

Approved: 2-4-97  
Date

## MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on January 29, 1997 in Room 423-S of the Capitol.

All members were present. 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:  
Chris Wilson, Kansas Seed Industry Association  
George Teagarden, Livestock Commissioner, Animal Health Department  
Mike Beam, Kansas Livestock Association  
Mark Mackey, Executive Secretary, Kansas Livestock Marketing Association

Others attending: See attached list

Chairperson Corbin called on Chris Wilson to explain a bill request. Ms. Wilson explain her request would create a seed commission, the commission would be funded by a small fee assessed on each wholesaler and retailers who sell more than \$3000. in seed annually (Attachment 1). Senator Morris moved that the bill be introduced. The motion was seconded by Senator Biggs. Motion carried.

Chairperson Corbin said he had a request that a concurrent resolution be introduced requesting the Department of Commerce and Housing form a task force to investigate and research the viability of nonpsychoactive industrial hemp as an alternative crop. Senator Corbin moved the concurrent resolution be drafted and introduced. Senator Clark seconded the motion. Motion carried.

### **SB 63: Concerning public livestock markets; relating to injured, disabled or diseased animals.**

George Teagarden said he supported the bill as it was a proactive stance in preserving the public's perception about the wholesomeness of meat. Animals that fall into the description outlined in the bill should not be displayed before the public, as he thought if it were presented to the general public in a negative fashion it could have an impact on the meat industry. The bill would have no fiscal impact on the Kansas Animal Health Department. (Attachment 2). In responding to questions Mr. Teagarden said the veterinarian at the auction houses would be the judge on these animals, however his department would be involved in the training of the veterinarian who do these inspections.

Mike Beam supported the legislation as it would make the markets consistent. He said we are not experiencing a significant number of problems, however, the bill simply establishes a clearer policy that animals fitting certain conditions will not be exposed to the public at a Kansas auction market. They were confident that Commissioner Teagarden and his staff will cooperate with producers, veterinarians, and market operators in writing the appropriate regulations (Attachment 3).

Mark Mackey generally supported the concept, however they opposed the language "beyond recovery". They believed it provided only subjective criteria upon which to base a determination whether livestock should be accepted for sale. He proposed amendments to clarify this language and his amendments are included on page 4 of his testimony (Attachment 4).

Committee discussion followed, some concern was expressed regarding the regulations set by the rules and regulations rather than statutes. The consensus of the committee was that it would be best to have the regulations set by the rules and regulations committee working with Commissioner Teagarden. Commissioner Teagarden was asked if he objected to the proposed amendments. He replied no.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE Room 423-S-Statehouse, at 10:00 a.m. on January 29, 1997.

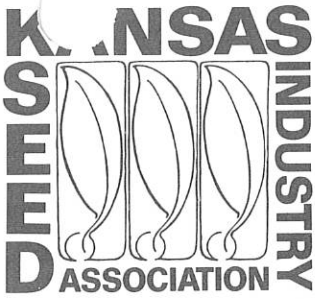
Senator Clark moved to adopt the amendments presented by Mark Mackey. The motion was seconded by Senator Downey. Motion carried. Senator Morris than moved that the bill be passed as amended. The motion was seconded by Senator Clark. Motion carried.

Chairperson Corbin asked for adoption of the minutes of January 27. Senator Tyson moved they be adopted. Senator Downey seconded the motion. Motion carried.

The meeting adjourned at 11:00 a.m.

The next meeting is scheduled for January 30, 1997.





Chris M. Wilson  
Director of Member Services  
4210 Wam-Teau Drive  
Wamego, Kansas 66547  
913-456-9705 phone & fax

January 29, 1997

TO: Senator David Corbin, Chair, and Members of the Senate Agriculture Committee

The Kansas Seed Industry Association respectfully requests introduction of a bill to establish a Kansas Seed Commission. Such a commission would be based on other existing commission laws and would have the purpose of addressing seed industry specific research and education needs.

It would be funded by a small fee on wholesalers and retailers of seed who sell more than \$3000 in seed annually. There would be no per unit fee and no fee on purchasers of seed. We expect this commission to generate approximately \$25,000 annually, most of which we anticipate would be spent on joint projects with the Department of Agriculture and Kansas State University.

Thank you for your consideration.

Sincerely,

Chris Wilson  
Director of Member Services

*Senate Agriculture  
Attachment 1  
1-29-97*

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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January 29, 1997

Mr. Chairman and members of the Senate 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 was introduced by you 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.

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 percent 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 such an occasion were presented to the general public in a negative fashion.

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.

Thank you for your positive consideration of SB 63.

*Senate Agriculture  
attachment 2  
1-29-97*

**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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**Fax Transmittal Sheet**

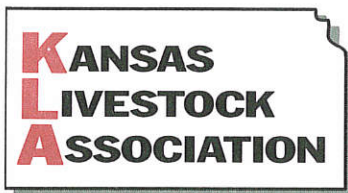
**Date:** January 23, 1997  
**To:** Cindy Denton, Division of Budget  
**Fax No:** (913) 296-0231  
**Pages:** one  
**From:** Debra Duncan  
**Re:** Senate Bill 63 - fiscal note

Senate Bill 63 amends K.S.A. 47-1008, the law concerning public livestock markets. This bill prohibits a public livestock market from selling livestock which is injured, disabled or diseased beyond recovery, or if the injury, disability or disease renders the animal unfit for human consumption. The bill's definition of injury, disability or disease includes, but is not limited to, any livestock with severe neoplasia (tumors), livestock unable to rise to their feet and livestock with obviously fractured long bones.

If the livestock is deemed by an accredited veterinarian to be injured, disabled or diseased beyond recovery, when it arrives at a market, the veterinarian shall humanely euthanize the livestock or direct the consignor to immediately remove the livestock from the market premises. All expenses incurred for euthanasia and disposal of the livestock shall be the responsibility of the consignor.

The bill does not affect this agency's current regulatory responsibilities. It does not have any fiscal impact on the Kansas Animal Health Department.

*attachment 2*  
*2-2*



*Since 1894*

January 29, 1997

To: Senate Agriculture Committee  
Senator David Corbin, Chairman

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.

Mr. Chairman and committee members, I'm Mike Beam, a staff member of the Kansas Livestock Association (KLA). Commissioner Teagarden reviewed this proposal with 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 include severe neoplasia (abnormal tissue growth such as cancer), "downed" animals, and obviously fractured long bones.

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.

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. We have confidence, however, that Commissioner Teagarden and his staff will cooperate with producers, veterinarians, and market operators in writing such regulations.

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



# KANSAS LIVESTOCK MARKETING ASSOCIATION

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

STATEMENT OF THE KANSAS LIVESTOCK MARKETS ASSOCIATION  
TO THE SENATE AGRICULTURE COMMITTEE

DAVE CORBIN, CHAIRMAN

With respect to Senate Bill No. 63  
presented by Mark Mackey, Executive Secretary  
January 29, 1997

Mr. Chairman and members of the Committee, my name is Mark Mackey. I am here today to speak on behalf of the Kansas Livestock Markets Association regarding Senate Bill No. 63.

Senate Bill No. 63 adds three new sections to existing K.S.A. 1996 Supp. 47-1008, which are designed to prohibit the sale of livestock that are injured, disabled or diseased beyond recovery or if they have an injury, disability or disease which permanently renders them unfit for human consumption.

The Kansas livestock markets generally support the concept of prohibiting the sale of certain injured, disabled and diseased livestock; however, we oppose the language used in Senate Bill No. 63 on the ground that it provides only subjective criteria upon which to base a determination that livestock cannot be sold. Those subjective criteria are:

1. Injured, disabled or diseased beyond recovery; and
2. If such injury, disability or disease permanently renders the livestock unfit for human consumption. (Emphasis added.)

In most cases, an antimortem inspection cannot definitively establish that an animal is "beyond recovery" or that its carcass will be "unfit for human consumption".

Using this type of subjective criteria opens the way for wide variation in the manner in which this law would be enforced and we believe it is highly unlikely that regulations can be written to adequately define when an animal is "beyond recovery". We also

*Senate Agriculture*  
*Attachment 4*  
*1-29-97*



believe that antimortem inspection guidelines are inadequate in many cases to make a determination that an injury, disability or disease permanently renders the livestock unfit for human consumption.

We are in favor of a different approach to addressing the issue. We would propose that this bill be amended to describe the specific categories of livestock to which the prohibition against sale would apply. Attached to each copy of my testimony is a proposed amendment to Senate Bill 63 which describes five categories or conditions which we believe adequately identifies those livestock which should be humanely euthanized or immediately delivered to a slaughter facility. As you can see from the attached proposal, these five categories are:

1. Livestock with severe neoplasia;
2. Livestock with severe actinomycosis;
3. Livestock that are unable to rise to their feet by themselves;
4. Livestock with obviously fractured long bones or other fractures or dislocation of joints that render them unable to bear weight on the affected limb without that limb collapsing; and
5. Livestock that are infected with a disease that has permanently rendered them unfit for human consumption.

We believe that this approach goes a long way toward eliminating the potential for discrimination in the way this law would be applied and that it does not allow for a subjective determination that the livestock is "injured, disabled or diseased beyond recovery" or that the "injury [or] disability ... permanently renders the livestock unfit for human consumption".

The Kansas Livestock Markets Association does support the general thrust of the amendments to the Veterinary Inspection Statute, K.S.A. 1996 Supp. 47-1008. However, we believe that the purpose for these amendments can be accomplished with less difficulties for livestock markets and market veterinarians by using the language suggested in our proposed amendment to Senate Bill No. 63.

We have an additional concern regarding the practical application of this law if it is adopted. Our concern involves the obligation to notify the consignor that a determination has been made that one or more of the livestock he has consigned cannot be sold. We assumed that it would be the obligation of the inspecting veterinarian to advise the owner of the livestock of his determination and determine the owner's decision whether the animal should be euthanized and disposed of or whether the owner wishes to remove

the livestock from the premises. In many cases the consignor is not present at the time the veterinarian has made his determination and may not be able to be reached for a period of time. We ask that regulations be adopted which provide that if the owner of the animal has not removed such animal from the premises within twelve hours after the initial veterinary inspection, and determination that the animal cannot be sold, then the animal shall be euthanized by the inspecting veterinarian or by another person at the direction of the veterinarian. We believe very strongly that mandatory euthanization of injured, disabled or diseased animals that have not been removed from the premises within a reasonable time is necessary to insure that such animals are dealt with in a timely fashion.

We believe that we have an obligation to (1) provide the best quality beef products for the consumer, (2) handle livestock in a manner which will prevent the livestock industry from receiving unnecessary bad publicity, and (3) do all that we can to alleviate the pain and suffering of injured, disabled and diseased livestock.

To accomplish these goals, the Kansas Livestock Markets Association adopted the "Livestock Handling Management Practices For Livestock Markets" guidelines. We believe that the livestock markets in Kansas have responded quickly and appropriately to the heightened public awareness of animal handling practices and have dealt with the problem of handling injured, disabled and diseased animals in a responsible and effective manner.

Thank you,

Mark Mackey

Proposed Amendment to Senate Bill 63

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1996 Supp. 47-1008 is hereby amended to read as follows: 47-1008 (a) Livestock shall not be offered for sale or sold at any licensed public livestock market if:

- (i) such livestock has severe neoplasia; or
- (ii) such livestock has severe actinomycosis; or
- (iii) such livestock is unable to rise to its feet by itself; or
- (iv) such livestock has an obviously fractured long bone or other fractures or dislocation of a joint that render the livestock unable to bear weight on the affected limb without that limb collapsing; or
- (v) such livestock is infected with a disease that has permanently render such livestock unfit for human consumption.

(b) If, in the judgment of an accredited veterinarian the livestock consigned and delivered on the premises of any licensed public livestock market is in any of the conditions described in subparagraph (a) above, such veterinarian shall euthanize humanely the livestock or direct the consignor to immediately remove the livestock from the premises of the public livestock market. All expenses incurred for euthanasia and disposal of the livestock under the provisions of this section shall be the responsibility of the consignor. Collection of expenses shall not be the responsibility of the consignee.

(e) The Livestock Commissioner shall promulgate rules and regulations as may be necessary to carry out the purposes of this section, including, but not limited to, rules and regulations designating any disease as a disease that renders livestock or the carcasses thereof permanently unfit for human consumption. The Livestock Commissioner shall promulgate all such rules and regulations in accordance with existing antimortem inspection guidelines of the United States Department of Agriculture Food Safety Inspection Service.