

Approved February 19, 1992  
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Sen. Don Montgomery at  
Chairperson

10:00 a.m./~~p.m.~~ on February 18, 1992 in room 423-S of the Capitol.

All members were present except:

Senators Brady, Daniels and Harder

Committee staff present:

Raney Gilliland, Legislative Research  
Jill Wolters, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Mike Beam, Kansas Livestock Association  
Ed Van Petten, Attorney General's Office  
Bob Domer, Kansas Livestock Association

SB 680 - Concerning domestic animals; relating to the penalties for violating a quarantine.

Mike Beam, Kansas Livestock Association, testified in support of the bill. (Attachment 1).

The Chairman asked Mr. Beam if he knew if it is difficult to prove "knowingly and intentionally". Mr. Beam could not answer but referred the question to Ed Van Petten of the Attorney General's office.

Mr. Van Petten stood to present his testimony in support of SB 680. However, he informed the committee that revisions are necessary. (Attachment 2).

Bob Domer, Chairman of the Animal Health Committee, Kansas Livestock Association, stood in support of the bill and of Mr. Van Petten's recommendations.

The Chairman asked staff if a substitute bill would be necessary to accomplish the recommendations of Mr. Van Petten. Staff determined that this would not be necessary, unless the committee prefers, because the bill could be amended and at the same time a clean up of the definition of "knowingly and intentionally" and of "violating" a quarantine could be done. It was the consensus of the committee for staff to amend SB 680 with the help of Mr. Van Petten to be presented in balloon form for the committee's approval.

The minutes of February 13 were approved.

The meeting was adjourned at 10:30 a.m.





6031 S.W. 37th Street • Topeka, Kansas 66614-5128 • Telephone: (913) 273-5115  
FAX: (913) 273-3399

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

February 18, 1992

TO: Senate Agriculture Committee  
Senator Don Montgomery, Chairman  
Senator Dave Webb, Vice Chairman

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

RE: SB 680, A Bill Relating to Penalties for Quarantine Violation

Mr. Chairman and committee members, thank you for introducing this bill. 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.

This bill amends two sections of law. First, in section one, it stipulates that a violation of a new subsection in K.S.A. 47-624 is a felony with a fine not to exceed \$100,000. Section two of the bill states a "person who knowingly and intentionally violates an order establishing or regulating a quarantine" is guilty of a class E felony.

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.

In summary, 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. Your support in passing SB 680 is appreciated. I'd be happy to respond to any questions or comments. Thank you.

Senate Agriculture  
2/18/92  
Attachment 1



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN  
ATTORNEY GENERAL

TESTIMONY OF  
DEPUTY ATTORNEY GENERAL EDWIN A. VAN PETTEN  
OFFICE OF THE ATTORNEY GENERAL  
BEFORE THE SENATE COMMITTEE ON AGRICULTURE  
FEBRUARY 18, 1992  
RE: SENATE BILL 680

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751  
TELECOPIER: 296-6296

Mr. Chairman and Members of the Committee:

On behalf of Attorney General Stephan, I am pleased to address the provisions of Senate Bill 680, and the obvious need which this measure is designed to address.

In a review of the draft, I have some concerns which had not previously come to light in the course of my discussions with the Kansas Livestock Commission. First of all, in creating a new felony offense, we must concern ourselves with the provisions of SB 479, the Kansas Sentencing Guidelines Act. Clearly, we must adopt a bill that is harmonious with its provisions, in terminology and punishment classifications.

The second concern I had, is whether the proposed amendment to K.S.A. 47-624 would conflict with K.S.A. 47-604, as the more specific violation, with one now being classified as a felony offense and one a misdemeanor.

*Senate Agriculture  
2/18/92  
Attachment 2*

I have drafted an amendment to K.S.A. 47-604 which I feel addresses these concerns, and accomplishes the goal of the proposal.

The members of this committee know the critical importance of this matter, and the absolute necessity of providing a more powerful enforcement mechanism to the livestock commissioner. Without meaningful punishment, as well as logical punishments, laws cannot be effectively enforced. The law as it now stands is not workable. The provisions of K.S.A. 47-604 are not severe enough, and K.S.A. 47-624, is not easily applied. If we are going to provide a criminal justice remedy, it must fit within the criminal justice system.

I would suggest making the penalty provisions of K.S.A. 47-624 civil in nature, and adopting an act similar to my proposal for a knowing and intentional violation.

While I do not suggest a delay in remedying this situation, I would be very happy to assist in the further revision of a workable proposal.

SENATE BILL NO. 680

By Committee on Agriculture

AN ACT concerning domestic animals; relating to the penalties for violating a quarantine; amending K.S.A. 1991 Supp. 47-604 and repealing the existing section.

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

K.S.A. 1991 Supp. 47-604 is hereby amended to read as follows:

47-604 - Penalty for Intentionally violating act or quarantine. Except as otherwise provided in this act, Any person who knowingly and intentionally violates, disregards or evades, or attempts to violate, disregard or evade any of the provisions of this act order establishing or regulating a quarantine, or who violates, disregards or evades, or attempts to violate, disregard or evade, any of the rules and regulations, orders or directions of the livestock commissioner establishing a governing quarantine shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$5,000. class E felony. Any violation committed on or after July 1, 1992 is a severity level 10 non-person felony.