

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on March 17, 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:
George Teagarden, Kansas Livestock Commissioner

Others attending: See attached list

Chairperson Flower asked the committee members to review the minutes of March 14, 15, and 16. If there are corrections or additions to notify the secretary before 5:00 or they would stand approved as presented.

Hearing on HB 2576 - Prohibiting the possession or importation of feral swine; redefining garbage when such garbage is used as animal feed

Chairperson Flower opened the hearing on **HB 2576**. Raney Gilliland, Legislative Research Department, briefed the committee on **HB 2576** stating that there were two primary sections. The first section is the feral swine section that was considered earlier in **HB 2509**. It defines the term "feral swine," then makes it a violation of state law to import or possess feral swine in the state. It gives the Livestock Commissioner of the Kansas Animal Health Department the authority to destroy or require the destruction of any feral swine upon discovery. The second section modifies the definition of "garbage" when fed to livestock to conform with federal rules and regulations. Essentially, it defines garbage as any material that comes in contact with or is associated with any meat product. There has been some health problems associated with the feeding of meat, particularly to swine, in the past. There is a requirement in the statutes that garbage must be heated to a specific temperature for a certain amount of time. This new definition would allow a person to feed vegetable matter as long it had not come in contact with or associated with any meat product.

George Teagarden, Kansas Livestock Commissioner, Kansas Animal Health Department, appeared in support of **HB 2576**. He had requested the first section that would outlaw the importation or possession of feral swine in the state. Feral swine are a potential disease threat to domestic swine. Representative Shallenburger on behalf of a constituent had requested the second section concerning a new definition of garbage. The bill is written so that unadulterated vegetable matter may be feed to livestock without cooking it. The proposed definition is derived from the Code of Federal Regulations, 9 CFR 166.1, 1993. (Attachment 1)

This concluded the hearing on **HB 2576**.

Representative Sloan offered a balloon amendment to **HB 2576** that would increase the penalty for knowingly bringing into this state any domestic animal which is affected with a contagious or infectious disease or any animal which has been exposed to any contagious or infectious disease. The amendment would increase the fine to not less than \$100 nor more than \$1,000 per head or 100 per cent of the appraised value of such animal, whichever is greater. Representative Sloan moved to adopt his amendment, seconded by Representative Humerickhouse. (Attachment 2)

George Teagarden stated during discussion that there is a state law against knowingly selling diseased animals in the state. This amendment would cross state lines. He was comfortable with the amendment as presented. There was a lot of discussion concerning the amount of the fine, as well as appraisal of the animals. This amendment would raise the fine from a per case basis to a per head basis. All fines would go into the state

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on March 17, 1995.

general fund. It was brought to the committee's attention that this amendment would probably also include cats and dogs as domestic animals.

Representative Sloan moved to amend his original motion to not less than \$100 per head nor more than 100 percent of the appraised value of such animal. Representative Humerickhouse concurred. The motion failed.

Representative Powers moved to pass **HB 2576** favorably. Representative Bryant seconded the motion. The motion carried.

The meeting adjourned at 9:55 a.m. The next meeting is scheduled for March 20, 1995.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 17, 1995

| NAME | REPRESENTING |
|---------------------|----------------------|
| Debra Duncan | K A H D |
| George Teagarden | K A H D |
| Artan Holmes | Div. of Budget |
| Catherine A. Weaver | Ks. Vet. Med. Assn. |
| Mike Jensen | Ks Pork Council |
| Mike Beam | Ks LVSTK. Assn |
| Daid Sloan | Douglas County voter |
| Lydia Tule | Winton HV. |
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STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner
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Phone 913/296-2326 FAX 913/296-1765

TO: House Agriculture Committee
FROM: George Teagarden, Livestock Commissioner
RE: H.B. 2576
DATE: March 17, 1995

Madame Chair and members of the House Agriculture Committee, I am George Teagarden, Livestock Commissioner for the State of Kansas. I'm here today to ask your favorable consideration of H.B. 2576. This bill contains two policy questions.

The first question relates to feral swine. The bill, as written, outlaws the importation and/or the possession of feral swine. Kansas has a good track record of disease control in swine herds within our state. In other states feral swine continue to infect domestic herds with swine brucellosis and psuedorabies. We do have some feral swine in the state; they need to be eliminated and the potential disease threat removed from the state.

The second part of the bill contains a new definition for garbage. The current definition speaks about every refuse accumulation of animal; fruit, or vegetable matter, liquid or otherwise. The proposed definition is derived from the Code of Federal Regulations, 9 CFR 166.1, 1993. This definition includes only meat in part or whole, or any refuse that has been associated with any such material.

By changing the definition of garbage, it will be legal to feed vegetable waste to livestock without cooking it. There seems to be no concern among the veterinary profession regarding the feeding of unadulterated vegetable matter to livestock in a raw condition.

This change in law will allow a salad manufacturing company in southeast Kansas to dispose of their waste cabbage by feeding it to cattle rather than filling landfills with it.

Thank you for your attention. I will stand for questions.

*House Agriculture
Attachment 1
3-17-95*

HOUSE BILL No. 2576

By Committee on Appropriations

3-15

9 AN ACT concerning animals; prohibiting the importation or possession
10 of feral swine; relating to the definition of garbage that is fed to ani-
11 mals; amending K.S.A. ~~47-1301~~ and repealing the existing ~~section~~ section 47-623 and
12

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

14 New Section 1. (a) As used in this section, "feral swine" means any
15 untamed or undomesticated hog, boar or pig.

16 (b) Importation or possession, or both, of feral swine into the state
17 of Kansas is a violation of state law, which may incur a civil penalty in the
18 amount of not less than \$250 nor more than \$1,000 for each such viola-
19 tion. In the case of a continuing violation, every day such violation con-
20 tinues shall be deemed a separate violation.

21 (c) Any duly authorized agent of the livestock commissioner, upon a
22 finding that any person, or agent or employee thereof, has violated any
23 of the provisions stated above, may impose a civil penalty upon such
24 person as provided in this section.

25 (d) No civil penalty shall be imposed pursuant to this section except
26 upon the written order of the duly authorized agent of the livestock com-
27 missioner to the person who committed the violation. Such order shall
28 state the violation, the penalty to be imposed and the right of the person
29 to appeal to the commissioner. Any such person, within 20 days after
30 notification, may make written request to the commissioner for a hearing
31 in accordance with the provisions of the Kansas administrative procedure
32 act. The commissioner shall affirm, reverse or modify the order and shall
33 specify the reasons therefor.

34 (e) Any person aggrieved by an order of the commissioner made un-
35 der this section may appeal such order to the district court in the manner
36 provided by the act for judicial review and civil enforcement of agency
37 actions.

38 (f) Any civil penalty recovered pursuant to the provisions of this sec-
39 tion shall be remitted to the state treasurer, deposited in the state treasury
40 and credited to the state general fund.

41 (g) The livestock commissioner, or the authorized representative of
42 the livestock commissioner, may destroy or require the destruction of any
43 feral swine upon discovery of such swine.

Sec. 2. K.S.A. 47-623 is hereby amended to read as follows: 47-623. ~~That~~ Any person who shall knowingly bring into this state any domestic animal which is affected with any contagious or infectious disease or any animal which has been exposed to any contagious or infectious disease shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one-hundred \$100 nor more than one-thousand-dollars \$1,000 per head or 100% of the appraised value of such animal, whichever is greater.

And by renumbering sections accordingly

*House Agriculture
Attachment 2
3-17-95*

2-2

1 Sec. 2. K.S.A. 47-1301 is hereby amended to read as follows: 47-
 2 1301. As used in this act, ~~garbage shall mean all refuse matter, animal or~~
 3 ~~vegetable, and shall include "garbage" means all waste material, byprod-~~
 4 ~~ucts of a kitchen, restaurant, or slaughterhouse, every refuse accumula-~~
 5 ~~tion of animal, fruit, or vegetable matter, liquid or otherwise derived in~~
 6 ~~whole or in part from the meat of any animal, including fish and poultry,~~
 7 ~~or other animal material, and other refuse of any character whatsoever~~
 8 ~~that has been associated with any such material, resulting from the han-~~
 9 ~~dling, preparation, cooking or consumption of food.~~ → 47-623 and

10 Sec. 3. ~~K.S.A. 47-1301~~ ~~is~~ hereby repealed. are

11 Sec. 4. This act shall take effect and be in force from and after its
 12 publication in the statute book.