

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 24, 1995, in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairperson Flower asked that the committee review the minutes of February 22. If there are corrections or additions to notify the secretary by 5:00 p.m. today or they would be approved as presented. Raney Gilliland, Legislative Research Department, provided copies of a comparison of the bills passed by the House and Senate that would restructure the state board of agriculture. (Attachment 1)

Continuation of discussion and action on: HB 2509 - Revisions to the livestock and domestic animal statutes, chapter 47

Discussion continued on Representative Sloan's balloon amendment to HB 2509. His amendment would amend Section 10 of K.S.A. 47-623 and add a new Section 11. The change in Section 10 would increase the penalty for knowingly bringing diseased animals into the state. New Section 11 would create a swine indemnity fund. Representative Humerickhouse had seconded the motion. The motion to pass the amendment passed. (See Attachment 3, February 23, 1995)

Representative Sloan moved to pass HB 2509 out favorably as amended. Representative Hutchins seconded the motion. Motion carried.

Discussion and action on: HB 2456 - Allows livestock commissioner to set fees for veterinarian inspections at public livestock markets

Representative Sloan offered a balloon amendment to HB 2456 that would strike the words "not exceed \$.20 per head" on lines 32 and 33 of page 1, and insert "be established by the livestock commissioner as provided herein." On lines 41 and 42 after "The actual amount shall be established annually by the livestock commissioner" add "who shall consult with livestock producers, veterinarians and public livestock market operators prior to establishing such amount." He felt this would provide more flexibility and allow those persons directly involved to set the inspection fee amount. Representative Lloyd seconded the amendment. (Attachment 2)

Representative Powers moved to table the bill, with Representative Feuerborn seconding. Motion failed.

After much discussion, Representative Sloan called for the question. Motion carried to pass the amendment.

Representative Lloyd moved to pass HB 2456 out favorably as amended. Representative Correll seconded the motion. Representative Powers called for the question. The motion to pass HB 2456 as amended carried by a vote of 11-3. Representatives Feuerborn, Howell, and Powers requested that their no votes be recorded.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 24, 1995.

Discussion and action on: HB 2255 - Approval of feedlot location by county commission required before issuance of permit by KDHE.

Representative Humerickhouse offered a balloon amendment that would amend HB 2255 on page 2, line 26 by adding "which is not required to meet the separation distances pursuant to Subsection (k) (2) of K.S.A. 65-171d, and amendments thereto," and by adding at the end of line 28 on page 2, "If such original permit has been applied for, but not yet issued, the confined feeding facility shall be required to receive prior board approval as stated above." Representative Sloan seconded the amendment. (Attachment 3)

This amendment refers to legislation passed last session that grandfathered in those persons who had a confined feeding facility in existence on July 1, 1994, and who are required to register before July 1, 1996, to avoid meeting the separation distance requirement. Prior to filing for an original permit with the secretary of KDHE, or if the permit has not yet been issued, these owners would need approval of the feedlot location by the county commission. After much discussion, Representative Humerickhouse withdrew his motion, with Representative Sloan's consent.

Representative Humerickhouse offered a substitute motion that his balloon amendment would apply only to those counties with two federal reservoirs within its boundaries. Representative Sloan seconded the amendment. The motion to pass the amendment carried.

Representative Lloyd moved to pass HB 2255 as amended out favorably. Representative Humerickhouse seconded the motion. The motion carried.

The meeting adjourned at 10:02 a.m. The next meeting has not been scheduled at this time.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 24, 1995

NAME	REPRESENTING
Mike Whitehair	KUMA
Jim Alley	Seaboard
Catharine A. Deever	Ks. Vet. Med. Assn.
Marty Vanier	KAA
Joe Luber	KS Co-op Council
Mike Jensen	KFFC
Tom Bruno	

**COMPARISON OF CURRENT LAW WITH 1995 BILLS PASSED BY HOUSE AND SENATE AGRICULTURE COMMITTEES
TO RESTRUCTURE THE KANSAS STATE BOARD OF AGRICULTURE**

Issue	Under Current Structure	Under S.B. 61	Under S.B. 61 As Amended by Senate Agriculture Committee	Under H.B. 2384	Under H.B. 2384 As Amended by House Agriculture Committee		
Secretary – Manner of Selection	Secretary elected by Board.	Appointed by Governor with confirmation by the Senate. (Sec. 1)	Appointed by Governor with confirmation by the Senate. (Sec. 1)	Appointed by the Board of Agriculture for two-year term subject to Senate confirmation. (Sec. 8)	Appointed by the Board of Agriculture for two-year term subject to Senate confirmation. Confirmation would apply to “newly” appointed secretaries only. (Sec. 8)		
Qualifications of Secretary	None.	Demonstrate executive and administrative ability. (Sec. 1)	Demonstrate executive and administrative ability. (Sec. 1)	No specific qualifications.	Demonstrate executive and administrative ability. (Sec. 8)		
Board – Manner of Selection	Elected by delegates of certain organizations authorized by law.	Nine-member Advisory Board appointed by the Governor. (Sec. 9)	Nine-member Advisory Board appointed by the Governor. One member would come from each Congressional district and the remainder at-large. No more than five from any political party. (Sec. 9)	Eleven members appointed by the Governor, subject to Senate confirmation. Two from each Congressional district and three at-large. No more than six from any political party. (Sec. 1 (b))	Eleven members appointed by the Governor, subject to Senate confirmation. Two from each Congressional district and three at-large. No more than six from any political party. (Sec. 1 (b))		
Qualifications of Board	None.	None.	No two are to be residents of the same county at the time of appointment. Members of the Board have to be members of the two highest vote-receiving political parties at the last election of Secretary of State. (Sec. 9)	No two are to be residents of the same county at the time of appointment. Members of the Board have to be members of the two highest vote-receiving political parties at the last election of Secretary of State. (Sec. 1)	No two are to be residents of the same county at the time of appointment. Members of the Board do not have to be members of the two highest vote-receiving political parties at the last election of Secretary of State. (Sec. 1)		

Please Agriculture Attachment 1 2-24-95

Issue	Under Current Structure	Under S.B. 61	Under S.B. 61 As Amended by Senate Agriculture Committee	Under H.B. 2384	Under H.B. 2384 As Amended by House Agriculture Committee		
Disposition of Classified and Unclassified Positions	Not applicable. Currently, the Acting Secretary and the agency's attorneys are in the unclassified service. The Assistant Secretary is in the classified service, as well as all other personnel.	Generally, all personnel transfer to the new Department of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 5) The new Secretary may appoint assistant secretaries who would be in the unclassified service. (Sec. 2) Each Division would be headed by an Assistant Secretary. (Sec. 4) Each Division head would appoint all employees, subject to the approval of the Secretary. These employees would be in the classified service. (Sec. 4)	Generally, all personnel transfer to the new Department of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 5) The new Secretary may appoint assistant secretaries who would be in the unclassified service. (Sec. 2) Each Division would be headed by an individual in the classified service. (Sec. 4) Each Division head would appoint all employees, subject to the approval of the Secretary. These employees would be in the classified service. (Sec. 4)	Generally, all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 11) The new Secretary may appoint an assistant or assistants who would be in the unclassified service. (Sec. 9)	Generally, all personnel transfer to the new State Board of Agriculture. Any abolition of personnel in the classified service is to be in accord with the Civil Service Law. (Sec. 11) The new Secretary may appoint an assistant or assistants who would be in the unclassified service. (Sec. 9)		
Rules and Regulations	Authority given to Secretary, Board, and to Chief Engineer.	All rules and regulations of Secretary and Board transfer to Secretary of Agriculture created by the bill. (Sec. 3) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations of Secretary and Board transfer to Secretary of Agriculture created by the bill. The bill specifies that rules and regulations of the Chief Engineer continue to be with the Chief Engineer. (Sec. 3(g))	All rules and regulations of Secretary and Board transfer to State Board created by the bill. (Sec. 10) The rules and regulations of the Chief Engineer are not transferred.	All rules and regulations of Secretary and Board transfer to State Board created by the bill. (Sec. 10). The bill specifies that rules and regulations of the Chief Engineer continue to be with the Chief Engineer. (Sec. 10(g))		
Secretary – Member of Cabinet	No.	Yes. As an executive agency the Secretary would be a member of the cabinet.	Yes. As an executive agency the Secretary would be a member of the cabinet.	No.	No.		
One Person-One Vote Challenge*	Challenged in Federal Court, Under Appeal to 10th Circuit Court.	Most likely would meet the one-person, one-vote challenge.	Most likely would meet the one-person, one-vote challenge.	Most likely would meet the one-person, one-vote challenge.	Most likely would meet the one-person, one-vote challenge.		
State Constitution – Executive Power Question (Art. 1, Sec. 3)*	See above.	Executive has direct control of agency through appointment of Secretary.	Executive has direct control of agency through appointment of Secretary.	Executive has direct control of agency through appointment of the Board.	Executive has direct control of agency through appointment of the Board.		

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Issue	Under Current Structure	Under S.B. 61	Under S.B. 61 As Amended by Senate Agriculture Committee	Under H.B. 2384	Under H.B. 2384 As Amended by House Agriculture Committee		
Delegates to the Annual Meeting	Act as an electing body for the Board of Agriculture.	The provisions dealing with delegates to an annual meeting are repealed.	The provisions dealing with delegates to an annual meeting are repealed.	The provisions of current law dealing with delegates to an annual meeting are repealed.	The provisions of current law dealing with delegates to an annual meeting are repealed.		
Effective Date	Not applicable.	Upon publication in the Statute Book.	Upon publication in the Statute Book.	Upon publication in the Statute Book.	Upon publication in the Statute Book.		
Status of Bill	Not applicable.	Referred to Senate Agriculture Committee.	Adopted by Senate Agriculture Committee.	Referred to House Agriculture Committee.	Adopted by House Agriculture Committee.		
Other Notable Aspects							

* The notations in the table under these issues will have a final determination made in a court of law. The notations are based upon the outcomes of past court cases. The Kansas Legislative Research Department cannot issue legal opinions.

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1-3

HOUSE BILL No. 2456

By Committee on Agriculture

2-10

9 AN ACT concerning public livestock markets; relating to veterinarian
10 fees; amending K.S.A. 47-1008 and repealing the existing section.

11

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

13 Section 1. K.S.A. 47-1008 is hereby amended to read as follows: 47-
14 1008. (a) All livestock consigned and delivered on the premises of any
15 licensed public livestock market, before being offered for sale, shall be
16 inspected by an authorized veterinarian who shall examine or test each
17 animal consigned to such market, for the purpose of determining its con-
18 dition of health and freedom from infectious or contagious animal dis-
19 eases. Such veterinary services shall be contracted for by market opera-
20 tors, under contracts approved by the livestock commissioner, and such
21 services shall be performed under the direction of the commissioner.
22 Such veterinarian shall be authorized to make all required examinations
23 and tests, and to issue certificates of inspection at the public livestock
24 market where such veterinarian serves. All livestock sold, resold, ex-
25 changed or transferred, or offered for sale or exchange at a livestock
26 market shall be ~~treated~~ *handled* as may be necessary to prevent the spread
27 of contagious or infectious diseases. A certificate of inspection, on a form
28 to be approved by the commissioner, shall be issued to the purchaser by
29 the inspector. For inspection of livestock offered for sale, there shall be
30 collected by the market operator from the consignor a fee which shall be
31 ~~determined by negotiation between the market operator and the market~~
32 ~~veterinarian but shall not be less than \$.07 per head not exceed \$.20 per~~
33 ~~head~~ except that no fee for inspection shall be collected unless the in-
34 spection actually has been made. If the charges per head collected on all
35 livestock inspected at a livestock market on any sales day do not amount
36 to a minimum per diem of \$40 or any amount greater than \$40 negotiated
37 by the operator, \$50 the market operator shall be required to supply
38 sufficient funds to provide such amount. Any amount lesser or greater
39 than the \$40 amount specified, shall be determined by negotiation be-
40 tween the market operator and the market veterinarian. A copy of any
41 agreement or contract shall be on file with the commissioner. The actual
42 amount shall be established annually by the livestock commissioner. Pay-
43 ments for veterinary services rendered under a contract approved as pro-

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be established by the livestock commissioner
as provided herein

who shall consult with livestock producers,
veterinarians and public livestock market
operators prior to establishing such amount

HOUSE BILL No. 2255

By Committee on Energy and Natural Resources

2-1

9 AN ACT concerning confined feeding facilities; relating to permits;
10 amending K.S.A. 1994 Supp. 65-166a and repealing the existing
11 section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 1994 Supp. 65-166a is hereby amended to read as
15 follows: 65-166a. (a) The secretary of health and environment is author-
16 ized and directed to establish by duly adopted rules or regulations a
17 schedule of fees to defray all or any part of the costs of administering the
18 water pollution control permit system established by K.S.A. 65-165 and
19 65-166 and amendments thereto. The amount of the fees so established
20 shall be based upon the quantity of raw wastes or treated wastes to be
21 discharged, units of design capacity of treatment facilities or structures,
22 numbers of potential pollution units, physical or chemical characteristics
23 of discharges and staff time necessary for review and evaluation of pro-
24 posed projects. In establishing the fee schedule, the secretary of health
25 and environment shall not assess fees for permits required in the exten-
26 sion of a sewage collection system, but such fees shall be assessed for all
27 treatment devices, facilities or discharges where a permit is required by
28 law and is issued by the secretary of health and environment or the se-
29 cretary's designated representative. Such fees shall be nonrefundable.

30 (b) Any such permit for which a fee is assessed shall expire five years
31 from the date of its issuance. The secretary of health and environment
32 may issue permits pursuant to K.S.A. 65-165 and amendments thereto
33 for terms of less than five years, if the secretary determines valid cause
34 exists for issuance of the permit with a term of less than five years. The
35 minimum fee assessed for any permit issued pursuant to K.S.A. 65-165
36 and amendments thereto shall be for not less than one year. Permit fees
37 may be assessed and collected on an annual basis and failure to pay the
38 assessed fee shall be cause for revocation of the permit. Any permit which
39 has expired or has been revoked may be reissued upon payment of the
40 appropriate fee and submission of a new application for a permit as pro-
41 vided in K.S.A. 65-165 and 65-166 and amendments thereto.

42 (c) A permit shall be required for:

43 (1) Any confined feeding facility with an animal unit capacity of 300

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1 to 999 if the secretary determines that the facility has significant water
2 pollution potential; and

3 (2) any confined feeding facility with an animal unit capacity of 1,000
4 or more.

5 (d) At no time shall the annual permit fee for a confined feeding
6 facility exceed:

7 (1) \$25 for facilities with an animal unit capacity of not more than
8 999;

9 (2) \$100 for facilities with an animal unit capacity of 1,000 to 4,999;

10 (3) \$200 for facilities with an animal unit capacity of 5,000 to 9,999;
11 or

12 (4) \$400 for facilities with an animal unit capacity of 10,000 or more.

13 (e) The secretary of health and environment shall remit all moneys
14 received from the fees established pursuant to this act to the state treas-
15 urer at least monthly. Upon receipt of such remittance, the state treasurer
16 shall deposit the entire amount thereof in the state treasury to the credit
17 of the state general fund.

18 (f) Any confined feeding facility with an animal unit capacity of less
19 than 300 may be required to obtain a permit from the secretary if the
20 secretary determines that such facility has significant water pollution po-
21 tential.

22 (g) Any confined feeding facility not otherwise required to obtain a
23 permit or certification may obtain a permit or certification from the sec-
24 retary. Any such facility obtaining a permit shall pay an annual permit fee
25 of not more than \$25.

26 (h) *No original permit shall be issued for a confined feeding facility*
27 *unless the board of county commissioners of the county where the facility*
28 *will be located first approves the location of the facility.*

29 Sec. 2. K.S.A. 1994 Supp. 65-166a is hereby repealed.

30 Sec. 3. This act shall take effect and be in force from and after its
31 publication in the Kansas register.

which is not required to met the separation
distances pursuant to Subsection (k) (2) of
K.S.A. 65-171d, and amendments thereto,

If such original permit has been applied for,
but not yet issued, the confined feeding
facility shall be required to receive prior
board approval as stated above.

3-2