

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on January 21, 2009 in Room 446-N of the Capitol.

All members were present except:

Senator Steve Morris- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department

Corey Carnahan, Kansas Legislative Research Department

Jason Thompson, Revisor of Statutes Office

Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Greg Foley, Executive Director, State Conservation Commission (SCC)

George Teagarden, Livestock Commissioner, Kansas Animal Health Department (KAHD)

Others attending:

See attached list.

Chairman Taddiken said that the Legislative Post Audit had a report in which it was determined that the state would save about \$710,000 if the State Conservation Commission (SCC) and the Kansas Animal Health Department (KAHD) were to be merged into the Kansas Department of Agriculture (KDA). As yet, there has not been a bill introduced; but he wanted the Committee to gather background information on this proposal.

Greg Foley, Executive Director, SCC, ([Attachment 1](#)) said the SCC was statutorily established as a stand-alone agency in 1937. All 105 counties have five locally elected supervisors. The 525 supervisors serve local citizens through implementing state cost-sharing programs and providing administrative assistance to the Natural Resources Conservation Service (NRCS). There is an elected member from each of the 5 (five) administrative areas. He introduced the elected members: Rod Vorhees, Wilson county; John Wunder, Jefferson county; Ted Nighswonger, Graham county; Andrew Larson, Finney county; and Brad Shogren, McPherson.

The SCC provides assistance to the supervisors of the Conservation Districts in carrying out any of their powers and programs; facilitates transfer of information and program experiences; to develop, coordinate, promulgate applicable program rules and regulations and implement programs as the legislature appropriates funding; secure the cooperation and assistance of the U.S. agencies; disseminate information throughout the state concerning the activities and programs; cooperates with and gives assistance to watershed districts and other special purpose districts in relation to the flood prevention act; conserve and develop water resources of the state and maintain and improve water quality; and to enlist the cooperation and collaboration of local, state and federal public and private entities to further the conservation of natural resources.

Mr. Foley reviewed the 2008 Annual Report describing the various programs, the FY 2008 achievements and the FY2009 activities.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department (KAHD), ([Attachment 2](#)) reported that the Livestock Sanitary Commission was formed in 1884 because livestock producers had concerns with diseases and they wanted an agency to bring those diseases under control and eradicate the diseases, if possible. The core mission then was to control and eradicate infections and contagious diseases of livestock and it is still the same. In 1969 legislation was approved to re-organize and re-name the agency the Kansas Animal Health Department. The legislature established two advisory boards to assist the Commission in making policy decisions, the Kansas Animal Health Board (KAHB) and the Pet Animal Advisory Board (PAAB).

Mr. Teagarden said the four functions of the KAHD are: disease control, brands, animal facility inspections and administration. There are 33 FTE who work in the various programs. The federal counterpart for disease control is the Topeka based state office of the United States Department of Agriculture (USDA) Veterinary Services.

CONTINUATION SHEET

Minutes of the Senate Agriculture Committee at 8:30 a.m. on January 21, 2009 in Room 446-N of the Capitol.

The total budget for the KAHD for the current year is \$3,412,192 and consists of 27% State General Fund, 43% fees generated by license sales and 28% USDA cooperative agreement funds.

He said that electronic filing of health papers has been possible for 3 to 4 years but there are only 12 veterinary practitioners who use the electronic filing instead of paper filing.

Mr. Teagarden noted that the KAHD's response to the Legislative Post Audit report was included in his testimony (Attachment 2-5 through 2-10).

Mr. Teagarden said that the animal facility inspectors have a 50 + page policy manual for inspections of facilities licensed, or required to be licensed, under the Kansas Pet Animal Act. He provided a CD copy of this manual (on file in Senator Taddiken's office).

Mr. Foley and Mr. Teagarden answered questions from the Committee.

Erik Wisner, Policy Analyst, KDA, requested the introduction of a bill related to the transfer of food safety responsibilities from the KDHE to the to the KDA .

Senator Huelskamp moved and Senator Bruce seconded the motion to introduce a bill related to the transfer of food safety responsibilities from the KDHE to the KDA. Motion carried.

Mr. Wisner requested the introduction of a bill that would consolidate three different fee funds into one fund.

Senator Ostmeyer moved and Senator Lee seconded the motion to introduce a bill concerning the consolidation of three different fee funds into one fund. Motion carried

The next meeting is scheduled for January 27, 2009.

The meeting was adjourned at 9:30 a.m.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1-21-09

NAME	REPRESENTING
Pat Lehman	KACD
MARK HEIM	SCC
SCOTT CARLSON	SCC
GREG FOLEY	SCC
Rod Vorhees	SCC
Andy Larson	SCC
Jim Krueger	USDA/NRCS
TED NEWSWALTER	SCC BOARD - AREA SUPERVISOR
BRAD SIMONEN	SCC
Stannis Cotsoyadis	Kansas Actia for Children
CU Cotsoyadis	KDA
Erik Wisve-	KDA
George Teagarden	KAD
Derek Helm	Hum Law Firm
Ronnie Brown	KACD
Brian Shaw	KACD
Gene Albers	KACD
Jon Starns	KACD
Mike Beam	KLA

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 1-21-09

NAME	REPRESENTING
Tim Stroda	KS Pork Association
SEAN MILLER	CAPITAL STRATEGIES
Lynn Reif	LRA

**Informational Briefing on the
State Conservation Commission
Presented to the**

**Senate Committee on Agriculture
by**

**Greg Foley
Executive Director
State Conservation Commission**

January 21, 2009

Chairman Taddiken and members of the Committee:

Thank You for the opportunity to provide a briefing to the Committee on State Conservation Commission (SCC) programs and activities. The State Conservation Commission works to protect and enhance Kansas' natural resources with technical and financial assistance through the development, implementation, and maintenance of policies, guidelines, and programs designed for local entities and individuals.

History:

The State Conservation Commission was statutorily established as a stand-alone agency in 1937. The action followed on the heels of one of the darkest periods in Kansas history – when the entire Great Plains region suffered a devastating drought. After several years of minimal rain, the area began to experience huge black dust storms; the most memorable occurred on April 14, 1935. That day, known as “Black Sunday,” an estimated 300 million tons of soil blew from the land.

In a letter to the states in February 1937, President Franklin D. Roosevelt said, “The nation that destroys its soil destroys itself.” He urged states to establish soil conservation districts to work with the Soil Conservation Service, which had just been established as part of the USDA. The Kansas Legislature soon passed a bill that created conservation districts in Kansas, which was signed into law by Governor Walter Huxman on March 25, 1937. The measure also provided for the creation of a soil conservation committee as an agency of the state.

Organizational Structure:

Conservation Districts consist of five locally elected volunteers and exist in each of the 105 counties in Kansas. The 525 supervisors serve local citizens through implementing state

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January 21, 2009
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cost-share programs and providing administrative assistance to Natural Resources Conservation Service (NRCS).

The NRCS provides office space, equipment, communications, etc. in return for part-time administrative assistance in the majority of Kansas counties. Kansas Statute outlines five administrative areas where elected officials elect a representative to serve on the State Conservation Commission. In addition to those five members, two members are appointed that include designees from the Kansas Secretary of Agriculture, and from the US Secretary of Agriculture. The final two members are ex officio and represent the KSU Cooperative Extension Service and the KSU Agriculture Experiment Station.

SCC Purpose and Function:

The SCC is charged with providing assistance to supervisors of Conservation Districts in carrying out any of their powers and programs; facilitate transfer of information and program experiences; to develop, coordinate, promulgate applicable program rules and regulations and implement such program as legislature appropriates funding; secure the cooperation and assistance of the United States and any of its agencies; disseminate information throughout the state concerning the activities and programs; cooperate with and give assistance to watershed districts and other special purpose districts in relation to the flood prevention act; conserve and develop water resources of the state and maintain and improve water quality; and to enlist the cooperation and collaboration of local, state and federal public and private entities to further the conservation of natural resources.

The SCC receives guidance from the Kansas Legislature, through appropriations and Committee direction, and the Kansas Water Authority via State Water Plan implementation recommendations. The SCC carries out these responsibilities through regularly scheduled meetings for policy and funding decisions.

Programs:

Please see the attached SCC 2008 Annual Report for one page descriptions of each program area.

Local Assistance:

This informational brief would be incomplete if local assistance efforts weren't highlighted. The SCC provides direct technical and financial assistance to Conservation Districts, Watershed Districts, Cities, and other public and private entities. In addition, the SCC works closely with the USDA Natural Resources Conservation Service through programs offering jointly funded technical assistance for natural resource protection practices including design, layout, oversight and certification.

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Conservation Districts are the local level implementation/program delivery arm for many SCC programs. SCC provides on-site training for new and existing staff for district operations, state program opportunities and applicable rules and regulations accordingly. In addition, annual spring workshops are conducted to solicit input on changes to existing programs and/or new program/policy initiatives.

Watershed Districts are charged with flood prevention, protection and reduction for a specifically identified geographic area. Watershed Districts have taxing authority; however, many have rural limited constituent districts that require additional assistance from state and federal funding for the implementation of a general plan for flood protection. The SCC provides technical assistance for state program participation, in or through watershed dam maintenance activities that are mandated from state/Watershed District financial assistance contracts. The SCC provides updates and training through annual meetings, field visits, contracting officer seminars, and program manuals and handbooks for local reference.

In conclusion, the State Conservation Commission stands prepared to fulfill its roles and responsibilities of implementing the Kansas State Water Plan projects which the Legislature deems timely and necessary. All the on the ground efforts would not be possible without the support and appropriations made from your Committee and the Kansas Legislature.

Mr. Chairman, I would again like to thank you for the opportunity to brief the Committee on the State Conservation Commission, and I will gladly stand for any questions at the pleasure of the Committee.

State Conservation Commission

2008 Annual Report



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HorseThief Reservoir, Jetmore, Kansas

HorseThief Reservoir Under Construction

The Pawnee Watershed District and the HorseThief Reservoir Benefit District broke ground in April 2008 for the 450 - acre lake located eight miles west of Jetmore. Construction of the dam is slated for completion in the Fall of 2009. This Multipurpose structure will provide flood control and a wide range of outdoor activities including fishing, boating, water skiing, camping, and picnicking.



*Principal Spillway Installation
HorseThief Reservoir*



Construction, HorseThief Reservoir

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WATER RESOURCES COST-SHARE PROGRAM

Overview

The Water Resources Cost-Share Program (WRCSP) provides financial incentives to landowners for the establishment of conservation practices that reduce soil erosion, improve or protect water quality, and enhance water supplies. Major program objectives include: 1) reducing sedimentation, nutrient and pesticide runoff, and fecal coliform bacteria loading in targeted public water supply reservoirs, 2) reducing soil erosion on cropland and grazing lands.

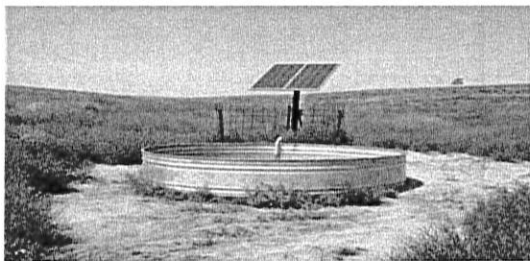


Terraced Field

The WRCSP was authorized by amending K.S.A 2-1915 in 1979 and was first funded in 1980. The conservation district in each county, managed by 525 locally elected supervisors, administers the program at the local level. The State Conservation Commission (SCC) develops regulations, policy, and procedures to guide program implementation. The SCC and conservation districts are assisted in implementation of the program by the United States Department of Agriculture, Natural Resources Conservation Service (NRCS). All structures or practices cost-shared by the SCC through the WRCSP are required to be built to NRCS standards and specifications.

FY 2008 Achievements

The 2007 Legislature appropriated \$3,418,063 for the program. The majority of these funds were directly allocated to conservation districts for local and state priorities. Water quality protection through reduction of soil erosion was the major focus of the program. Practices receiving the majority of funds included terraces, waterways, ponds, grass plantings, and pasture and rangeland management. Funds were also allocated to high priority Total Maximum Daily Load (TMDL) watersheds to reduce the level of nutrients, pesticides, dissolved oxygen and bacteria.



Solar Water Supply

FY 2009 Activities

An amount of \$3,418,136 was available for allocation in FY 2009, which began on July 1, 2008. Carryover funds from FY 2008 were not included in the initial allocation. Appropriated funds are broken down into sub-categories and allocated to county conservation districts for program implementation. Sub-categories include:

- ⇒ District Needs Allocation - These funds generally address sedimentation; erosion; nutrient, pesticide, and bacteria loading; and water conservation within the county. The local conservation district determines eligibility and priorities.
- ⇒ Water Quality Allocation - Funds are directed to high priority watersheds for the restoration and protection of water quality. Only practices directly affecting water quality are eligible. Targeted watersheds include High Priority TMDL's in 11 of the 12 major river basins.

FY 2010 Planned Activities

A total of \$3,140,287 has been requested for cost-share implementation in FY 2010. Into FY 2010, the demands of reducing sedimentation above water supply reservoirs and TMDL's will continue to drive program goals and outcomes. Conservation districts will be encouraged to implement local programs that focus on sedimentation, fecal coliform bacteria, pesticides, and nutrient runoff. Also in FY 2010, the SCC is continuing to fund technical assistance agreements that address providing additional staff resources to NRCS for Best Management Practice implementation using State Water Plan funds. As the appropriation for federal Environmental Quality Incentive Program (EQIP) and other conservation programs increase, so does the demand for technical assistance. NRCS can not provide all the technical assistance required to implement state cost-share programs and still meet its federal obligations in some counties.

NON-POINT SOURCE POLLUTION CONTROL PROGRAM

Overview

The Non-Point Source Pollution Control Program (NPSPCP) is a voluntary program providing technical and financial assistance to implement non-point source pollution control measures for the protection and restoration of surface and ground water quality. The program was authorized under K.S.A. 75-5657, K.S.A. 82a-903 and K.S.A. 82a-951 by the 1989 Legislature.

Conservation districts receive funding from the SCC in the form of grants and financial assistance provided to landowners on a cost-share basis to implement a locally developed Non-Point Source (NPS) Pollution Management Plan. All one-hundred five conservation districts currently receive funding for financial assistance to landowners. In addition, counties receive funding for technical assistance and project coordination, and to support water quality information and education activities.



Livestock Waste Containment

FY 2008 Achievements

NPS projects implemented by conservation districts and landowners in FY 2008 totaled \$3,052,035 in cost-share funds. Water quality protection through reduction in bacteria in streams was the major focus of the program. Practices receiving the majority of funds include upgrading failed onsite wastewater systems, livestock water supplies to address riparian area protection, pasture and rangeland management, and livestock waste management. An amount of \$821,000 was available for the implementation of Watershed Restoration and Protection Strategy (WRAPS) Plans. These funds were committed to 20 streambank protection projects above public water supply federal reservoirs. Funds were also committed to high priority TMDL watersheds to reduce the level of nutrients, pesticides, dissolved oxygen and bacteria.

FY 2009 Activities

A total of \$3,917,710 was available for allocation for program implementation activities in FY 2009. Funds were available in the following categories:

- ⇒ Funds for Best Management Practices to address bacteria loading, nutrients and low dissolved oxygen in streams and sedimentation above federal public water supply reservoirs.
- ⇒ Funds for technical assistance to conservation districts for program implementation.
- ⇒ Funds for information and education to conservation districts. Also funds were targeted to No-till education for No-till field days and registration costs for landowners that are first time attendees to the No-till on the Plains Conference.



Abandoned Water Well

FY 2010 Planned Activities

An amount of \$4.21 million has been requested for the NPSPCP in FY 2010. This amount includes a \$594,796 enhancement for WRAPS implementation. The WRAPS implementation funds will be targeted to practices to reduce sediment above public water supply reservoirs and practices to reduce bacteria in streams. The SCC will continue developing and promoting an implementation strategy to contribute to the primary TMDL program objective of restoring and maintaining the beneficial uses of impaired water bodies.

KANSAS WATER QUALITY BUFFER INITIATIVE

Overview

The Kansas Water Quality Buffer Initiative, enacted by the 1998 Legislature by amending K.S.A. 2-1915, is an incentive program complementing the Federal Conservation Reserve Program. State incentives supplement federal incentives to encourage the establishment of riparian forest buffers and vegetative filter strips. The SCC will enter into 10-15 year contracts, subject to annual appropriation, to compensate landowners for acres enrolled in the initiative. Supplemental payments offered under the Initiative will match 30-50 percent of the federal payment, based on the type of vegetation planted. The Initiative also provides property tax incentives for landowners statewide that enroll buffers adjacent to streams in the Conservation Reserve Program. The state buffer eligible area now includes all high priority TMDL and federal drinking water reservoir watersheds in the state.



Buffer Strip

FY 2008 Achievements

The SCC entered into 145 contracts with landowners to install 766 acres of grass filter strips and riparian forest buffers. At the end of State Fiscal Year 2008 there were 1,753 contracts in place for a total of 11,261 acres of grass filter strips and riparian forest buffers. In addition, approximately \$370,000 was provided, through a partnership with the Kansas Department of Wildlife and Parks (KDWP), the Kansas Department of Health and Environment (KDHE) and the State Conservation Commission (SCC), to 43 counties. This funding will allow districts to hire additional staff devoted to promoting buffers and applicable buffer programs.

FY 2009 Activities

The State Fiscal Year 2009 Buffer Initiative budget request was \$350,000. The current appropriation includes funds for technical and educational assistance, continued rental payments for FY 1999 – FY 2008 contracts, and sufficient

funding to enroll approximately 2,500 new acres. In State FY 2009, forty-eight counties are participating in the partnership with the KDWP, the KDHE and the SCC to



Buffer Strip

promote buffers and applicable buffer programs.

FY 2010 Planned Activities

In the FY 2010 budget request, the SCC has proposed a continuation of the Buffer Initiative. An amount of \$310,000 was requested to continue enrollment in the current target areas and provide technical assistance for the program. Additional program funding will be needed in the future to continue enrolling new contracts in this program. The need for the state to begin addressing nutrient TMDL's will most likely necessitate further expansion of the state buffer eligible area in future years. Due to the popularity and the high amount of environmental benefits provided by these buffers, continuation of this program will benefit our state's water, wildlife, and economy for years to come.

RIPARIAN & WETLAND PROTECTION PROGRAM

Overview

The program was developed through the State Water Plan and authorized in 1989 by amending K.S.A 2-1915. The goal of the Riparian and Wetland Protection Program (RWPP) is to protect, enhance, and restore riparian areas, wetlands, and associated habitats by providing technical, educational, and financial assistance to landowners and the public in general. Major objectives of the program are the design and installation of projects which demonstrate the effectiveness of riparian and wetland protection in terms of stream functions, water quality and wildlife benefits, and to increase the knowledge and awareness of landowners, and the general public on the value and benefits of these natural areas.



Riparian Forest Buffer

FY 2008 Achievements

In FY 2008, the RWPP assisted landowners in providing supplemental funding for 11 NRCS EQIP streambank stabilization projects. These funds helped to leverage nearly \$600,000 in Federal funds.

FY 2009 Activities

The program will continue to focus on providing information, training, and \$251,782 in financial assistance to better manage and protect riparian and wetland resources through FY 2009. Riparian area restoration, buffers, streambank stabilization and wetlands will play a significant role in addressing the TMDL's. The majority of the program funds will be targeted to these high priority areas. In FY 2009, the RWPP again plans to supplement EQIP streambank stabilization projects with program funds.



Streambank Stabilization - Before



Streambank Stabilization - After

FY 2010 Planned Activities

In the FY 2010 budget request, the SCC has requested \$250,000 to continue partnering with the NRCS EQIP streambank stabilization projects. In FY 2010, the RWPP will continue to focus on state identified priority watershed restoration areas and will continue identifying, evaluating, and submitting potential stream restoration projects for EQIP funding.

MINED LAND RECLAMATION PROGRAM

Overview

The Surface Mining Land Conservation and Reclamation Act (K.S.A. 49-601-624) was established by the Kansas Legislature in 1994 to require reclamation and conservation of lands affected by surface mining. Since 1994, nearly 5,000 acres have been reclaimed and returned to productive property for cropland, recreation, hunting and fishing, housing development, wildlife habitat, and pasturelands. The Act requires producers who mine aggregate, industrial materials, and minerals, except coal, be licensed to operate a mine, register mining sites, file a reclamation plan for each site, submit a reclamation bond, and reclaim mining sites upon completion of mining operations.



Reclaimed Fogle Quarry - Ottawa

FY 2008 Achievements

In FY 2008, 134 private producers, and 60 counties and cities were licensed to conduct surface mining in the state. The operators have registered 464 private sites and 651 county sites for a total of 1,115 sites. A total of 39,638,651 tons of material produced were reported in calendar year 2007. Also in 2007, 1,493 acres were affected, and 471 acres were reclaimed and released from bond.



Moore Quarry Before



Moore Quarry After

Bayer Construction Company, Inc., Manhattan, was recipient of the Governor's Mined Land Reclamation Award for reclaiming 58 acres back to the original Tall Grass Prairie at the Moore Quarry located south of Zeandale in Riley County. This reclamation effort later received the 2008 National Non-Coal Reclamation Award by the National Association of State Land Reclamationists.

FY 2009 Activities

The Land Reclamation Program is fee funded by:

- ⇒ Issuing licenses to new producers and renewing active producer's licenses.
- ⇒ Collecting site registration fees for new and active sites: \$45.00 per affected acre. .003 cents per ton production.

Fees collected provide for two Full-Time Employees (FTE) positions and other operational expenditures to carry out the activities required in K.S.A.49-601-614:

- ⇒ Provide guidance and assistance in the development and completion of reclamation plans.
- ⇒ Enhance Reclamation Plans through digital GPS imagery, site inspections, and digital photography.
- ⇒ Conduct site inspections to assist operators with reclamation requirements, licensing, and closure.
- ⇒ Disseminate updated information for licenses, reclamation bonds, reclamation standards, administrative regulations and other related information.

FY 2010 Planned Activities

The Mined Land Reclamation Program staff will continue to assist producers with licensing, new site registration, reviewing reclamation plans, site expansion, reclamation process and requirements, reclamation bonds, final reclamation, and site closure. GPS calculations will provide maps, area determination, and survey information to the operators and county planners. Staff will assist local planners, zoning officials, and county commissioners with mining and reclamation concerns.

MULTIPURPOSE SMALL LAKES PROGRAM

Overview

The objectives of the Multipurpose Small Lakes Program (MPSLP) are (1) to develop, to its fullest potential a site that is planned for flood control and water supply and or recreation and (2) to renovate existing lakes that have potential to provide long-term flood control, water supply and recreation benefits. This program was enacted in 1985 as a result of recommendations in the State Water Plan.

The SCC has the responsibility to administer the Multipurpose Small Lakes Program Act (K.S.A. 82a-1601 et seq.), as authorized by K.S.A. 2-1915. The program budget is financed from the dedicated funding of the State Water Plan Fund.



*Critzer Dam
First Filling May, 2007*

FY 2008 Achievements

The total state funding encumbered for the construction of HorseThief Reservoir is \$3.3 million. This reservoir, located in and across Buckner Creek is a tributary to the Pawnee River, southwest Hodgeman County, is for flood control and recreation. The estimated total cost of the project is approximately \$15 million, including state funding of \$4.5 million. Sponsored by the Pawnee Watershed Joint District No. 81, HorseThief Reservoir will control runoff from 123,520 acres and will store 12,868 acre-feet of floodwater. Once full, the reservoir will provide 450 surface acres for water-based recreation. Nearly 1,000 acres of land adjacent to the lake will be developed for recreational use as well.



HorseThief: Core Trench

FY 2009 Activities

HorseThief construction groundbreaking was celebrated on April 19, 2008. At the time of this report, the core trench, the concrete-bentonite slurry wall and the foundation (pipe cradle) for the 60-inch steel principal spillway were completed. Approximately 25% of construction is complete. In FY 2009, the HorseThief contract was amended to \$4.5 million in state funding. The construction is planned to be complete in the Fall of 2009.

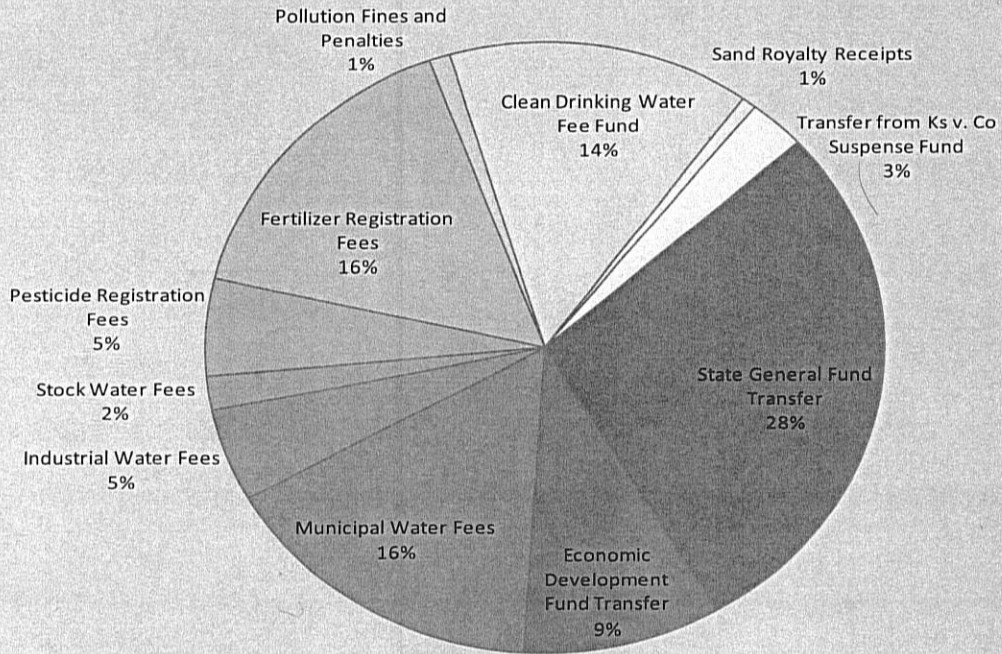


HorseThief: Principal Spillway Footing

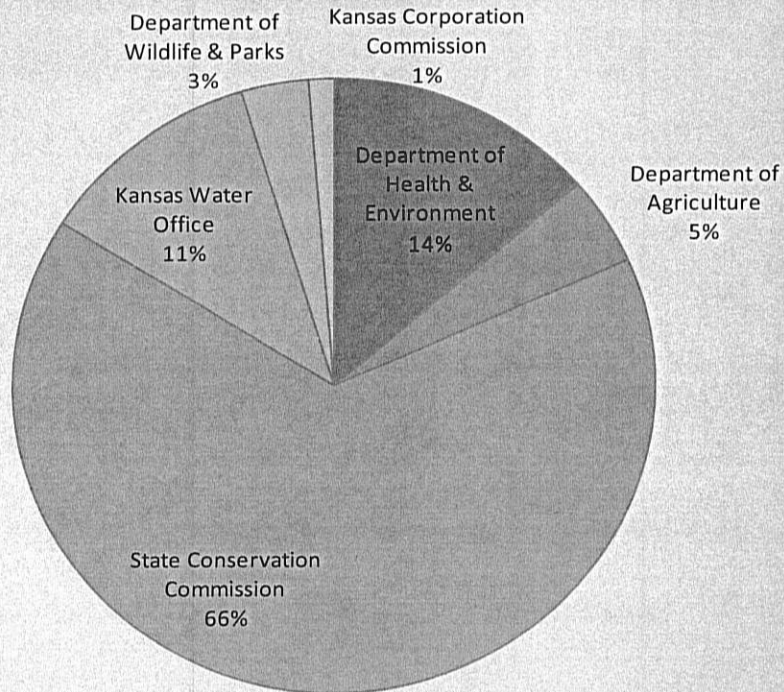
FY 2010 Planned Activities

No activities planned for FY 2010 as the SCC has no applications for MPSLP cost-share assistance.

FY 2008 State Water Plan Fund Sources

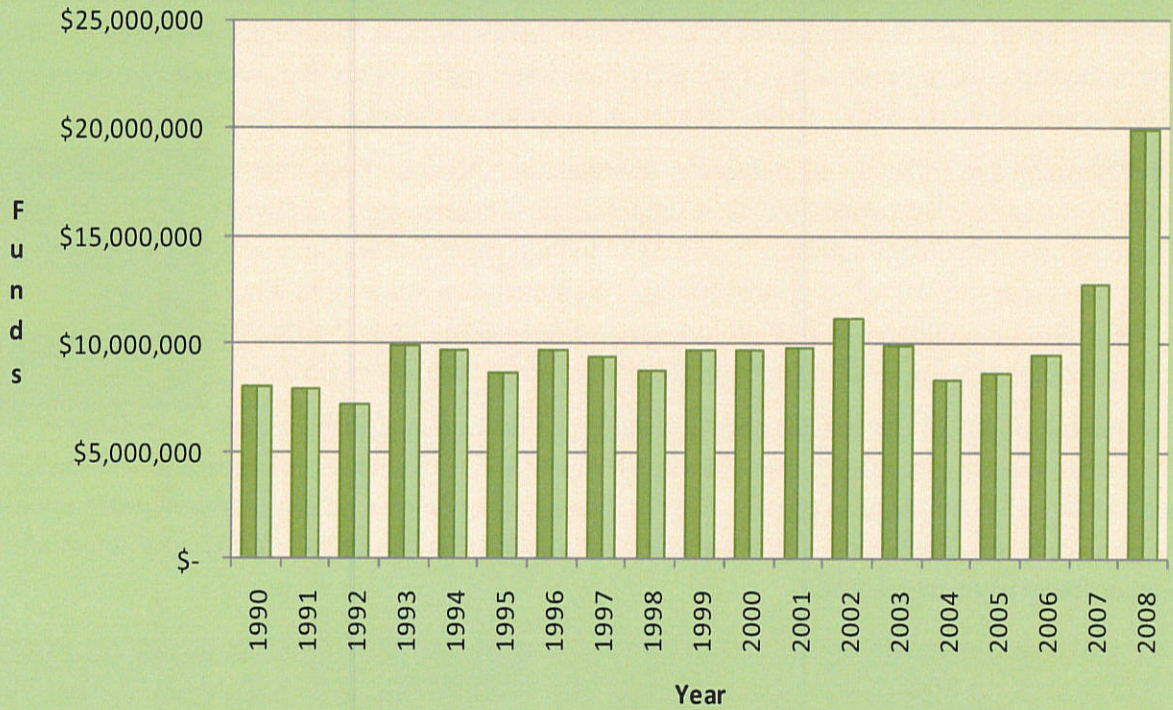


FY 2008 State Water Plan Agency Distribution

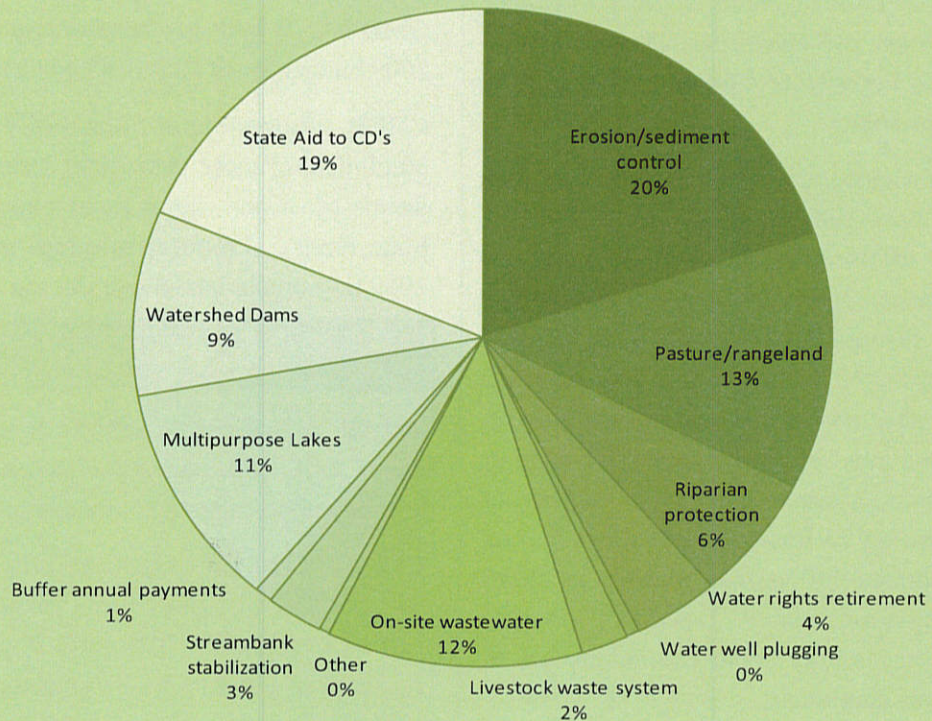


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FY 2008 State Water Plan Funds to SCC



FY 2008 SCC Implementation State Water Plan Funds



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WATER CONSERVATION PROGRAMS

Overview

The Water Right Transition Assistance Pilot Project Program (WTAP) and the Conservation Reserve Enhancement Program (CREP) are the main components of SCC efforts to address Kansas Water Plan management initiatives through the voluntary, incentive-based retirements of privately held water rights. Only those which can result in significant water conservation benefits to the State's rivers, streams, and aquifers are selected for these grants.

WTAP was authorized in 2006. Its purpose is to reduce the "Historic Consumptive Water Use" in targeted, high priority areas. Compensation is determined by an available fixed, flat rate established annually by the SCC and a competitive bid price submitted by the owner. In WTAP, dryland farming is permitted after water right retirement. There are currently three WTAP project areas – Rattlesnake Creek, Prairie Dog Creek, and six high priority areas in Groundwater Management District #4 (GMD).



Inefficient sprinkler irrigation

In 2007, the use of KS vs CO lawsuit damage award monies were authorized to permanently retire water rights in the Upper Arkansas River CREP, a 10 county project area in western Kansas. In this specialized version of the extremely popular CRP program, the landowner agrees to permanently retire water rights and plant a permanent cover (i.e. native grass) on the contracted land in return for a 14-15 year rental rate from FSA and a sign-up incentive payment from SCC.

FY 2008 Achievements

WTAP – During the first enrollment period of Fall 2007, only four applications were received. One qualified application in the Rattlesnake Creek area was approved at a bid price of \$83,027. SCC then worked with DWR, GMDs and stakeholder groups to make program adjustments and enhance landowner participation. The 2008 Legislature authorized \$998,000 in additional appropriations.

CREP – Since December 20, 2007, 63 separate offers on 13,295 acres have been received. As of June 30, 2008, 13 CREP offers representing 1,627 acres and 3,434 acre-feet retired had been granted final approval with State payments totaling \$100,812.62 (and \$2.9 M in total FSA payments). Forty-nine offers on tracts totaling 7,774.2 acres were still awaiting final processing / recommendations for CRP-1 approval pending water right division agreements, return of documents, etc. [Other offers on 23 tracts totaling 4,670.4 acres have been withdrawn for various reasons including land sales, changes of tenants / operators, program disqualification, uncertainty about commodity prices, etc.] Enrollment is continuous.

FY 2009 Activities

WTAP – Program rules were revised in FY 2009 to enhance landowner interest and enrollment. The grant compensation method was changed to a very simplified fixed price-point formula. A Spring enrollment period was also added. The DWR Chief Engineer approved six high priority areas in GMD #4. WTAP has been promoted extensively. The FY 2009 budget for WTAP is \$3,448,812.

CREP – Processing of offers in FY 2009 will result in total enrollment of more than 7,000 acres and 13,000 acre-feet of dismissed water rights (total expenditure of \$400,000 in State funds). Producer meetings will again be held in FY 2009 to promote landowner interest and participation.

FY 2010 Planned Activities

WTAP – Continue to achieve program goals in the target areas. SCC will request the annual budgetary limit of \$1.5 million and to carry over any unexpended FY 2009 funds.

CREP – Continue to achieve program goals in the project area. SCC will request any unexpended FY 2009 funds be carried over to FY 2010, and if possible, that the current Agreement with USDA be expanded to the current legislatively authorized limit of 40,000 acres.

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WATERSHED DAM CONSTRUCTION PROGRAM

Overview

The Watershed Dam Construction Program (WDCP) provides financial assistance to organized watershed districts, drainage districts, or other special-purpose districts for the construction of detention dams and grade stabilization dams. Since inception in 1977, the Legislature has and continues to appropriate funds for cost-share assistance for the construction of new dams. In 2006, the legislature recognized that time and weather take their toll on aging structures, and started a new chapter for cost-share assistance for the rehabilitation (including inundation mapping) of existing flood control dams.

The SCC has the responsibility to administer the Watershed District Act (K.S.A. 24-1201 *et seq.*), as authorized by K.S.A. 2-1915. The program budget is financed from the dedicated funding of the State Water Plan Fund.

Flood control dams are needed in flood-prone areas as well as in drought stricken areas, to enhance the land for further productivity, to protect our natural resources and our infrastructures (roads and bridges), to provide water for livestock and in many cases provide hydrants for rural fire departments.



Grouse-Silver Creeks WJD 92

FY 2008 Achievements

The 2007 Legislature appropriated \$1,140,529 for this program, including \$85,529 FY 2007 carryover funds.

Construction:

- ⇒ 4 new sites, above federal reservoirs, for \$352,000
- ⇒ 4 new sites, statewide, for \$336,600

Rehabilitation:

- ⇒ 2 sites, above federal reservoirs, for \$41,600
- ⇒ 7 sites, statewide, for \$125,119

Inundation Mapping:

- ⇒ 28 sites, above federal reservoirs, for \$90,419
- ⇒ 18 sites, statewide, for \$76,675

FY 2009 Activities

Appropriated funds are broken down into three sub-categories: construction, rehabilitation and inundation mapping.

- ⇒ There are 20 applications for state cost-share assistance for new construction of flood control structures requesting \$1,360,306.



- ⇒ SCC has 13 applications for rehabilitation requesting \$276,640

*Pipe Replacement - Pony Creek WJD
78 Site 124*

- ⇒ For inundation mapping, SCC received 16 applications requesting \$90,132.

FY 2010 Planned Activities

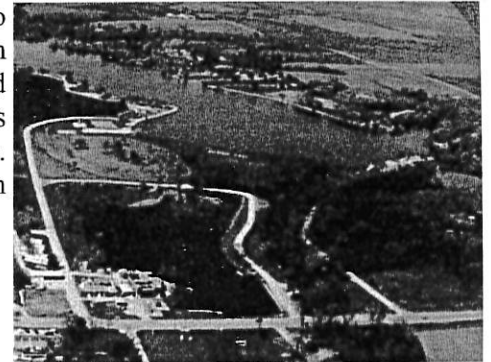
A total of \$1,055,000 has been requested for cost-share implementation in FY 2010. Into FY 2010, the demands of reducing sedimentation above federal reservoir with water supply component will continue to drive program goals and outcomes. The funding will cover the three sub-categories mentioned above. Watershed Districts are encouraged to apply for cost-share assistance for new construction of rehabilitation and inundation mapping of existing flood control structures.

The SCC will continue with more rehabilitation of existing flood abatement structures to bring them to safety and performance standards and to achieve and/or extend their intended purposes. The WDCP's strong emphasis is to have adequate operation and maintenance.

WATER SUPPLY RESTORATION PROGRAM

Overview

The 2007 Legislature amended K.S.A. 82a-2101 which authorizes the SCC to provide financial assistance funding for the Water Supply Restoration Program (WSRP). This program is a voluntary, incentive-based water program designed to assist eligible sponsors to protect and restore public water supply systems where appropriate watershed restoration and protection are planned or in place. The program budget is financed from the Clean Drinking Water Fee Fund through the State Water Plan Fund.



Mission Lake, City of Horton

FY 2008 Achievements

The SCC drafted, then adopted the rules and regulations of the WSRP to address the expenditure and the administration of the funding.

A pilot project, Mission Lake, City of Horton, was selected. The scope of services calls for dredging approximately 1,000,000 cubic yards to restore some of the water supply lost storage. The state funding obligated for this project is \$2,600,000, while the sponsor contribution is about \$4,000,000.

The Washington County Rural Water District No.1 (RWD) structure, in and across the Big Blue River, was selected as the second WSRP project for restoration.

FY 2009 Activities

The SCC and the sponsor of the Mission Lake pilot project continue to work together to identify necessary steps: preliminary engineering (done), permits (in progress) and engineering, before starting the dredge. The SCC and the RWD are working through the initial steps to restore the Big Blue River low-head dam which will result in maintaining the water level in the aquifer of the district well field area. The state funding appropriated for the RWD for FY 2009 is \$882,069.



Dredge

FY 2010 Planned Activities

The SCC plans to begin dredging Mission Lake, and continue working with the RWD to finish the preliminary engineering study, acquire necessary permits and start the design of the restoration.

AID TO CONSERVATION DISTRICTS PROGRAM

Overview

State Aid to Conservation Districts, also known as Matching Funds, is a grant program providing financial assistance to Kansas Conservation Districts. The K.S.A. 2-1907c authorizes the state to match up to \$25,000 per district of the annual amount allocated to conservation districts by the board of county commissioners. This match provides an incentive for the county commission to double county funding up to the state maximum amount. These funds assist the 105 county conservation districts to effectively deliver local, state, and federal natural resource programs as prescribed under the Conservation District Law (K.S.A. 2-1901 et seq.). Financial assistance enables conservation districts to:

- ⇒ Hire administrative and technical staff.
- ⇒ Acquire office supplies and equipment.
- ⇒ Coordinate various conservation programs.
- ⇒ Implement state financial assistance programs at the local level.
- ⇒ Carry out information and education campaigns promoting conservation.
- ⇒ Provide clerical assistance to NRCS.



*Morris County Conservation District
Board Members & Staff*

A local five-member board, known as district supervisors, governs each conservation district. District supervisors are elected public officials who serve without pay. The 525 district supervisors donate nearly 50,000 hours per year establishing local priorities, setting policy, and administering programs to conserve natural resources and protect water quality.

FY 2008 Achievements

Funds appropriated to the 105 conservation districts totaled \$2,127,242. Forty-eight conservation districts received the maximum grant of \$25,000. Districts received \$2,828,633 from counties. Grants are issued to conservation districts based upon receipt of a satisfactory audit of 2005 accounts, receipts, and disbursements as well as certification of actual county funds provided to districts.



*Multi-County no-till farming tour
sponsored by conservation districts*

FY 2009 Activities

The program has been appropriated \$2,264,831 for FY 2009. Based on conservation district input and budget information, districts receiving additional funds were able to purchase field equipment to rent, update office equipment, expanded youth and adult educational programs, increased employee compensation/health benefits, and hire additional staff. The eight conservation districts that were affected by the Natural Resources Conservation Service (NRCS) office closings now have a stand-alone office and are paying rent and utility bills, as well as purchasing office equipment/supplies that were previously provided by NRCS. The increased funding has been vital for these conservation districts to maintain a presence in the county.

FY 2010 Planned Activities

For FY 2010, \$2,255,919 is requested for the purpose of providing state financial assistance to conservation districts. Sixty-five conservation districts would receive the \$25,000 maximum amount from the state with county commissions contributing \$3,001,451. Grant assistance from this request will be distributed in July 2009 to each conservation district who has submitted to the SCC a certification of actual county funds provided to the district and an audit of 2007 accounts, receipts, and disbursements.

BENEFIT AREA PROGRAM

Overview

The Benefit Area Program, authorized by K.S.A. 82a-1702 in 1963, was transferred from the Kansas Water Office (KWO) to the SCC by the 1986 Legislature. The program provides a method for public corporations, namely watershed districts, to be reimbursed for specific expenses when more than 20 percent of the benefits of a flood control structure are outside the taxing entities boundary.

The program was repealed by the 1995 Legislature but re-established by the 1996 Legislature. Only two known entities are eligible for the program: the Upper Black Vermillion Watershed District and the Wet Walnut Watershed District.

FY 2008 Achievements

In FY 2008, no funding for the program was appropriated.

FY 2009 Activities

In FY 2009, no funding for the program was appropriated.

FY 2010 Planned Activities

In FY 2010, no activity is anticipated.

WATERSHED PLANNING ASSISTANCE PROGRAM

Overview

The 1958 Legislature amended K.S.A. 2-1904(d)(6) which authorizes the SCC to cooperate with watershed districts and other special purpose districts to secure federal funds for the P.L. 566 Small Watershed Program. Funds were appropriated from FY 1959 through 1980 to assist districts in the development of watershed protection plans which were a prerequisite to receiving federal watershed dam construction funding. Planning assistance funds were phased out by the 1980 Legislature in favor of state funds for watershed construction. The 1987 Legislature appropriated funds to reinstate the watershed planning program. Since 1990, the SCC's planning assistance efforts have been considered a sub-program of the Watershed Dam Construction Program.

In addition to providing planning assistance for the federal construction program, the SCC has also assisted districts in the study of watershed dam impacts on threatened and endangered species and the promotion of non-structural watershed protection practices. Most recently, watershed planning funds have been used to assist a newly formed watershed district in the development of its general plan.

FY 2008 Achievements

In FY 2008, no funding for the program was appropriated.

FY 2009 Activities

In FY 2009, no funding for the program was appropriated.

FY 2010 Planned Activities

In FY 2010, no activity is anticipated.

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State Conservation Commission

109 SW 9th St., Suite 500

Topeka, KS 66612-1215

Website: www.scc.ks.gov

Phone: 785-296-3600

Fax: 785-296-6172

E-mail: scc@scc.ks.gov

The State Conservation Commission (SCC) was established by the Kansas Legislature in 1937 to promote soil and water conservation. The SCC is governed by nine members consisting of an elected commissioner from each of the five conservation areas; two ex-officio members representing KSU Research and Extension; and two appointed members representing the Kansas Department of Agriculture (KDA) and the USDA, Natural Resources Conservation Service (NRCS). The agency is administered by an executive director appointed by the commissioners.

The SCC has the responsibility to administer the Conservation Districts Law (K.S.A. 2-1901 et seq), the Watershed District Act (K.S.A. 24-1201 et seq.), and other statutes authorizing various programs. The agency budget is financed from the dedicated funding of the State Water Plan Special Revenue Fund, State General Fund, and fee funds.

The agency is structured as a single program agency, but operates several subprograms that tie both to the mission of the SCC and many stated goals of the State Water Plan. One of the goals of the SCC is to administer efficiently those subprograms that enhance and protect the state's natural resources. The agency pursues this goal by working with the 105 conservation districts and 88 organized watershed districts, along with other local, state and federal entities.

State Conservation Commission Members

Elected Members

Rodney Vorhees, Area V, Fredonia, Chairperson

John Wunder, Area IV, Valley Falls, Vice-Chairperson

Ted Nighswonger, Area I, Edmond

Andrew Larson, Jr., Area II, Garden City

Brad Shogren, Area III, Lindsborg

Ex-Officio Members

Dr. Daniel L. Devlin, KSU, Research and Extension

Dr. Phil Barnes, KSU, Biological & Agricultural Engineering

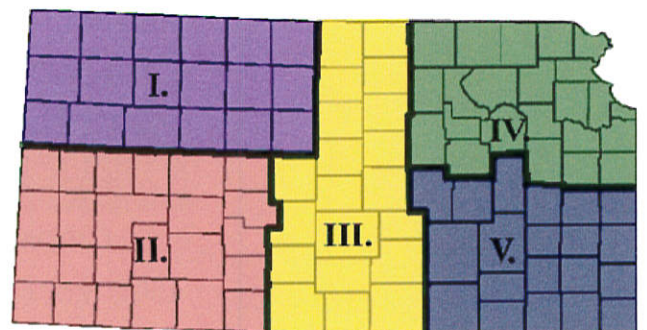
Appointed Members

Dave Barfield, Kansas Department of Agriculture

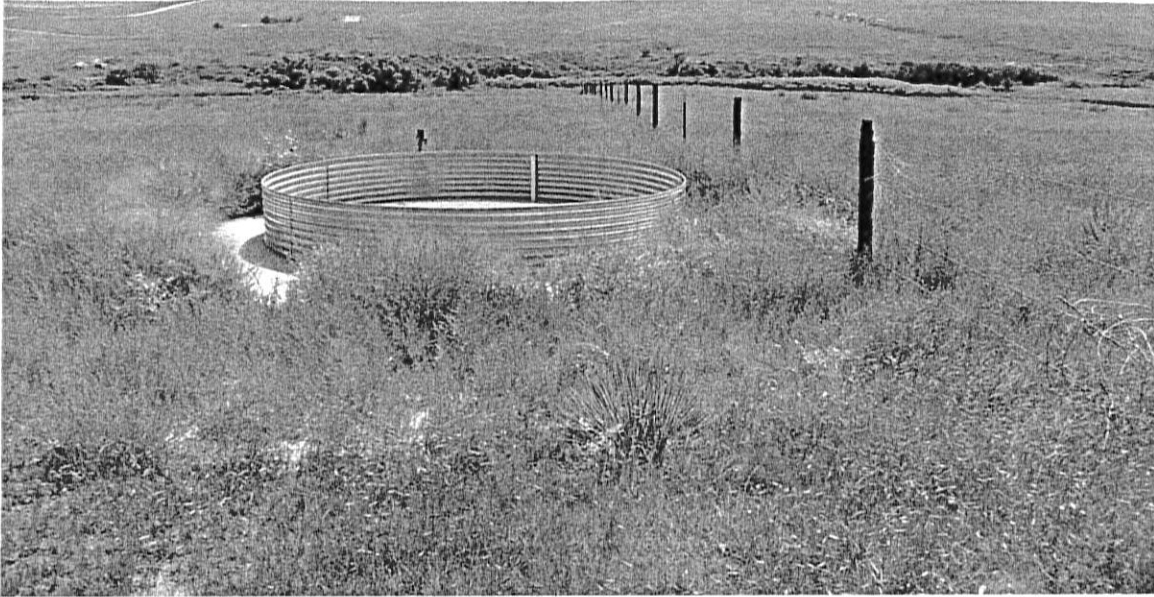
Eric Banks, USDA, Natural Resources Conservation Service

Executive Director

Greg A. Foley, State Conservation Commission



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Relocated Livestock Water Supply To Enhance Grazing Distribution



State Conservation Commission

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**STATE OF KANSAS
KANSAS ANIMAL HEALTH
DEPARTMENT**

George Teagarden, Livestock Commissioner
708 SW Jackson, Topeka, Kansas 66603-3714
Phone 785/296-2326 FAX 785/296-1765
www.ks.gov/kahd

January 21, 2009

Senate Committee on Agriculture
Overview of the Kansas Animal Health Department

Chairman Taddiken and Committee members:

I am George Teagarden, Livestock Commissioner, Kansas Animal Health Department (KAHD). I am appearing before you to briefly describe the functions of the KAHD.

In 1884, the Kansas Legislature authorized the formation of the Livestock Sanitary Commission. Many changes have occurred in the last 124 years, but the core mission of the department - control and eradication of infectious and contagious disease of livestock - has not changed. In 1969, the Legislature approved legislation to re-organize and consolidate the department and re-name it the Kansas Animal Health Department.

The agency mission is to ensure the public health, safety and welfare of Kansas' citizens and enhance the economic viability of the state's livestock production through livestock identification, emergency preparedness, disease prevention, and control and eradication of infectious and contagious livestock and domestic animal disease in the state of Kansas; to regulate facilities that produce, sell, board, train, rescue, offer for adoption or harbor companion animals and enforce the laws governing such facilities; to direct an effective brand registration and inspection program; to identify ownership of lost or stolen livestock; to inform the public of the status of the health of livestock in the state and to promote understanding and gain public assistance in achieving this mission

To support the agency's efforts to achieve this mission, the legislature established two advisory boards to assist the Commissioner in making policy decisions, the Kansas Animal Health Board and the Pet Animal Advisory Board.

The Kansas Animal Health Board (KAHB) was established to advise the Livestock Commissioner regarding operations of the agency, approve regulations, agency policies and the budget. This board is comprised of the following nine members appointed by the Governor:

- o Three representatives of the beef industry,

*Senate Agriculture Committee
1-21-09
Attachment 2*

- One representative of the swine industry,
- One representative of the dairy industry,
- One livestock market operator,
- One licensed, accredited veterinarian,
- One dog or cat breeder and
- One member at large.

KAHB members are appointed to (staggered) terms of three years. The members receive a stipend of \$35 per day and mileage reimbursement. The KAHB hires the Livestock Commissioner.

The Pet Animal Advisory Board (PAAB) was established in 1988. The Board's duties include advising the Livestock Commissioner on hiring a program director, to review the status of the Kansas pet animal act, to make recommendations on changes to the Kansas pet animal act; and to make recommendations concerning the rules and regulations for the Kansas pet animal act.

The PAAB is comprised of ten members – a representative of each license category, a public member with no ties to the industry and a veterinarian. Members serve three year terms. Board Members are strictly voluntary and do not receive compensation of any kind.

The Department itself is divided into four functions:

- Disease Control,
- Brands,
- Animal Facility Inspections and
- Administration.

We have 33 FTE employees that work in the various programs (an organization chart is attached). We are currently holding open the following three positions because of budget constraints:

1. Veterinarian
2. Attorney
3. Kennel inspector.

The disease control function is guided by Kansas and federal law and regulations. Our federal counterpart for disease control is the Topeka based state office of USDA Veterinary Services. Most of our work on "program" diseases is a standardized response prescribed by the USDA. Our disease control division works on the following programs:

- bovine and swine brucellosis,
- bovine and cervid tuberculosis,
- swine pseudorabies,
- Johne's Disease,

- bovine spongiform encephalitis,
- scrapie in sheep and goats,
- chronic wasting disease in deer and elk,
- the National Poultry Improvement Plan,
- avian influenza,
- equine infectious anemia,
- contagious equine metritis and
- feral swine control.
- foreign animal disease investigations.

In 1998, the KAHD began developing an Animal Disease Emergency Plan after realizing the federal government, due to downsizing, no longer had the personnel to combat a disease outbreak of any significant proportion. Our plan involves the assistance of many other Kansas state agencies; all play an integral role in our emergency response.

KAHD has also worked with counties to develop regional and county emergency response plans and we have held, or participated in, several emergency "table top" exercises each year for the last nine years.

The KAHD and USDA, Veterinary Services have a working relationship to make more efficient use of our disease control field forces (map attached). Kansas is "free" of brucellosis, tuberculosis and pseudorabies. July 1, 2008, we stopped blood testing eligible animals at our livestock markets and for private treaty sales. This saves producers over a million dollars of expense each year.

BRAND INVESTIGATION AND REGISTRATION:

Prior to 1939, brand registry was conducted by county government. This changed in 1939, when the legislature authorized a Brand Commission and a state brand registry. This function was consolidated, along with the Sanitary Commission, into the KAHD in 1969.

Currently 18,537 brands are registered in our state. State law does not require brand inspection unless a county opts to do it. Three counties, Wichita, Kearny and Hamilton have opted for mandatory brand inspection. Hamilton County has the only livestock market in these counties but as a service to their customers, four other livestock markets also provide brand inspection at their sales. KAHD contracts with eight brand inspectors that work these markets. Brand inspection is a critical component in returning lost or stolen cattle to the rightful owner and sometimes leads to the apprehension of a thief. We have two theft investigators that assist local law enforcement with lost and stolen livestock cases. During the last fiscal year we investigated 100 reports involving 1,255 animals of lost or stolen livestock. Nine hundred and seven animals were located and returned to their owners.

ANIMAL FACILITY INSPECTION PROGRAM:

The kennel inspection program is authorized by the Kansas Pet Animal Act. Nearly 1,800 facilities (in 12 different license and sub-license categories) are licensed under this act. When we are fully staffed, five kennel inspectors and one program consultant, who acts as a field supervisor, inspect these facilities on a risk - based schedule and upon complaint.

KAHD does not have jurisdiction over animal cruelty. However, state law requires the Department to confiscate animals from licensees (and people required to be licensed) if there is a reasonable belief that the health, safety or welfare of the animals is endangered. Whenever possible, health, safety and welfare cases are resolved through Consent (settlement) agreements. This usually results in the Department waiving all pending litigation (and possible fines) in exchange for closure of the facility and relinquishment of the license and the animals. Consent agreements are the most expeditious and cost effective method of handling these cases. The department also receives companion animals due to voluntary owner relinquishments; either because of an inability to meet state requirements or due to economic conditions. This current year we have had several breeders ask us to take their dogs because there is no market for them, auction prices are low, they have sold or given away all they can and they can not afford to feed the remaining animals. We usually agree to these requests because experience has taught us that we will end up with the animals eventually, through a search warrant and expensive litigation. Animal seizures and relinquishments absorb a tremendous amount of staff time and put us even further behind in routine inspections. Unlicensed facilities also consume a significant amount of time.

The total budget for the current year is \$3,412,192. This total consists of 27% State General Fund, 43% fees generated by license sales and 28% USDA cooperative agreement funds.

I have attached the KAHD's response to the Legislative Post Audit's recommendation for executive action.

Thank you for the opportunity to present this information. I will be happy to answer any questions.

George Teagarden
Livestock Commissioner

Attachments: Disease Control Staff Areas
Kennel Inspector Staff Areas
Executive Response to Post Audit
KAHD Organizational Chart

**STATE OF KANSAS
KANSAS ANIMAL HEALTH
DEPARTMENT**

George Teagarden, Livestock Commissioner

708 SW Jackson, Topeka, Kansas 66603-3714

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www.ks.gov/kahd

January 15, 2009

Agency response to PERFORMANCE AUDIT REPORT
Agriculture Related Agencies – December 2008

Post Audit Recommendations for Executive Action:

To help ensure efficient and effective operations, the Animal Health Department should:

- a. Formalize all verbal agreements with the USDA by entering into written agreements that outline each party's duties and responsibilities concerning animal disease control inspections and any other pertinent matters.

Agency Response:

The KAHD and USDA, Veterinary Services (VS) have formal cooperative agreements on all of our joint ventures except for our field staff areas of responsibility and our staffing of the State/Federal Laboratory.

The Kansas Area Veterinarian in Charge previously indicated he will not sign a document that binds their department to our staffing arrangement. Federal employees are often platooned to other states for emergency work and, like us, are subject to budget cuts so he will not sign anything that would tie them to duties in Kansas. KAHD will pursue this avenue again, including a memorandum of understanding that recognizes USDA may need to temporarily suspend its cooperative agreement in the case of an emergency in other states.

Explanation of Job Duties and the State/Federal working relationship:

State/Federal Brucellosis Laboratory:

Two KAHD laboratory technicians work with six federal employees at the state/federal brucellosis laboratory, which is run under the direction of USDA, VS. This arrangement has been in place for over 13 years. The laboratory processes tests for infectious and contagious livestock diseases in this state.

Field Staff Areas of Responsibility:

In the case of the field staff, the five livestock inspectors and three veterinarians employed by KAHD work hand- in- hand with four USDA veterinarians. To accomplish this, we have divided the state into seven regions. Two regions are covered by USDA veterinarians who work alone in their areas. In each of the other five regions a livestock inspector is paired with either a state or federal veterinarian. All field people do the same work and each group works under the direction of the Commissioner and the Kansas Area Veterinarian in charge. As far as we know this arrangement is unique to our state. At one time, the USDA, VS office had animal health technicians that worked in the two areas which are currently being handled alone by two USDA, VS veterinarians. Those positions were cut by USDA management at the federal level.

Our employees have worked under this arrangement for 15 years. It usually works well but sometimes we do not have enough veterinarians to cover every contingency field work requires. On a few occasions federal employees from other states have assisted us – at no cost to our agency. In 2003, we had 20 to 30 federal employees from other states join our staff to help TB test 85,000 dairy cows in a 30 day time-frame. We have in turn helped with two or three federal emergencies. The federal government reimbursed the KAHD for our costs.

This sharing of field forces has made the state and the federal government more efficient in our field operations and has saved the state of Kansas thousands of dollars.

- b. Develop written policy manuals describing the processes and actions that all of the Department's inspectors should take.**

Agency Response:

Animal Facility Inspectors: *Our animal facilities inspectors have a 50 + page policy manual that acts as a guide for inspections of facilities licensed, or required to be licensed, under the Kansas Pet Animal Act. Rules and regulations support these policies. Inspectors also use a form inspection sheet which specifies which areas of compliance they should evaluate. The Inspectors have been routinely drilled in inspection policies since at least 1998. This policy manual is a*

“living document” and revisions and additions are constantly being made.. An index has been added and final revisions (suggested at the last staff meeting by animal facility inspection program staff) have been included.

Livestock Inspectors: The title “livestock inspector” is a misnomer. They are, in reality, animal health technicians. Their primary responsibilities include working with our veterinarians in the testing of suspect animals and/or herds, tracing animals for disease control purposes and, yes, inspecting livestock markets, feedlots, disposal plants and trucks when not working on disease matters. Again, their primary responsibility is disease control; their secondary responsibility is inspections of facilities. When they do inspect facilities they use a standard form inspection sheet that is self explanatory.

Brand inspectors: The work of our contract brand inspectors is pretty much cut and dried. They work on an “as needed” basis and inspect cattle to insure they are branded with a registered brand. Under Kansas law, a registered brand is personal property. If there are questions regarding the legitimacy of the brand, the owner must provide proof of ownership. If they can’t the animal cannot be sold at a livestock market or shipped out of the inspection county.

Brand Investigators: Brand investigators are law enforcement trained. They assist sheriffs and other law enforcement officials in recovering lost or stolen livestock. They receive annual training and certification hours as required by law.

- c. Develop guidance and criteria for determining whether a facility passes or fails an inspection. Separate guidance will need to be developed for each of the agency’s programs.**

Agency Response:

Animal Facilities Inspection Program: An inspection “score card” to determine whether a facility has passed or failed its inspection is currently in use.

Animal Disease Control Program: Because of the variances in livestock production systems across the state, I have found it difficult to develop a written document that will fit all operations that we inspect. Our livestock facilities that are required by law to be licensed are inspected, following law, rules and regulations that primarily speak to the welfare of the animals. Our theft investigators, misclassified in the report, assist local law enforcement with livestock thefts and missing livestock. Although the investigators are duly licensed law enforcement officers, we let the local authorities take the lead in these activities. We are open to suggestions and help in developing policy documents for the disease control and brand functions of our department that fit all of the variables in livestock production.

- d. Develop a written plan which would implement a risk-based inspection model for the Companion Animal Facility Inspection program. Such a plan would provide guidance on the frequency of inspections for various facilities, how the results of federally-conducted inspections for certain establishments affect inspection-frequency standards, and the like. In turn, this plan should be used to develop a realistic model for the number and type of staff needed to carry out the program.

Agency Response:

Our companion animal facility inspection program does have such a plan and it has been in existence for at least five years, perhaps longer. It is always considered in the budgeting process. The requests for additional inspectors (included in our budget for the last seven years) have always been based on the number of inspectors it would actually take to inspect our licensees and to handle 350+ complaints a year. These numbers are based on the inspection schedule that was established when the program was implemented.

The Pet Animal Act was primarily developed to allow the state to take responsibility for regulating commercial (USDA licensed) kennels located in our state. For that reason, we do our own inspections of these facilities. USDA inspection reports are utilized to "flag" problem facilities and to determine the season an inspection is due. If, for example, the USDA inspects a facility in the winter, the KAHD inspector will try to inspect it in the summer.

For the last several years we have used risk- based inspections. The number and frequency of inspections depends on license category, past performance of the facility and complaints. The table below depicts current inspection strategies and inspections that would occur if we were fully funded and staffed.

	<u>Risk based Inspections being used now.</u>	<u>Inspections as they should be</u>
Risk Based (in current use)	All inspected on initial application and complaint	All inspected on initial application and complaint
v. Routine Inspections	18 - 24 months if routinely pass inspections. We make appointments if it is an initial inspection or licensee has passed 2 or more inspections in a row.	Appointment for initials only.

<u>LICENSE CATEGORY</u>	<u>IN PLACE NOW</u>	<u>IF WE WERE FULLY STAFFED</u>
Animal Breeder and Distributor	Once a year	State once a year & USDA once a year
Retail Breeder (USDA licensed)	Once a year	State once a year & USDA once a year
Retail Breeder (not USDA licensed)	Twice a year	Twice a year
Hobby Breeder 10 or more animals	complaint	Once a year
Hobby Breeder 10 or fewer animals	complaint	Complaint
Pet Shop	Twice a year (check records)	Twice a year
Pound and Shelter	Twice a year (check records)	Twice a year
Animal Rescue	complaint	Once a year
Group Foster Home	complaint	Once a year
Foster Home	complaint	Complaint
Boarding and Training	complaint	Once a year
Doggie Daycare	complaint	Once a year
Re-inspections	re-inspections range from 24 hours to 6 months.	re-inspect 60 days or less

e. Evaluate the benefits of moving from an annual licensing process to a multi-year licensing process.

We do register brands for a 5 year period (\$ 9 per year). We believe that multi-year licensing of companion animal facilities, feedlots, markets and disposal facilities would create a financial hardship on producers and such a proposal would meet with great resistance. In some cases this could amount to several thousand dollars. We will review our licenses and pursue multi-year licensing if feasible. Such a move would require several statutory changes.

f. Evaluate the benefits of computerizing various processes, such as inspection reporting, licensing and permitting. By moving from a paper-oriented process to one that makes use of modern technology, it is likely that many hours of staff time could be freed up.

Agency Response:

Disease Control Inspection Program. We agree! The KAHD wants to move towards more electronic transfer of information. We will move to electronic transfer of our inspection reports and do so to a certain extent at this time. A large volume of our paper work is in certificates of veterinary inspection. All veterinarians in the state have had electronic health papers as an option for the last four years but most practitioners have not chosen the electronic method. While we don't want to force veterinarians to go paper-less, we hope, through education, that they will eventually embrace this change.

Technology takes capitol investment, money that we have not had at our disposal. Systems are being developed that will allow private practitioners and our disease control staff to read electronic identification devices, complete vaccination and test charts and report those actions to our office and the appropriate federal office electronically. We embrace modern technology and will move forward as our budget allows; we are not sure how to move livestock producers along with us.

Animal Facilities Inspection Program: We are experimenting with laptop generated reports by having inspectors type their inspection reports on their computers, printing copies for the licensees and then e-mailing the reports to the office when they get home or to a hotel. Primary concerns at this point are time (re-writing the notes they have already made as they walk along), cramped, uncomfortable writing conditions (using laptops in their state issued trucks) battery life, protecting the laptops and printers from extreme heat and cold and the legal issues generated by not having the licensee sign the inspection report.

- g. Compare, as its office lease agreement expires, the amount of office space the agency has been renting to the Department of Administration's recommended space standards. The agency should either make the necessary adjustments to meet the standard or seek an exemption from the Department of Administration.**

Agency Response:

The lease on our current space was and is approved by the Department of Administration. The Facilities Management Division developed our floor plan to maximize staff efficiency. We were not informed by D of A that we needed to apply for an exemption. By my calculations, using Post Audit's figures, the KAHD has an excess of 80 square feet.

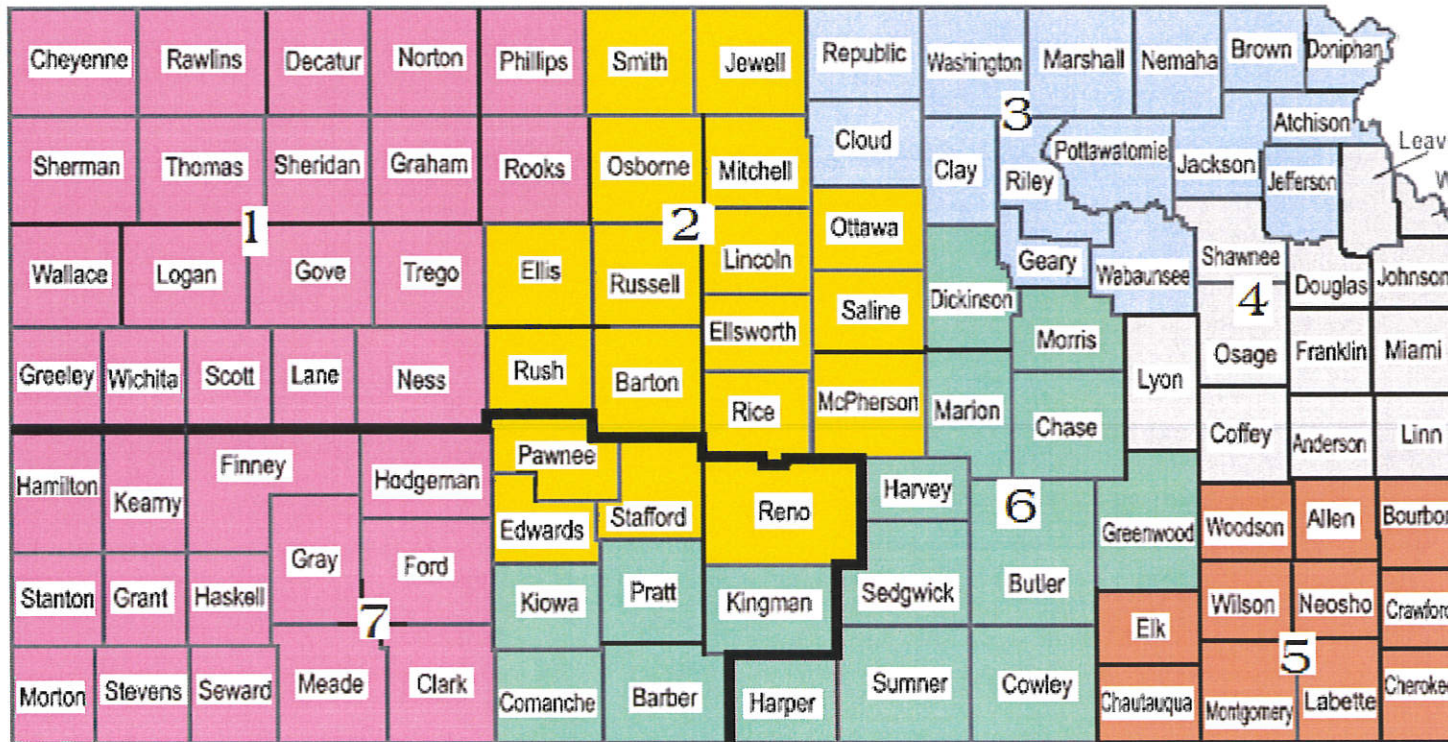
Kansas Map of State & Federal Field Sections

DISEASE CONTROL PROGRAM

Area 1:
 Dr. Hasel (620) 376-8061
 Cuthbertson (785) 871-0023

Area 02:
 Dr. Archer (620) 755-1724

Area 3:
 Dr. Bryant (785) 633-3639
 Stephens (785) 633-3643



Area 4:
 Dr. Grosdidier (785) 633-3638
 Burgett (785) 633-3640

**** Steve Wilterding's area sectioned off by BOLD BLACK LINE. Dr. Hasel is Pink Area Only. ****

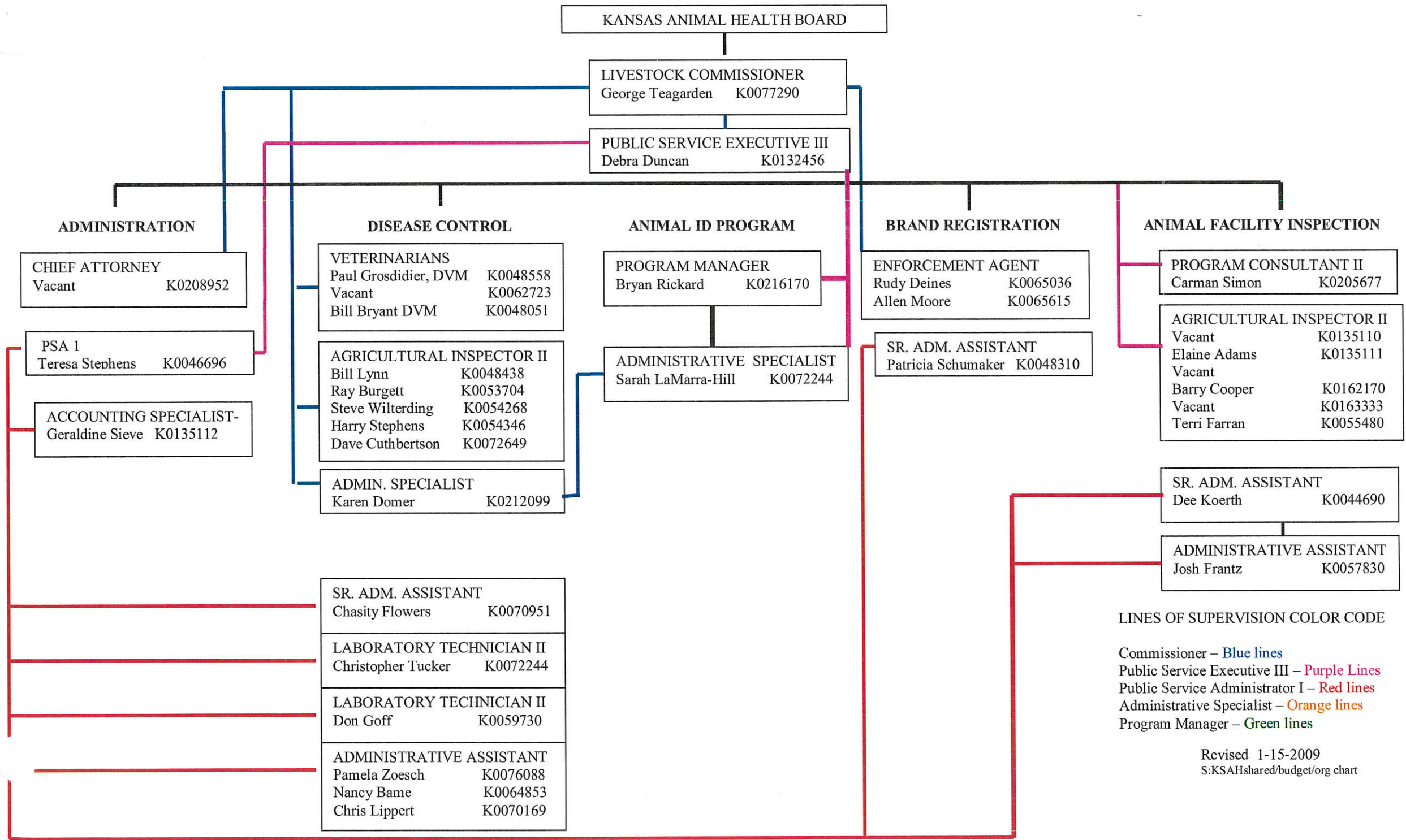
Area 7:
 Dr. Hasel (620-376-8061)
 Wilterding (785) 633-3641

Area 6:
 Dr. Erwin (785) 207-5415

Area 5:
 Dr. Sutton (785) 207-5414
 Lynn (785) 633-3653

KANSAS ANIMAL HEALTH DEPARTMENT ORGANIZATION CHART

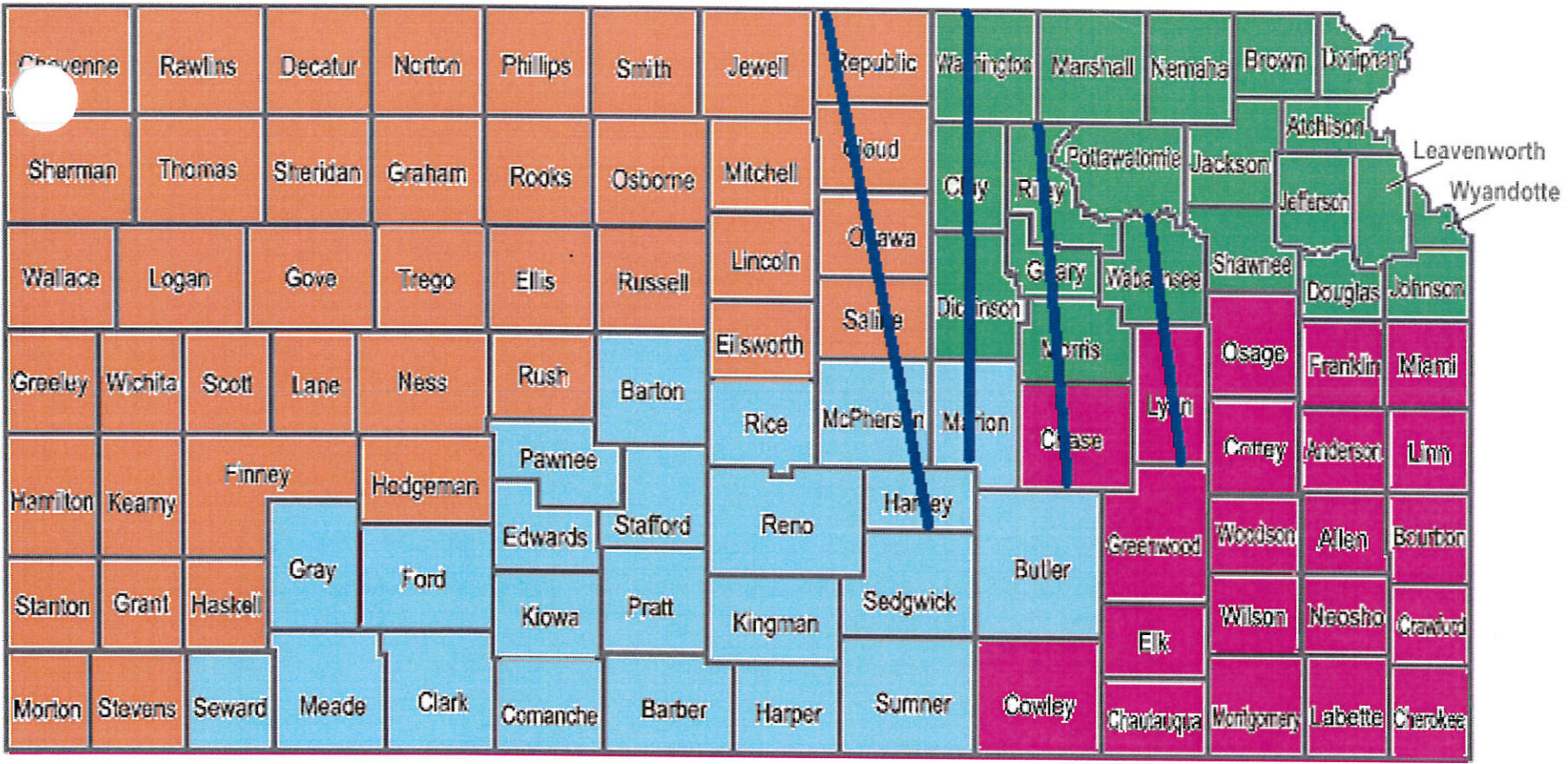
2-12



LINES OF SUPERVISION COLOR CODE

- Commissioner – Blue lines
- Public Service Executive III – Purple Lines
- Public Service Administrator I – Red lines
- Administrative Specialist – Orange lines
- Program Manager – Green lines

Revised 1-15-2009
S:KSAHshared/budget/org chart



Vacant



Jeaneen Hercha



Terri Farran

Carman Simon - statewide



Barry Cooper



Elaine Adams