

Approved: 3-12-96
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on March 7, 1996 in Room 423-S of the Capitol.

All members were present except: Quorum was present.

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

Conferees appearing before the committee:
George Teagarden, Livestock Commissioner, Animal Health Division
Pete Sherlock, DVM, Washington Veterinary Clinic, P.A.
Mark Mackey, Kansas Livestock Marketing Association
Mike Beam, Kansas Livestock Association

Others attending: See attached list

Senator Wisdom moved to adopt the minutes of March 6. The motion was seconded by Senator Morris. The motion carried.

A fiscal note on **HB 2849** and **HB 2997** was distributed.

Written testimony from Irene Hart, Director, Sedgwick County, Bureau of Community Development, was distributed. Her testimony supports **HB 2645** that was passed out of the committee on March 6 (Attachment 1).

The hearing was opened on **HB 2849 - Revisions to the livestock and domestic animal statutes, chapter 47.** Chairperson Corbin called on George Teagarden.

George Teagarden said they requested the introduction of the bill. **HB 2849** contains three minor policy changes and cleanup language of their brand statutes, and he reviewed those policy changes (Attachment 2). He presented an amendment for the Committee's consideration (Attachment 3). He responded to questions.

Mike Beam responded to some questions regarding counties being designated as a brand inspection area. He said under **HB 2849** Wallace County would be eliminated leaving Hamilton, Kearny and Wichita counties.

The hearing was closed on **HB 2849**. Chairperson Corbin opened the floor for discussion or action. A motion was made by Senator Wisdom to adopt the amendment proposed by George Teagarden. Senator Sallee seconded the motion. The motion carried. Senator Clark moved **HB 2849** be passed as amended. The motion was seconded by Senator Wisdom. Motion carried.

HB 2997 - concerning public livestock markets; relating to inspections by authorized regulatory veterinarians.

Chairperson Corbin opened the hearing on **HB 2997**, and George Teagarden was called on to testify.

George Teagarden said they asked to have the bill introduced to resolve a conflict of interest under current law. **HB 2997** clearly says that the veterinarian would be contracted for by the Livestock Commissioner and sets out the duties of the veterinarian and clearly states that the veterinarian is performing a regulatory function (Attachment 4).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE Room 423-S-Statehouse, at 10:00 a.m. on March 7, 1996.

Pete Sherlock supported the proposed changes because it places the hiring of the market veterinarian in the hands of the agency, which is where it should be since the veterinarians are accountable to the agency. It also clarifies what functions are being done at the sale barns, and it allows the Livestock Commissioner to decide which diseases are to be reported (Attachment 5).

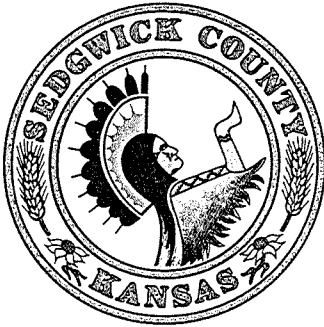
Mark Mackey presented testimony suggesting the bill be amended as follows: "the public livestock market operator shall have the right to terminate its approved accredited veterinarian upon giving sixty (60) days written notice to the Livestock Commissioner along with a new list of accredited veterinarians to be considered for the position being vacated." If this amendment was adopted they would support the bill. Responding to a question Mr. Mackey said he represented the livestock auctions and the video auctions in the state. (Att #6)

The hearing was closed. Chairperson Corbin called for discussion on **HB 2997**. The Committee discussed the amendment offered by Mr. Mackey. Mr. Teagarden stated he didn't think the amendment was necessary, as it could be taken care of under rules and regs. Pete Sherlock supported Mr. Teagarden's remarks.

Senator Wisdom moved that **HB 2997** be passed. Senator Clark seconded the motion. Motion carried.

The meeting adjourned at 10:40 a.m.

The next meeting is scheduled for March 8, 1996.



SEDGWICK COUNTY, KANSAS

BUREAU OF COMMUNITY DEVELOPMENT

IRENE HART

Director

510 N. MAIN ● ROOM 601 ● WICHITA, KANSAS 67203 ● TELEPHONE: (316) 383-8041

TESTIMONY ON HB 2645

SENATE AGRICULTURE COMMITTEE

Irene Hart

The Sedgwick County Bureau of Community Development oversees operation of several County departments, one of which is the Department of Animal Control. I have been in the position of Bureau Director for six months, but have been closely involved with Animal Control activities for the last several months since we were "between" Animal Control Directors. Sherdeill Breathett has been hired for the position, and in future sessions he will testify before you with considerably more knowledge and authority than I bring today.

HB 2645 has been reviewed by our Animal Control Advisory Board, a Commission-appointed volunteer board with membership representing veterinarians, breeders, dealers, animal welfare organizations and citizens. They reported occasions in which numbers of animals such as pit bulls and horses have been found to be in dangerous situations, were picked up and placed in shelters, and their owners charged with animal cruelty. Under current statute, the shelters must retain the animals until the case has progressed through the court system, often months later.

Meanwhile, the animals are fed and receive medical treatment at no cost to the owner, unless there is a judgement against them. In practice, sheltering these animals has nearly bankrupted non-profit and charitable shelters, and subsequent recovery of costs is not a usual event.

We therefore support HB 2645 which will put a limit of 20 days in which shelters must care for animals in animal cruelty cases, and then the shelter may adopt or euthanize the animals unless the owner posts a bond to cover the expense of sheltering the animals.

February 29, 1996

*Senate Agr Co
3-7-96
Attachment 1*

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

March 7, 1996

Mister Chairman, members of the Senate 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.

The House Agriculture Committee amended the bill to clean up additional language to clarify that brand inspection is done on a contractual basis and not by state brand inspectors, to delete

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attachment 2
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language which had permitted state brand inspectors to arrest people in violation of the state's brand laws, and to make it lawful to kill any dog found injuring or attempting to injure livestock as defined in K.S.A. 47-1001.

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

hb2849

21-1213. Unlawful sale, purchase or injection of certain animal vaccines. (a) It shall be unlawful;

(1) For any person, except a licensed veterinarian, to inject into any animal any live brucella abortus ~~strain-19~~ vaccine;

(2) for any person, except a licensed veterinarian or a person acting under the direct supervision of a licensed veterinarian, to inject any animal rabies vaccine into an animal;

(3) for any person, except a licensed veterinarian, to purchase any animal rabies vaccine or live brucella abortus ~~strain-19~~ vaccine;

(4) for any person to sell or offer for sale any animal rabies vaccine or brucella abortus ~~strain-19~~ vaccine to any person except a licensed veterinarian; or

(5) for any person to sell or offer for sale animal rabies vaccine or the live brucella abortus ~~strain-19~~ vaccine to another unless the vendor is: (A) A manufacturer thereof: or (B) a licensed veterinarian.

(b) As used in this section:

(1) "Direct supervision" means that an employee of a veterinarian or a student at a school of veterinary medicine shall be in personal contact with a veterinarian for each individual case.

(2) "Licensed veterinarian" has the meaning provided by K.S.A. 47-816 and amendments thereto.

For brucella abortus - accredited vet.

21-1213

9 CFR 160 & 161

George Seagarden
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3-7-96
attachment 3

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

March 7, 1996

Mr. Chairman and members of the Senate 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.

H.B. 2997

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3-7-96

Attachment 4



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

March 7, 1996

Senator Dave Corbin, Chairman and
Members of the Senate Committee on Agriculture
120-S, State Capitol
Topeka, KS 66612

Dear Senator Corbin, Chairman and
Members of the Senate 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.

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attachment 5*

March 7, 1996

Page 2

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 SENATE AGRICULTURE COMMITTEE, DAVID CORBIN, CHAIRMAN
WITH RESPECT TO SENATE BILL NO. 2997
PRESENTED BY MARK MACKEY, EXECUTIVE SECRETARY
MARCH 7, 1996

Mr. 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 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

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Attachment 6
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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. S47-1008, it could be lost at some point in the future.

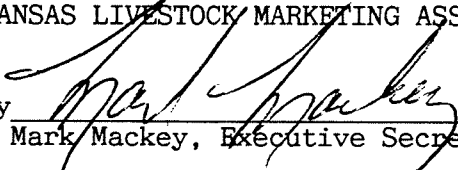
This Bill could be easily amended at this point to accommodate the concerns of the Kansas Livestock Marketing Association by adding the following language:

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