

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on March 15, 1996, 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

Discussion and final action on SB 659 - Public livestock markets; occasional sales.

Chairperson Flower opened discussion on **SB 659**. Raney Gilliland, Legislative Research Department, reviewed the bill for the committee. He stated that this bill creates the definition of "occasional livestock sale." He explained that this bill would permit, through rules and regulations, the Livestock Commissioner to exempt occasional livestock sales or issue a license for occasional livestock sales at a fee of not more than \$100 without a hearing. The bill would also delete language which deals with federally licensed markets.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, answered committee questions. He explained that there are no exceptions in current statute, this bill would allow the livestock commissioner to either exempt occasional sales or to license them under the new definition. He stated that license fees would be based on the number of sales and, possibly, the size of the sale. The Commissioner stated that private sales do not come under any of the statutes, only consignment sales.

Representative Sloan offered a prepared balloon amendment to Sub SB 659 on page 2, line 40. (Attachment 1) Representative Humerickhouse seconded the motion. The committee expressed concern over the bond requirement for occasional sales as set forth in Section (b) of the balloon amendment. With Representative Humerickhouse's consent, Representative Sloan withdrew his motion.

Representative Sloan moved to adopt sections (c) and (d) of his balloon amendment to SB 659. Representative Humerickhouse seconded the motion. The motion passed.

Representative Sloan, moved passage of section (b) of the balloon amendment to SB 659. It was seconded by Representative Humerickhouse. Committee discussion ensued on the bonding issue. Chairperson Flower called the question. The amendment to pass section (b) of the balloon failed.

For clarification, staff suggested adding a conceptual amendment expanding the definition on page 2, line 24, of an "occasional livestock sale" to include any sale that receives on consignment, or solicits from the producer or consignor thereof, or holds in trust or custody for another, any livestock for sale or exchange, on behalf of such producer, or sells, or offers for sale at a public livestock sale, for the account of the producer or consignor thereof, any livestock or directly or indirectly conducts an occasional public livestock sale. Representative Sloan moved to adopt the conceptual amendment to SB 659 suggested by staff and also add an exemption for 4-H, FFA, State Fairs, etc., to be effective upon publication in the Kansas Register. Representative Humerickhouse seconded the motion. Committee discussion ensued.

Due to insufficient time to discuss the amendment, Chairperson Flower asked the committee to meet upon adjournment of the House. The meeting adjourned at 10:00 a.m.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on March 15, 1996.

The meeting reconvened at 12:45 p.m. Chairperson Flower recognized Representative Sloan who withdrew his amendment to add Staff's conceptual language expanding the definition of an occasional livestock sale on page 2, line 24; to exempt 4-H, FFA, and other such organizations; and to change the effective date to publication in the Kansas Register. Representative Humerickhouse concurred.

Representative Sloan then moved passage of Staff's conceptual language expanding the definition of an occasional livestock sale on page 2, line 24 of SB 659. Seconded by Representative Humerickhouse, the amendment passed.

Representative Powers moved to pass SB 659 as amended. It was seconded by Representative Lloyd. Staff called the committee's attention to another technical change that should be made in the bill. Representative Powers, with Representative Lloyd's consent, withdrew his motion.

In section (d) of the balloon amendment to SB 659, Staff suggested stating that licensed occasional livestock sales shall be exempt from the bonding requirement pursuant to K.S.A. 47-1002, and amendments thereto. Representative Lloyd moved to accept the conceptual amendment. Seconded by Representative Powers, the amendment passed.

Representative Powers moved to recommend SB 659 favorable for passage as amended. The motion was seconded by Representative Lloyd. The motion carried.

The meeting adjourned at 12:57 p.m. The next meeting is on call for March 19, 1996.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 3/15

NAME	REPRESENTING
GEORGE TEAGARDEN	K A H X D
Jim Allen	Sea board

SENATE BILL No. 659

By Committee on Agriculture

2-12

9 AN ACT concerning public livestock markets; relating to occasional sales;
10 amending K.S.A. 47-1001d and K.S.A. 1995 Supp. 47-1001 and re-
11 pealing the existing sections.

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

14 Section 1. K.S.A. 1995 Supp. 47-1001 is hereby amended to read as
15 follows: 47-1001. As used in this act, except where the context clearly
16 indicates a different meaning:

17 (a) "Commissioner" means the livestock commissioner of the state of
18 Kansas.

19 (b) "Livestock" means and includes cattle, swine, sheep, goats,
20 horses, mules, domesticated deer, all creatures of the ratite family that
21 are not indigenous to this state, including but not limited to ostriches,
22 emus and rheas, and any other animal as deemed necessary by the com-
23 missioner established through rules and regulations.

24 (c) "Person" means and includes any individual, partnership, corpo-
25 ration or association.

26 (d) "Producer" means any person engaged in the business of breed-
27 ing, grazing or feeding livestock.

28 (e) "Consignor" means any person who ships or delivers to any public
29 livestock market livestock for handling, sale or resale at a public livestock
30 market.

31 (f) "Public livestock market" means any place, establishment or fa-
32 cility commonly known as a "livestock market," "livestock auction mar-
33 ket," "sales ring," "stockyard," "community sale" as such term is used in
34 article 10 of chapter 47 of the Kansas Statutes Annotated, which includes
35 any business conducted or operated for compensation or profit as a public
36 market for livestock, consisting of pens, or other enclosures, and their
37 appurtenances, in which livestock are received, held, sold or kept for sale
38 or shipment except that this term shall not apply to any livestock market
39 where federal veterinary inspection is regularly maintained.

40 (g) "Public livestock market operator" means any person who, in this
41 state, receives on consignment, or solicits from the producer or consignor
42 thereof, or holds in trust or custody for another, any livestock for sale or
43 exchange, on behalf of such producer or consignor at a public livestock

*Kansas Agriculture
Attachment 1
3-15-96*

1 market, or sells, or offer for sale, at a public livestock market, for the
 2 account of the producer or consignor thereof, any livestock or directly or
 3 indirectly owns, conducts or operates a public livestock market. The term
 4 "public livestock market operator" shall not be construed to include any
 5 packer or agent of a packer who receives or purchases livestock for
 6 prompt slaughter.

7 (h) "Packer" means any person engaged in the business of buying
 8 livestock for purposes of slaughter, or of manufacturing or preparing
 9 meats or meat food products for sale or shipment, or of manufacturing
 10 or preparing livestock products for sale or shipment, or of marketing
 11 meats, meat food products, livestock products, dairy products, poultry or
 12 poultry products.

13 (i) "Board" means any three members of the Kansas animal health
 14 board designated by the chairperson of the Kansas animal health board
 15 for each particular hearing. The chairperson may be included in such
 16 designation.

17 (j) "Dealer" as used in article 10 of chapter 47 of the Kansas Statutes
 18 Annotated, to which this act is amendatory and supplemental, shall have
 19 the same meaning as the term "public livestock market operator."

20 (k) "Domesticated deer" means any member of the family cervidae
 21 which was legally obtained and is being sold or raised in a confined area
 22 for breeding stock; for any carcass, skin or part of such animal; for exhi-
 23 bition; or for companionship.

24 (l) "Occasional livestock sale" means livestock auctions or sales, that
 25 are held 12 or less times per year.

26 Sec. 2. K.S.A. 47-1001d is hereby amended to read as follows: 47-
 27 1001d. Any stockyard, livestock market, sales ring, or other business
 28 within the definition of a public livestock market, operated and conducted
 29 as such at the effective date of this act, and the holder of a license therefor
 30 as now provided by state law, and any livestock market which is exempted
 31 from the necessity of obtaining a public livestock market license at the
 32 effective date of this act because it has federal veterinary inspection reg-
 33 ularly maintained, shall be issued a market license upon application and
 34 payment of the annual fee without hearing. *Provided*, That such appli-
 35 cation and payment shall be made not later than June 30, 1965, or within
 36 thirty (30) days thereafter. *And provided*, That in the case of a livestock
 37 market exempted on the effective date of this act because it has federal
 38 veterinary inspection regularly maintained, such application and payment
 39 shall be made within thirty (30) days after such federal veterinary in-
 40 spection, regularly maintained, is terminated. *The livestock commissioner,*
 41 *through rules and regulations, may exempt occasional livestock sales or*
 42 *issue a license for such occasional livestock sales at a fee of not more than*
 43 *\$100 without a hearing.*

(a)

(b) Each applicant for a license issued pursuant to this section shall furnish a bond in the manner required by K.S.A. 47-1002, and amendments thereto.

(c) All livestock consigned and delivered on the premises of any licensed occasional livestock sale, before being offered for sale, shall be inspected by a licensed veterinarian who shall visually examine each animal consigned to such sale, for the purpose of determining its condition of health and freedom of clinical signs of infectious or contagious animal diseases that are determined to be reportable by the livestock commissioner. Such veterinarian may issue certificates of inspections, on a form to be approved by the commissioner.

(d) Licensed occasional livestock sales shall not collect a fee per head pursuant to K.S.A. 47-1011, and amendments thereto, or an inspection fee per head pursuant to K.S.A. 47-1008, and amendments thereto.

1 Sec. 3. K.S.A. 47-1001d and K.S.A. 1995 Supp. 47-1001 are hereby
2 repealed.

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