

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on March 6, 1997, in Room 423-S of the Capitol.

All members were present except: Representative Schwartz - excused

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

Conferees appearing before the committee:

George Teagarden, Livestock Commissioner, Kansas Animal Health Department
Dr. Peter K. Sherlock, Chairman, Kansas Veterinary Medical Association Livestock Market Committee
Mike Beam, Executive Secretary, Cow/Stocker Division, Kansas Livestock Association

Others attending: See attached list

Chairperson Flower asked committee members to review the minutes of February 14, 19, 20 and 21. If there are corrections or additions, members are requested to contact the committee secretary by 5:00 p.m. today, otherwise the minutes will stand approved as presented.

Hearing on SB 63 - Prohibiting the sale of injured, disabled or diseased livestock at a public livestock market.

Chairperson Flower opened the hearing on **SB 63** and asked Raney Gilliland, Legislative Research Department, to brief the committee on the bill. He explained that this bill would prohibit the sale of injured, disabled, or diseased animals at public livestock markets in Kansas; require the consignor of any such animal to remove such animal or pay for the euthanizing and disposal of such animal; and would require the livestock commissioner to promulgate rules and regulations to implement the law.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, appeared in support of **SB 63**. He said that this bill was introduced by the Senate Agriculture Committee at his request and that he concurred with the Senate amendments to clarify the intent of the bill. Mr. Teagarden said that although livestock that are presented for slaughter must pass an antemortem and postmortem examination conducted by state or federal certified meat inspectors before meat is allowed in the food chain, he believes the Kansas Animal Health Department, market operators, and market veterinarians have a responsibility to ensure that the livestock going into slaughter channels are perceived by the public as wholesome and healthy. (Attachment 1)

Dr. Peter K. Sherlock, Kansas Veterinary Medical Association Livestock Market Committee Chairman, testified in support of **SB 63**. He said the explicit language in this bill should help provide uniform, consistent veterinary inspections at the various livestock markets in Kansas. He said the Kansas Veterinary Medical Association views this bill as a specific, proactive attempt to strengthen the wholesomeness of meat and bolster the public's confidence in the thoroughness and effectiveness of food safety measures in Kansas. (Attachment 2)

Mike Beam, Executive Secretary, Cow-Calf/Stocker Division, Kansas Livestock Association, testified in support of **SB 63**. He said this bill establishes a clearer policy that animals fitting certain conditions will not be exposed to the public at a Kansas livestock market. He said it is important that rules and regulations resulting from this change ensure that market veterinarians inspect severely injured or diseased animals uniformly at all markets. He said this concern was raised in Colorado when similar legislation was passed. He attached a letter with his testimony from the Colorado Cattlemen's Association that confirms they are having no such problems in their state. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on March 6, 1997.

Raney Gilliland, Legislative Research Department, questioned the use of "accredited veterinarian" on page 1, line 28, as opposed to the language on page 1, line 39, "veterinarian authorized by the commissioner."

George Teagarden, Livestock Commissioner, related an incident in Shawnee County where an emu was running at large and the county sheriff was unable to locate the owner. As livestock markets will not accept certain animals, such as emus, Mr. Teagarden proposed an amendment to **SB 63** that would authorize the county sheriff to hold such stray livestock in a secure holding area approved by the livestock commissioner, to advertise such stray livestock in the official county newspaper, and to sell such livestock to the highest bidder for cash. (Attachment 4)

Chairperson Flower closed the hearing on **SB 63**.

The meeting adjourned at 9:50 a.m. The next meeting is scheduled for March 11, 1997.

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 6, 1997

Madame Chair and members of the House Agriculture Committee, I am George Teagarden, Livestock Commissioner, for the State of Kansas. I appear before you in support of Senate Bill 63 (SB 63).

SB 63 says that diseased, disabled and dying animals shall not be presented for public sale at a livestock market in Kansas; the consignor of any such animal must remove such animal or pay for the euthanizing and disposal of such animal; and the livestock commissioner shall promulgate rules and regulations to implement the law.

SB 63 was introduced by the Senate Agriculture Committee at my request. The Kansas Animal Health Department (KAHD), among other things, licenses and regulates livestock markets in Kansas. In order for a market to maintain a license, the market operator must prove financial responsibility, maintain adequate records of transactions, maintain a facility that is compatible to the welfare of the livestock that are sold there and perform certain regulatory functions as required by our department and the federal government.

I believe that the KAHD, market operators and market veterinarians have a responsibility to do what we can to promote the fact that meat is an important part of proper nutrition and that the livestock going into slaughter channels are perceived by the public as wholesome and healthy.

Livestock that are presented for slaughter must pass an ante mortem and post mortem examination conducted by state or federal certified meat inspectors before the meat is allowed in the food chain. I believe that SB 63 is a proactive stance in preserving the public's perception about the wholesomeness of meat. I believe that animals that fall into the description outlined in the bill should not be displayed before the public. A large percentage of the livestock producers of Kansas only market healthy, wholesome animals, but occasionally an animal is presented at a Kansas market that would have a very negative impact on the meat industry if there was public attention drawn to the animal in a negative fashion.

The House committee amendments offered by the Livestock Market Association clarified our intent. We support the amendment.

Thank you for your positive consideration of SB 63.

*House Agriculture Committee
March 6, 1997
Attachment 1*



KANSAS VETERINARY MEDICAL ASSOCIATION, INC.

816 SW Tyler, Suite 200, Topeka, Kansas 66612, (913) 233-4141

FAX: (913) 233-2534

MEMORANDUM

TO: House Agriculture Committee
Representative Joann Flower, Chairwoman

FROM: Peter K. Sherlock, D.V.M.
KVMA Livestock Market Committee Chairman

DATE: Thursday, March 6, 1997

SUBJECT: **S.B. 63**

Representative Flower, Representative Ballou, members of the House Agriculture Committee, my name is Dr. Pete Sherlock.

I operate a veterinary practice in Washington, Kansas and I am currently chairman of the Kansas Veterinary Medical Association (KVMA) Livestock Market Committee. The KVMA represents over 700 Kansas veterinarians.

I am appearing today to express the KVMA's strong support of S.B. 63. The KVMA views S.B. 63 as a specific, proactive attempt to strengthen the wholesomeness of meat and bolster the public's confidence in the thoroughness and effectiveness of food safety measures in Kansas.

S.B. 63 provides one more opportunity for the placement of a meaningful, productive checkpoint in the food chain. At the same time, the bill has the potential of preventing serious damage caused by the possible undermining of Kansas consumers' faith in food safeguards.

I am proud to be part of the only health profession that is actively involved in all aspects of the food chain from farm production of food animals to the consumption of food products. Veterinarians help assure that the supply of animal origin foods shall be wholesome and free of harmful contaminants.

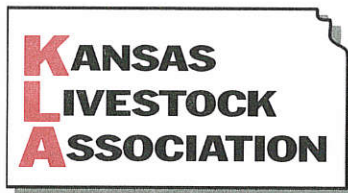
All of us owe it to the citizens of Kansas to make sure that there is not the slightest hint that anything is even remotely being done to the contrary.

The Kansas Veterinary Medical Association respectfully asks for your support and favorable action today on S.B. 63.

Thank you for allowing me the opportunity to be with you today.

ydm

*House Agriculture Committee
March 6, 1997
Attachment 2*



Since 1894

March 6, 1997

To: House Agriculture Committee
Rep. Joann Flower, Chairperson

Fr: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

Re: **Senate Bill 63** - Legislation prohibiting the sale of severely injured or diseased animals at Kansas public auction markets.

Madam Chairperson and committee members, I'm Mike Beam, with the Kansas Livestock Association (KLA). Commissioner Teagarden presented this proposal to our members last fall. KLA has adopted a policy position in support of SB 63.

This bill prohibits the sale of severely injured, disabled, or diseased livestock at a public livestock auction market. Section 1 specifies the diseases or injuries are limited to: severe neoplasia (abnormal tissue growth such as cancer); severe actinomycosis (lump jaw); infections permanently rendering animals unfit for human consumption; animals with obviously fractured long bones or other fractures or dislocation of joints that causes animals unable to bear weight on limbs without falling; and conditions causing animals to be unable to rise to their feet.

The auction market veterinarian, as authorized by K.S.A. 1996 Supp. 47-1008, will make this determination. If the veterinarian determines a consignment is unfit for sale through the auction ring, he/she will euthanize the animal or require the animal's owner to take it from the premises.

We basically view this legislation as the "right thing to do" in the practice of animal husbandry. The bill was not introduced because we're experiencing a significant number of problems. SB 63 is certainly not needed to protect the food supply. The existing state and federal inspection system assures animals unfit for consumption are identified at small and large processing plants.

This bill simply establishes a clearer policy that animals fitting certain conditions will not be exposed to the public at a Kansas auction market.

*House Agriculture Committee
March 6, 1997
Attachment 3*

The rules and regulations resulting from this change will be important to assure market veterinarians inspect severely injured or diseased animals uniformly at all markets.

This concern was raised in Colorado when similar legislation was passed. The attached letter from the Colorado Cattlemen's Association confirms they are having no such problems in their state.

We have confidence that Commissioner Teagarden and his staff will cooperate with producers, veterinarians, and market operators in writing clear and reasonable regulations for the interpretation and enforcement of this act.

Again, KLA supports SB 63, and I'll be glad to respond to any questions. Thank you!



COLORADO CATTLEMEN'S ASSOCIATION

8833 RALSTON ROAD / ARVADA, COLORADO 80002 / TELEPHONE (303) 431-6422 / FAX (303) 431-6446

February 26, 1997

Mike Beam
Kansas Livestock Association
6031 SW 37th St
Topeka, KS 66614-5129

Dear Mike:

I'm sorry for taking so long to get you this information about the "downer" animal bill which we passed in the Colorado legislature last year. The passage of this bill has been a very positive and proactive step for our industry. (I've attached some of the press coverage that was picked up.) Through this bill, the cattle industry was able to make a strong statement in favor of good animal husbandry. And, despite the livestock markets' dire predictions to the contrary, the implementation of the bill has been received very well in the country and has not created any inequitable or untenable situations for either livestock owners or the livestock markets themselves.

I hope this information helps. Please let me know if we can be of any additional assistance.

Sincerely,



Reeves Brown
Executive Vice President

1 **47-122a. Livestock running at large; taking up such livestock by county sheriff;**
2 **notice; sale; disposition of proceeds of sale; consolidated law enforcement**
3 **department.** (a) Whenever the owner or the owner's authorized agent allows any
4 livestock to run at large, in violation of K.S.A. 47-122 and such livestock remains on the
5 property of another person, the sheriff of the county in which such livestock are running at
6 large, at the request of such person upon whose property the livestock are running at
7 large, may take such livestock into custody and retain them in a secure holding area.

8 (b) The county sheriff shall give notice to the owner or the owner's authorized
9 agent within twenty-four (24) hours after taking such livestock into custody that the
10 owner or the owner's authorized agent has ten (10) days within which to claim such
11 livestock and to pay all actual costs for taking up, keeping and feeding of such livestock.

12 (c) If the owner or the owner's authorized agent fails to claim the livestock and to
13 pay all actual costs within the ten (10) day period, the county sheriff shall cause the
14 livestock to be delivered to a public livestock market, or to a secure holding area
15 approved by the livestock commissioner. If the livestock is delivered to the market, the
16 county sheriff and shall cause said livestock to be sold at such market to the highest bidder
17 for cash. Livestock held in a secure holding area other than a livestock market shall be
18 advertised by the county sheriff in the official county newspaper and sold to the highest
19 bidder for cash.

20 (d) The county sheriff shall pay out of the proceeds from the sale of said livestock,
21 all actual costs for taking up, keeping and feeding of such livestock. Any proceeds
22 remaining in the hands of the sheriff after payment of all actual costs, shall be paid to the

1 owner of the livestock or the owner's authorized agent. If the owner or the owner's
2 authorized agent is not known or cannot be located, the proceeds remaining after the
3 payment of actual costs shall be paid to the county treasurer of the county in which the
4 livestock were running at large. Such funds shall be deposited by the county treasurer in
5 the county's special stray fund provided for in K.S.A. 47-239.

6 (e) In counties having a consolidated law enforcement department, the provisions
7 of this section relating to sheriffs shall be deemed to refer to such department.

8 **History:** L. 1979, ch. 167