

MINUTES OF THE SENATE AGRICULTURE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on March 21, 2006 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research
Lisa Montgomery, Office of Revisor of Statutes
Judy Seitz, Committee Secretary

Conferees appearing before the committee:

Proponents:
Mike Beam, Kansas Livestock Association
Mike Hayden, Kansas Department of Wildlife and Parks

Others attending:

See attached list.

Chairman Taddiken called attention to two sets of minutes (March 14 & 15) for Committee review. Action will taken on the minutes at the end of the meeting.

Chairman Taddiken opened the continuation of hearings on **HB 2899—Penalties related to certain actions involving feral swine.**

Mike Beam offered testimony in support of **HB 2899**. His testimony was handed out at the March 14 meeting (Attachment 1). He said the feral swine carry infectious diseases and can damage riparian areas and crop fields.

Mike Hayden spoke in favor of **HB 2899** (Attachment 2). He said that feral swine are a threat to domestic livestock and the environment. The KDWP requests that in Section 1(k) of the bill be revised by striking the language, "or persons designated by such owners or legal occupants." They believe this will create a loophole in the law which will allow and perhaps even encourage sport hunting of feral swine.

Chairman Taddiken noted the Committee has suggested amendments to the bill from the Kansas Livestock Commissioner (Attachment 3). Secretary Hayden spoke to the licensing of hunters and that it might become a license to sport hunt.

Secretary Hayden stood for questions.

Hearings were closed on **HB 2899**.

Discussions were held on **HB 2899**.

Senator Lee made a motion to adopt the proposed amendments from the Kansas Livestock Commissioner. Motion seconded by Senator Francisco. There was discussion on the motion. Motion passed.

Senator Lee moved that **HB 2899** be passed as amended. Motion seconded by Senator Francisco. Discussion was held on the motion and the issue of penalty. The motion was withdrawn.

Senator Pine made a substitute motion to amend **HB 2899** in Section 1(k) to include owners or their employees. Motion seconded by Senator Huelskamp. Motion was discussed. Motion passed.

Senator Francisco moved that "persons designated by such owners" be deleted from the balloon. There was no second.

Chris Tymeson, Kansas Department of Wildlife and Parks stood for questions regarding the fine schedule.

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture at 8:30 a.m. on March 21, 2006 in Room 423-S of the Capitol.

Senator Schmidt made a motion that the fine be set at not under \$250 and not more than \$2,500; seconded by Senator Morris. Motion passed.

Senator Morris moved that **HB 2899** be passed, as amended. Motion seconded by Senator Pine. Motion passed.

HB 2899 will be reported passed as amended.

Discussions were opened on **HB 2836–Revisions to Kansas egg law**. Senator Francisco made a motion to change the wording on page 7, line 26 and 27 to say “50 or fewer” instead of “50 or less.” Senator Schmidt seconded the motion. Motion passed.

Senator Bruce moved that **HB 2836** be passed as amended. Senator Francisco seconded the motion. Senator Ostmeyer requested that the minutes reflect that this bill will not affect the people in the 40th District who use their own eggs to make bierocks and cookies. Motion passed.

Discussion was opened on **HB 2432–Liability of property owners of land adjacent to recreational trails**. Senator Huelskamp made a motion to strike (b), (c) and (d) in the proposed amendment. Frank Meyer, Kansas Rails - Trails Conservancy, took questions. Senator Ostmeyer seconded the motion. Motion passed.

Senator Ostmeyer moved to pass **HB 2432** as amended. Motion seconded by Senator Huelskamp. Motion passed.

HB 2432 will be reported passed, as amended.

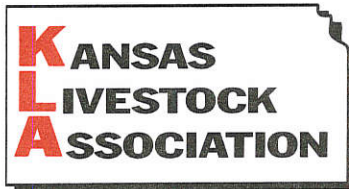
A motion to approve the minutes of the March 14 and 15 meeting was made by Senator Schmidt; seconded by Senator Pine. Motion passed.

The meeting was adjourned at 9:30a.m. There will be no meeting on Wednesday, March 22.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 24, 2006

NAME	REPRESENTING
Pat Lehman	KRPA
Lina Portner	Kanza Rail- Trails Conservancy (KRTC)
Frank Meyen	KRTC
Andrea Patrick	KRTC
DOUG WALKER	KRTC
JOHN C. POTTERBERG	KPA
Tim Stroda	KPA
CV Cotsoradis	KDA
BRAD HARRELSON	KFB
Leslie Kaufman	Ks Co-op Council
Chris Wilson	KDA
George Teagarden	KAHD
Debra Duncan	KAHD
Mike Hayden	KDWP
Chris Tymeson	KDWP



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TESTIMONY

To: The Senate Agriculture Committee
Sen. Mark Taddiken, Chairperson

From: Mike Beam, Senior Vice President

Date: March 14, 2006

Subj: **House Bill 2899** -A bill relating to feral swine.

The Kansas Livestock Association (KLA) supports HB 2899.

Our members recognize the problems accompanied with a population of feral swine. These animals are documented to carry infectious diseases. The two most common diseases are brucellosis and pseudorabies.

Pseudorabies is a viral disease that can affect domestic swine and other livestock species such as cattle and horses. Swine brucellosis is contagious to humans and may cause infected or exposed cattle to show a positive blood test for brucellosis. Wildlife specialists are also concerned about the spread of diseases to other native wildlife species.

Landowners and agriculture producers in other states have reported damages to riparian areas and crop fields from feral swine.

It appears the only economic advantage of feral swine is for sport hunting. While many of our members are pursuing fee hunting ventures, most believe state and federal officials should take measures to halt the proliferation of feral swine populations, take initiatives to significantly reduce their numbers, and prohibit fee hunting activities for such animals.

During the House Committee on Agriculture hearing for HB 2899 we expressed concern the original bill did not clearly allow a landowner to legally destroy populations of feral swine found on their own property. The new provision, in subsection (k), appears to address this concern.

Thank you for considering this legislation.

*Senate Agriculture Committee
3-21-06
Attachment 1*

KANSAS

DEPARTMENT OF WILDLIFE & PARKS

KATHLEEN SEBELIUS, GOVERNOR

**Testimony for HB 2899
Concerning Regulation of Feral Swine**

**By J. Michael Hayden
Secretary**

Kansas Department of Wildlife and Parks

March 14, 2006

To

Senate Agriculture Committee

The Kansas Department of Wildlife and Parks (KDWP) supports the provisions of HB 2899; however, we request the Committee revise Section 1(k) of the bill by striking the language, "or persons designated by such owners or legal occupants."

The KDWP contends that this wording will create a loophole in the law, allowing, and perhaps even encouraging, sport hunting of feral swine. In addition, this provision would be virtually impossible to enforce because of the difficulty in ascertaining if a person hunting swine on a property is truly a designee of the landowner. If hunting occurs on private property, the feral swine will likely move to public land, where hunting is prohibited, and destroy native habitat.

Feral swine are a threat to domestic livestock and the environment, and the KDWP supports the efforts of the Kansas Animal Health Department to control the state's feral swine population. Further, the Department opposes sport hunting of feral swine because that would give landowners an incentive to establish feral hog populations on their property, threatening the environment and domestic livestock.

*Senate Agriculture Committee
3-21-06
Attachment 2*

Office of the Secretary

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HOUSE BILL No. 2899

By Committee on Agriculture

2-14

10 AN ACT concerning animals; relating to feral swine; penalties; amending
11 K.S.A. 2005 Supp. 47-1809 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2005 Supp. 47-1809 is hereby amended to read as
15 follows: 47-1809. (a) As used in this section, "feral swine" means any
16 untamed or undomesticated hog, boar or pig; *swine whose reversion from*
17 *the domesticated state to the wild state is apparent; or an otherwise freely*
18 *roaming swine having no visible tags, markings or characteristics indi-*
19 *cating that such swine is from a domestic herd, and reasonable inquiry*
20 *within the area does not identify an owner.*

21 ~~(b) Importation or possession, or both, of feral swine into the state~~
22 ~~of Kansas is a violation of state law, which may incur~~ *No person shall*
23 *import, transport or possess live feral swine in this state.*

24 *(c) No person shall intentionally or knowingly release any hog, boar,*
25 *pig or swine to live in a wild or feral state upon public or private land.*

26 *(d) No person shall engage in, sponsor, instigate, assist or profit from*
27 *the release, killing, wounding or attempted killing or wounding of feral*
28 *swine for the purpose of sport, pleasure, amusement or production of a*
29 *trophy.*

30 *(e) Violation of subsection (b), (c) or (d) may result in a civil penalty*
31 *in the amount of not less than \$1,000 nor more than \$5,000 for each such*
32 *violation. In the case of a continuing violation, every day such violation*
33 *continues shall be deemed a separate violation.*

34 ~~(e)~~ *(f) Any duly authorized agent of the livestock commissioner, upon*
35 *a finding that any person, or agent or employee thereof, has violated any*
36 *of the provisions stated above, may impose a civil penalty upon such*
37 *person as provided in this section.*

38 ~~(d)~~ *(g) No civil penalty shall be imposed pursuant to this section ex-*
39 *cept upon the written order of the duly authorized agent of the livestock*
40 *commissioner to the person who committed the violation. Such order*
41 *shall state the violation, the penalty to be imposed and the right of the*
42 *person to appeal to the commissioner. Any such person, within 20 days*
after notification, may make written request to the commissioner for a

Kansas Livestock Commission
Senate Agriculture Committee
3-21-06
Attachment 3

1 hearing in accordance with the provisions of the Kansas administrative
2 procedure act. The commissioner shall affirm, reverse or modify the order
3 and shall specify the reasons therefor.

4 ~~(e)~~ (h) Any person aggrieved by an order of the commissioner made
5 under this section may appeal such order to the district court in the
6 manner provided by the act for judicial review and civil enforcement of
7 agency actions.

8 ~~(f)~~ (i) Any civil penalty recovered pursuant to the provisions of this
9 section shall be remitted to the state treasurer in accordance with the
10 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
11 each such remittance, the state treasurer shall deposit the entire amount
12 in the state treasury to the credit of the state general fund.

13 ~~(g)~~ (j) The livestock commissioner, or the authorized representative
14 of the livestock commissioner, may destroy or require the destruction of
15 any feral swine upon discovery of such swine.

16 **(k) The provisions of this section shall not be construed to pre-**
17 **vent owners or legal occupants of land or persons designated by**
18 **such owners or legal occupants from killing any feral swine when**
19 **found on their premises or when destroying property.**

20 Sec. 2. K.S.A. 2005 Supp. 47-1809 is hereby repealed.

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

Such designees must have a permit issued by the
livestock commissioner in their possession at the time of
the killing of the feral swine.

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