

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 13, 1996, in Room 423-S of the Capitol.

All members were present except: Representative Crabb - Excused

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

Conferees appearing before the committee:

George Teagarden, Livestock Commissioner, Kansas Animal Health Department  
Dr. Pete Sherlock, Livestock Market Committee, Kansas Veterinary Medical Association, Inc.  
Mark Mackey, Executive Secretary, Kansas Livestock Marketing Association

Others attending: See attached list

Minutes of the February 6, 7, and 8 meetings were distributed. Chairperson Flower asked members to notify the secretary of any corrections or additions before 5:00 p.m. today or the minutes will stand approved as presented.

**Hearing on HB 2849 - Revisions to the livestock and domestic animal statutes, chapter 47.**

Jill Wolters briefed the committee on **HB 2849** stating that most of these changes were included in **HB 2509** from last year. Section 1 removes brand inspectors from the Civil Service Act. This is merely clean up as brand inspectors are contract employees of the state, not state employees. Section 2 relating to brand registration dates is no longer applicable. The livestock brand fee fund is spelled out in Section 4. Section 5 removes Wallace County from the brand inspection list. Section 6 includes cats and exotic animals on the list of domestic animals for control of contagious or infectious diseases. Changes in Section 7 are for clarification purposes. Section 8 lists methods of disposal of dead animals in the state.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, appeared in support of **HB 2849** which contains three minor policy changes and cleanup language of the brand statutes. The 1993 legislature removed brand inspectors from the Kansas Civil Service Act and made them contract employees. Section 1 makes this correction in the statutes. He stated that Sections 2, 3, 4, and 5 correct the statutes concerning changes that were made when the Department changed the brand registration renewal periods. Also, Wallace County was dropped from mandatory brand inspection under the county option law. Section 6 adds cats and exotic animals to the list of domestic animals the Department has quarantine power over in relation to contagious or infectious diseases. Section 8 states three options for disposal of dead animals. Current statutes state what you cannot do with dead animals, but not how to properly dispose of them. Dead animals may be disposed of by burial, incineration, or delivery or unloading of the carcasses of dead animals or packing house refuse at a disposal plant, substation, rendering plant or place of transfer licensed by the commissioner. (Attachment 1)

Staff asked Commissioner Teagarden if he had considered changing the word "appoint" on Page 4, Lines 31 and 37, of **HB 2849**. He was also asked if brand inspectors arrested persons found in violation of this act as stated on Page 4, Line 41. Commissioner Teagarden stated that "contract" might be a better word than "appoint." He stated that by statute brand inspectors probably have arrest powers; however, brand inspectors do not carry weapons nor do they arrest anyone. It was also suggested that the reference to the Civil Service Law on Page 5, Line 7, be deleted. These corrections will be considered when this bill is scheduled for discussion and final action.

This closed the hearing on **HB 2849**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 13, 1996.

**Hearing on HB 2997 - Inspections by authorized regulatory veterinarians at public livestock markets.**

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, appeared in support of **HB 2997** concerning required veterinary inspections of livestock consigned to livestock markets. He stated that this bill was the product of negotiations with the people concerned. The current method of allowing the livestock market operators to contract directly with the veterinarians inspecting the markets creates a conflict of interest. This bill would require the Livestock Commissioner to contract directly with the veterinarians for regulatory services at the livestock markets. The veterinarians would be selected from lists supplied by the market operators. This bill sets out the duties of the veterinarians and clearly states that the veterinarians are performing a regulatory function for the State of Kansas. This bill also clarifies that this is a visual inspection, not an examination. (Attachment2)

Staff reported that **HB 2997** also gives the livestock commissioner rules and regulation authority. Rules and regulation authority will allow the commissioner to more fully define the duties of the veterinarians and what they are to be looking for in their inspections.

Dr. Pete Sherlock, Washington, Kansas, representing the Kansas Veterinary Medical Association, testified in support of **HB 2997**. KVMA supports placing the hiring of the market veterinarian in the hands of the agency that the veterinarians are accountable to. These changes more accurately define and clarify what functions are to be performed at the market. They support the change allowing the Livestock Commissioner to determine which diseases are to be reported. KVMA feels this bill provides the veterinarian with a consistent, uniform, up-to-date, statewide approach regarding their responsibilities and duties. (Attachment3)

Mark Mackey, Executive Secretary, Kansas Livestock Marketing Association, testified in support of **HB 2997**, with one amendment. The Kansas Livestock Marketing Association would like a provision that would permit both the veterinarian and the market operator to give a 60-day notice of termination. A suggested amendment in his testimony would allow the livestock market operator to terminate its approved accredited veterinarian upon giving 60 days written notice to the Livestock Commissioner. He said that it was their intention to also allow the veterinarian to give 60 days notice of termination. (Attachment4)

The question was raised whether a person could fire someone that he had not hired. Staff stated that a veterinarian hired by the State could not be fired by a livestock market operator. Staff thought a veterinarian could probably terminate his services through his contract. It was staff's opinion that dismissal of a veterinarian by a market operator could probably be handled through rules and regulations. Following explanation of the rules and regulations process, Mr. Mackey thought his group would probably be receptive to having termination procedures defined in rules and regulations.

This closed the hearing on **HB 2997**.

The meeting adjourned at 9:57 a.m. The next meeting is scheduled for February 14, 1996.

# HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2/13/96

NAME	REPRESENTING
George Teagarden	Ks Animal Health Dept
Pete Sherlock	Kansas Veterinary Medical Association
Kerri Ebert	KS Veterinary Medical Assn
Jim Allen	Seaboard
Chris Wilson	KUMA
Mark Mackin	KS, L/S MAILING NSSL

**STATE OF KANSAS**  
**KANSAS ANIMAL HEALTH DEPARTMENT**

George Teagarden, Livestock Commissioner  
712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808  
Phone 913/296-2326 FAX 913/296-1765

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February 13, 1996

Madame Chair, members of the House Agriculture Committee, I am George Teagarden, Livestock Commissioner, for the State of Kansas.

I'm here today to ask for your favorable consideration of H.B. 2849. H.B. 2849 contains three (3) minor policy changes and cleanup language of our brand statutes.

The first policy change is found in section 1; the 1993 legislature, through the appropriations process, removed our brand inspectors from the Kansas civil service act and suggested that they be contract employees. The statutes were never changed and presently read that brand inspectors will be civil service employees. Section 1 is amended to remove the civil service language. We presently have nine (9) inspectors under contract, paid by the head of cattle that they inspect and mileage.

Sections 2,3,4, and 5 are merely cleanup of our brand statutes; changes that were made when the department changed the registration renewal periods. Wallace County has dropped mandatory brand inspection under the county option law.

Section 6 is amended to add cats and exotic animals to the list of domestic animals that the Kansas Animal Health Department has quarantine power over in relation to contagious or infectious diseases.

Section 7 is amended to delete reference to the civil service act in relation to brand inspector appointments.

Section 8 makes it clear that only three (3) options are available for the disposal of dead animals. Current statutes tell what you cannot do with dead animals but not how you can properly dispose of dead animals. Burial, incineration and delivery to a rendering or disposal plant are the acceptable ways to dispose of dead animals.

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

*House Agriculture  
Attachment 1  
2-13-96*

**STATE OF KANSAS**  
**KANSAS ANIMAL HEALTH DEPARTMENT**

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712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808  
Phone 913/296-2326 FAX 913/296-1765

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February 13, 1996

Madame Chair, members of the House Agriculture Committee, I am George Teagarden, Livestock Commissioner for the State of Kansas.

I am here today in support of H.B. 2997. This bill amends K.S.A. 47-1008 which requires veterinary inspection of livestock consigned to a livestock market.

Current law requires livestock market operators to contract with a veterinarian for regulatory inspection services, with the contract to be approved by the livestock commissioner. The bill would change the law to require veterinary services to be contracted for by the livestock commissioner and requires the market operators to submit to the commissioner a list of accredited veterinarians to be considered for the position(s). The bill sets out the duties of the veterinarian and clearly states that the veterinarian is performing a regulatory function.

The current system of allowing the livestock market operator to contract directly with the veterinarian inspecting the market creates a conflict of interest. By hiring the veterinarian, the market operator justifiably believes that he or she has some control over the veterinarian's actions. The veterinarian, however, is mandated to perform regulatory functions for the state of Kansas. This bill would resolve that conflict.

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

*House Agriculture*  
*Attachment 2*  
*2-13-96*





# KANSAS VETERINARY MEDICAL ASSOCIATION, INC.



KANSAS VETERINARY MEDICAL ASSOCIATION, INC.  
816 SW Tyler, Suite 200, Topeka, Kansas 66612

(913) 233-4141

Pete Sherlock, DVM  
Washington Veterinary Clinic, P.A.  
Washington, Kansas 66968

**February 13, 1996**

Representative JoAnn Flower, Chairwoman and  
Members of the House Committee on Agriculture  
171-W, State Capitol  
Topeka, KS 66612-1594

Chairwoman Flower and  
Members of the House Committee on Agriculture

## Reference House Bill 2997

My name is Pete Sherlock, and I am a veterinarian living in Washington, Kansas, who has been practicing veterinary medicine for 16 years (15 of those years in Washington). My partner, Dr. Tom Dragastin, and I own and operate the Washington Veterinary Clinic, a professional corporation which employs 4 full-time staff. **Our practice consists primarily of food animal production medicine of which the salebarn operation is one responsibility.**

I am a member of the KVMA Livestock Market (Salebarn) Committee. For the last several years we have met with the Animal Health Department to address our concerns over portions of KSA 47-1008 that we felt needed to be changed. As you may recall last year we introduced a bill that was opposed by the market operators and KLA. This past year we have been in communication with these groups and have reached a compromise.

**KSA 47-1008 requires a veterinarian to be on premises to inspect livestock, write health papers and make judgement decisions regarding health status of animals being offered for sale.**

Veterinary regulatory duties and responsibilities are laid out by State and Federal guidelines, rules and regulations. Some language in KSA 47-1008 is outdated, vague and subject to broad interpretation. It is the livestock market veterinarians wish that the wordings be changed to properly reflect what duties are carried out and whom the veterinarian is responsible to in performing said duties.

*House Agriculture  
Attachment 3  
2-13-96*

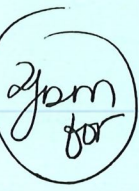


There are several changes proposed in House Bill 2997 that the KVMA and market veterinarians feel are important. First is the appointment/selection process of the market veterinarian. It became apparent, in last years debate, that the larger issue was whom do market veterinarians work for? The perception held by some was that veterinarians work for the barn owner, which is not the case. Veterinarians wear two hats, as regulatory veterinarians carrying out state rules and regulations and as private veterinarians servicing clients needs (buyer and seller) at their request. The state of Kansas pays market veterinarians to do state work. The state of Kansas needs to select the market veterinarian.

Secondly, the insertation of "visually", "visual" and "of clinical signs of", narrows inspection and examination to criteria that can be followed. Allowing the livestock commissioner the flexibility to determine which diseases are reportable will give the veterinarian a clearer picture of their responsibilities at the market.

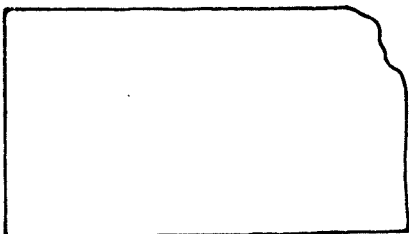
The KVMA supports the proposed changes in KSA 47-1008 because it places the hiring of the market veterinarian in the hands of the agency that veterinarians are accountable to. The KVMA supports the wording changes because it more accurately defines and clarifies what functions are being done at the barn and KVMA supports the proposed change allowing the Livestock Commissioner to determine which diseases are to be reportable. This gives the veterinarian a consistent, uniform, up-to-date and statewide approach regarding responsibilities and duties expected.

Sincerely yours,

  
*Peter K. Sherlock, DVM*

Peter K. Sherlock, DVM  
Kansas Veterinary Medical Association  
Livestock Market Committee

ydm



# KANSAS LIVESTOCK MARKETING ASSOCIATION

7509 TIFFANY SPRINGS PKWY., KANSAS CITY, MO 64153-2315 • (816) 891-0502

STATEMENT OF THE KANSAS LIVESTOCK MARKETING ASSOCIATION  
TO THE HOUSE AGRICULTURE COMMITTEE, JOAN FLOWER, CHAIRMAN  
WITH RESPECT TO HOUSE BILL NO. 2997  
PRESENTED BY MARK MACKEY, EXECUTIVE SECRETARY  
FEBRUARY 13, 1996

Ms. Chairman, and members of the Committee, my name is Mark Mackey. I am here today to speak on behalf of the Kansas Livestock Marketing Association regarding House Bill 2997. The primary change that this Bill would cause to the existing Kansas statute is that accredited veterinarians performing inspection services at livestock markets for the State of Kansas would provide those services pursuant to a contract with the Commissioner instead of a contract with the market operator. Under current law, each public livestock market operator is required to enter into a contract with an accredited veterinarian approved by the Commissioner and the contract between the market operator and the veterinarian is approved by the Commissioner. Under this proposed Bill, the public livestock market operator would not be a party to the contract.

The Kansas Livestock Marketing Association supports this change; however, we are concerned about the fact that this Bill is silent on the issue of who has the right to terminate the contract in the event the relationship between the market operator and the accredited veterinarian is not working. Although it is not common, there are situations which arise in which the approved accredited

*House Agriculture  
Attachment 4  
2-13-96*



veterinarian does not provide services satisfactorily and the need arises to make changes. We have discussed this issue with Commissioner Teagarden and been assured that the contract which will be developed to implement the provisions of this Bill if it is adopted into law will contain a provision giving public livestock market operators the right to terminate the services of an accredited veterinarian after giving sixty (60) days notice of termination. We understand that this right to terminate the relationship would be granted to all parties including the accredited veterinarian and the Commissioner as well.

The Kansas Livestock Marketing Association has enjoyed a good working relationship with Commissioner Teagarden and we believe that so long as he remains the Livestock Commissioner the right of a public livestock market operator to terminate the services of an accredited veterinarian approved by the Livestock Commissioner for that market will be recognized. The fact remains that Commissioner Teagarden will not always be the Livestock Commissioner and unless the right of a public livestock market operator to terminate its approved accredited veterinarian upon sixty (60) days notice is included as a provision in this amendment to K.S.A. §47-1008, it could be lost at some point in the future.

This Bill could be easily amended at this point to accommodate the concerns of the Kansas Livestock Marketing Association by adding the following language:

The public livestock market operator shall have the right to terminate its approved accredited veterinarian upon giving sixty (60) days written notice to the Livestock Commissioner along with a new list of accredited veterinarians to be considered for the position being vacated.

Thank you.

KANSAS LIVESTOCK MARKETING ASSOCIATION

By   
Mark Mackey, Executive Secretary

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