

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 11, 1997, in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Others attending: See attached list

Discussion and possible action on HB 2062 - Requiring equine to be tested for equine infectious anemia.

Chairperson Flower opened discussion on **HB 2062**. She called the committee's attention to a letter from Sam Hines, Easton, Kansas, a constituent of Representative Wilk, expressing his resistance to paragraph (f) of **HB 2062** concerning enforcement by management of equine exhibits. (Attachment 1) The fiscal note on **HB 2062** was also distributed. (Attachment 2)

George Teagarden, Livestock Commissioner, distributed copies of a prepared amendment to **HB 2062** Section 1 (a) (2) defining "equine exhibitions" to include all equine events which require an entry fee or has no fee but requires the participant to register to participate. (Attachment 3)

Representative Lloyd said that he had considered preparing an amendment to require testing for equine infectious anemia for all horses coming into Kansas for any reason, but to remain mute on testing of horses in the state. He said he now understands there are rules and regulations pending that would accomplish the same thing.

Mr. Teagarden reported that current regulations require a test for equine infectious anemia, within 12 months, for all equine coming into the state for any reason. He advised that the Livestock Commissioner has the authority to write these regulations. He said that permanent rules and regulations have been drafted by his office and that an attorney in the Department of Administration is currently working on the final draft. He said the proposed rules and regulations must go to the Attorney General, then to the Rules and Regulations Committee for public hearings before final approval. He indicated that it is his intention to proceed with permanent rules and regulations to require testing for all imports and at the state fair, but would probably not require testing for other equine in Kansas.

It was noted that any organized group in the state could adopt its own rules requiring a test for equine infectious anemia, and that many do so. It was suggested that increased inspections and fines might force better compliance with import regulations requiring a test for equine infectious anemia.

Stating that as there are pending rules and regulations to require testing for equine infectious anemia of all equine coming into Kansas, and the fact that organizations can adopt their own rules, Representative Lloyd moved to table HB 2062. The motion was seconded by Representative Ballou. Motion carried.

The meeting adjourned at 9:35 a.m. The next meeting is scheduled for February 12, 1997.

State of Kansas



TOPEKA

House of Representatives
Memorandum

KENNY A. WILK
REPRESENTATIVE, 42ND DISTRICT
LEAVENWORTH COUNTY
701 S. DeSOTO RD.
LANSING, KANSAS 66043
(913) 727-2453
ROOM 174-W, CAPITOL BLDG.
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COMMITTEE ASSIGNMENTS
MEMBER: APPROPRIATIONS
SUBCOMMITTEES:
EDUCATION
K-12 SCHOOL FINANCE

TO: House Agriculture Committee Members
FROM: Kenny Wilk *Kenny Wilk*
SUBJECT: H.B. 2062
DATE: February 5, 1997

Attached you will find a letter from a constituent regarding H.B. 2062. Mr. Hines had planned to attend the public hearing and testify. Due to a miscommunication he missed your meeting this morning (2/5/97). He ask that I forward the attached letter to you.

If you have any questions please contact me or feel free to contact Mr. Hines directly. Thank you for your consideration.

*House Agriculture Committee
February 11, 1997
Attachment 1*

NORMAN W. "SAM" HINES
21362 Springdale Road
Easton, Kansas 66020

Home: 913-651-6943
Fax: 913-651-4314
email: Samhines@aol.com

29 Jan 1997

Dear Kenny,

Since we talked last night, I have been thinking about what else might be helpful in explaining my resistance to paragraph (f) of HR 2062.

The idea to place some controls on Equine Infectious Anemia (EIA) is OK, if only to bring Kansas up to the regulatory level of it neighbors.

Here are some of the problems with enforcement:

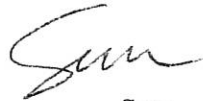
1. Certificates of an official negative test result for EIA can be switched from horse to horse because absolute identification of individual animals is not possible without tattooing or freeze branding or some other discrete identification methodology. This "switching" is not difficult to do.
2. The bill lacks any state operated enforcement provisions. Rather it seeks to force "equine exhibition management" to take on that responsibility, without remuneration or legal protection. To the best of my knowledge, our neighboring states do not require this of "equine exhibition management." There is no problem with directing a state regulatory agency to come in to spot check or completely check entries for correct documentation.
3. I am not thrilled to be co-opted into a dubious program.. One of my main objections is that they are putting me into a position of litigation risk with respect to the management of this program. No matter what the bill says, ANYONE can sue ANYONE, and if a horse does (or does not) pass whatever process that is performed by the show, the horse owner/trainer/exhibitor could allege damages and proceed to court. I don't believe we could get insurance to cover that, because there is such an opportunity for fraud, and there probably isn't any actuarial data. Of course, **if** this law passes, and in it the state **indemnifies** "equine exhibition management" from the effects of any litigation (including defense costs), then my objection on that basis would diminish.

General Observations: While the institution of some modicum of control over horses that have tested positive appears to be desirable (at least to the level of our neighboring states) it is not necessary to "stem a rising tide of disaster." EIA is a disease that is transmitted from horse to horse by insects (mosquito bites is the best example). Not all horses that test

positive exhibit any of the symptoms of EIA. If we do a blood test on a clean horse once a year, all we know is that the horse did not test positive for EIA on the day the blood was pulled. If he became infected the very next day, he would be making infected blood available for transfer to other horses for most of the next 364 days, or until his next blood test. It is interesting to note some national statistics that indicate that the governing powers have put down more horses that have tested positive than have actually died of the disease - it is reported that they have destroyed over 10 times as many horses.

Also, please remember that until a comprehensive system to enable and require positive identification of all covered animals, this process is only the "lock that stops an honest man." (Please don't interpret that statement as a move to start a crusade, but it is true)

If this is going to go somewhere, and you want my assistance in any way, please call. I'll come out there, or whatever.



Sam

STATE OF KANSAS



DIVISION OF THE BUDGET
 Room 152-E
 State Capitol Building
 Topeka, Kansas 66612-1504
 (913) 296-2436
 FAX (913) 296-0231

Bill Graves
 Governor

Gloria M. Timmer
 Director

February 5, 1997

The Honorable Joann Flower, Chairperson
 House Committee on Agriculture
 Statehouse, Room 426-S
 Topeka, Kansas 66612

Dear Representative Flower:

SUBJECT: Fiscal Note for HB 2062 by Representative Empson

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2062 is respectfully submitted to your committee.

HB 2062 requires that horses and similar animals which are sold or traded must have on record a negative test for equine infectious anemia that was performed within the last 12 months. If the animal is being sold at public market, it would have to be quarantined until test results were known. The exception to the test requirement would be animals going to slaughter or foals under six months. The test requirement is also applicable to animals being exhibited. Management of the show would be responsible for verifying that the testing requirement is met. The Livestock Commissioner of the Animal Health Department would be responsible for adopting rules and regulations to implement this program. Violators of the law could be fined between \$100 and \$500.

Estimated State Fiscal Impact				
	FY 1997 SGF	FY 1997 All Funds	FY 1998 SGF	FY 1998 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$2,626	\$2,626
FTE Pos.	--	--	--	--

*House Agriculture Committee
 February 11, 1997
 Attachment 2*

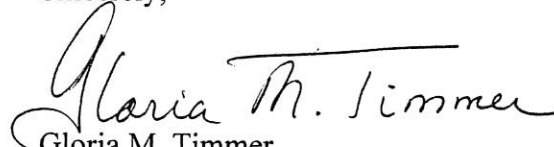
The Honorable Joann Flower, Chairperson

February 5, 1997

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The Animal Health Department estimates that the cost to the agency would be \$2,626, all from the State General Fund. The agency estimates that 24,000 animals would be tested under provisions of the bill. Currently, the agency handles the paperwork for 12,000 voluntarily tested animals. Since most tests are done in the spring and fall, four weeks of seasonal temporary clerical help would be needed (160 hours at \$5.15 per hour: \$824.) The agency notes that it would also need to spot check various events throughout the year to ensure compliance. Most events are held on the weekends, which would require approximately 400 hours of compensatory time for inspectors. Mileage cost to events would be approximately \$1,012. In addition, each positive test takes three days of veterinary/inspector time to quarantine and check neighboring horses. Mileage costs associated with the positive tests would be \$790. The agency assumes that any prosecutions and related expenditures would be handled by local authorities. Expenditures associated with the bill would be in addition to amounts included in *The FY 1998 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "Gloria M. Timmer". The signature is written in dark ink and is positioned above the printed name and title.

Gloria M. Timmer
Director of the Budget

cc: Deborah Duncan, Animal Health

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

February 10, 1997

Proposed amendment to H.B. 2062:

- On line 18 insert after include "all equine events which require an entry fee or which has no fee but requires the participant to register to participate. Such events ...
- On line 20 insert after points. "such as parades or organized trail rides."

With this amendment, (a)(2) should read as follows:

"Equine exhibitions" shall include all equine events which require an entry fee or which has no fee but requires the participant to register to participate. Such events shall include, but not be limited to, fairs, livestock shows, breed association shows, rodeos, racetracks, jackpots and other equidae concentration points, such as parades or organized trail rides.

*House Agriculture Committee
February 11, 1997
Attachment 3*