilizer contains no horn, hoof, hair, feathers or
32 other similarly inert nitrogenous matter; (G) a statement au-
33 thORIZING the secretary or an authorized representative of the sec-
34 retary to examine all records of the applicant necessary for the
35 purpose of verifying and determining the inspection fee: *Provided,*
36 ~~That~~ The total phosphoric acid need not be shown on the application
37 for registration of commercial fertilizers other than unacidulated min-
38 eral phosphatic materials, basic slag, bone, tankage, and other natural
39 organic phosphate materials, ~~and such other information as may be~~
40 ~~prescribed by rules and regulations.~~

41 (2) If the application meets the requirements of this act, and the
42 person making application shall pay a registration fee of five dollars
43 (~~\$5~~) \$5 for each commercial fertilizer, the secretary shall register

; and (G) such other information as may
be prescribed by rules and regulations

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ATTACHMENT 3

1 each such product. Such registration may be revoked for failure to
 2 comply with requirements of article 12 of chapter 2 of the Kansas
 3 Statutes Annotated, and ~~aets amendatory and supplemental~~
 4 ~~amendments~~ thereto. All registrations shall expire on June ~~thirtieth~~
 5 30 of each year. Each person who secures registration of a commercial
 6 fertilizer shall semiannually submit to the secretary a written state-
 7 ment of the tonnage of each kind or grade of commercial fertilizer,
 8 shipped to or sold within this state: ~~Provided, That~~. The registrant
 9 shall not be required to report direct shipments of commercial fer-
 10 tilizer and fertilizer materials to fertilizer manufacturers or mixers,
 11 but that said *such* fertilizer manufacturers or mixers shall report
 12 this tonnage of said *such* commercial fertilizers shipped, sold or
 13 distributed by them in this state and not used in manufacturing
 14 processes. Said *Such* statements shall respectively include all ship-
 15 ments or sales for the six month periods beginning July ~~first 1~~ to
 16 and including December ~~thirty-first 31~~, and six-month periods be-
 17 ginning January ~~first 1~~ to and including June ~~thirtieth 30~~. The
 18 secretary may cancel the registrations of any person failing to file
 19 the tonnage statement within ~~thirty 30~~ days from the date of the
 20 close of each period. The secretary, ~~however,~~ may grant a reasonable
 21 extension of time. Information furnished to the secretary shall not
 22 be disclosed in such a way as to divulge the operations of any person.

23 *Sec. 2. K.S.A. 2-1201 is hereby amended to read as follows: 2-*
 24 *1201. (1) The term "commercial fertilizer" means any substance de-*
 25 *signed, intended, used or susceptible for use to supply food for plants*
 26 *or to increase crops produced by land, except the following: (a)*
 27 *Limestone (calcium carbonate), (b) dolomite (calcium magnesium car-*
 28 *bonate), (c) lime (calcium oxide), (d) slaked lime (calcium hydroxide),*
 29 *(e) gypsum (calcium sulphate), (f) the dung of domestic animals, (g)*
 30 *compost, and (h) fertilizer materials. The term commercial fertilizer*
 31 *shall also include specialty fertilizer as defined below.*

32 *(2) The term "fertilizer materials" means any substance contain-*
 33 *ing plant food elements or compounds in possession of manufacturers*
 34 *for use in compounding mixed commercial fertilizers.*

35 *(3) The term "brand" means the name, number, trademark, trade*
 36 *name or other designation of a commercial fertilizer.*

37 *(4) The term "grade" means the minimum percentages of total*
 38 *nitrogen, available phosphoric acid, and soluble potash, stated in*
 39 *the order given in this definition. When applied to mixed or blended*
 40 *fertilizers, whole numbers only shall be given.*

41 *(5) The term "person" includes individual, partnership, associ-*
 42 *ation, firm and corporation.*

43 *(6) The term "secretary" means the secretary of the Kansas state*

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1 board of agriculture.

2 (7) The term "label" means a display of written, printed, or
3 graphic matter upon or affixed to the container in which a com-
4 mercial fertilizer is distributed, or on the invoice slip or delivery
5 slip with which a commercial fertilizer or custom blended fertilizer
6 is distributed.

7 (8) The term "custom blended fertilizer" means a fertilizer
8 blended according to specifications furnished by the customers prior
9 to blending.

10 (9) The term "custom blender" means any person who blends
11 only registered commercial fertilizers at the request of and according
12 to specifications furnished by the customer-purchaser.

13 (10) The term "specialty fertilizer" means a commercial fertilizer
14 distributed primarily for nonfarm use, such as home gardens, lawns,
15 shrubbery, flowers, golf courses, municipal parks, cemeteries, green-
16 houses and nurseries, and may include commercial fertilizers used
17 for research or experimental purposes and is not used primarily for
18 application to crops produced for commercial value.

19 Sec. 3. K.S.A. 2-1204 is hereby amended to read as follows: 2-
20 1204. (1) Every package or container of commercial fertilizer shall
21 bear a distinctly printed label in the English language on a tag
22 attached to the package or container, or distinctly printed on the
23 package or container. The label shall show and state:

24 (a) The name and address of the person registering the com-
25 mercial fertilizer;

26 (b) the brand and grade of the commercial fertilizer;

27 (c) the net weight in the package or container;

28 (d) the registered guaranteed analysis. The guaranteed analysis
29 shall include the minimum percentages of plant foods in the following
30 order and form:

31 Nitrogen, minimum..... ——— percent

32 Available phosphoric acid, minimum ——— percent

33 Soluble potash, minimum ——— percent,

34 except (A) unacidulated mineral phosphatic materials and basic slag
35 shall show the guaranteed analysis in the following order and form:

36 Total phosphoric acid, minimum..... ——— percent

37 Available phosphoric acid, minimum ——— percent

38 Fineness of grind: ——— percent through mesh screen,

39 and (B) bone, tankage, and other natural organic phosphate ma-
40 terials shall show the guaranteed analysis in the following form:

41 Total phosphoric acid, minimum..... ——— percent;

42 (e) commercial fertilizers containing any ingredient which is in-
43 jurious to plants, shall be labeled to show, (A) the name and per-

(11) The term "process tankage" means a product made under steam pressure from crude inert nitrogenous materials such as horn, hoof, hair, feathers or other similarly inert nitrogenous matter, for the purpose of increasing the activity of nitrogen. The water-insoluble nitrogen in these products shall test at least 50% by the alkaline method or at least 80% by the neutral permanganate method.

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1 *centage of each such active ingredient; (B) adequate directions for*
2 *use, and (C) adequate warnings against misuse;*

3 *(f) the minimum percentage of any and all other plant food el-*
4 *ements or compounds contributing to the value of the commercial*
5 *fertilizer; and*

6 *(g) such other information as may be prescribed by rules and*
7 *regulations.*

8 *(2) Bulk lots shall be accompanied by a label which shall be*
9 *delivered to the purchaser showing the information required by this*
10 *section.*

11 *Sec. 2 4. K.S.A. 2-1201, 2-1202 is and 2-1204 are hereby*
12 *repealed.*

13 *Sec. 3 5. This act shall take effect and be in force from and after*
14 *its publication in the statute book Kansas register.*

(3) No commercial fertilizer except a specialty fertilizer shall contain or be manufactured from process tankage.

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