

SESSION OF 2013

**CONFERENCE COMMITTEE REPORT BRIEF
SUBSTITUTE FOR SENATE BILL NO. 57**

As Agreed to April 2, 2013

Brief*

Sub. for SB 57 would create new law regarding penalties and testing for chronic wasting disease. The bill also would amend existing law regarding the National Poultry Improvement Plan and domesticated deer.

The bill would require all tests for chronic wasting disease to be conducted in laboratories in a method approved by the U.S. Department of Agriculture's (USDA) Animal Plant Health Inspection Service.

The bill also would eliminate current provisions of law that name the Kansas Poultry Improvement Association the designated official state agency for the purpose of carrying out the National Poultry Improvement Plan. In its place, the bill would grant this authority to the Kansas Department of Agriculture (KDA).

Regarding domesticated deer, the bill would amend existing law to state it is unlawful for any person to "possess" domesticated deer, rather than "engage in the business of raising" domesticated deer, without a permit issued by the Animal Health Commissioner. The fee cap for the permit would be increased from \$150 to \$400. Failure to obtain a permit would result in a class C nonperson misdemeanor and, upon conviction, punishable by a fine not exceeding \$1,000 (increased from the current fine of up to \$150). New

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law created by the bill would impose a civil fine of up to \$1,000 for each violation of Article 21 of Chapter 47 of the *Kansas Statutes Annotated* (domesticated deer), as determined by the Animal Health Commissioner.

The Animal Health Commissioner, or the Commissioner's representatives, could inspect any premises that are issued a domesticated deer permit and the premises' records, but not more than once each year. Upon discovery of a violation of the law dealing with domesticated deer or upon complaint that the deer premises is not being operated, managed or maintained in accordance with appropriate rules and regulations, the Commissioner, or the Commissioner's representatives, could inspect premises and records more often than once per year. Unlicensed premises also could be inspected when the Commissioner has reasonable grounds to believe a person is violating the section of law requiring those possessing domesticated deer to obtain a domesticated deer permit. Additionally, on an annual basis (rather than the current quarterly basis), the Commissioner would be required to transmit a current list of persons issued a domesticated deer permit to the Secretary of Wildlife, Parks and Tourism (KDWPT). The KDA could request assistance from KDWPT to implement and enforce the domesticated deer laws.

The Animal Health Commissioner would be granted additional authority to adopt rules and regulations. This new authority would be to promulgate rules and regulations to enforce the provisions of the law dealing with domesticated deer and to ensure compliance with federal requirements and protect domestic animals and wildlife from disease risks related to domestic deer production.

The bill also would repeal outdated or unnecessary statutes in Chapter 47 (livestock and domestic animals) of the *Kansas Statutes Annotated*. In addition, one section of law regarding stockyards would be amended to make it clear that the Animal Health Commissioner or the Commissioner's designee is to work in conjunction with the federal

government to prohibit or prevent contagious animal diseases.

Conference Committee Action

The Conference Committee agreed to the House amendments to the bill and agreed to further amend the bill to allow the Animal Health Commissioner or the Commissioner's designee to inspect domesticated deer premises more than once each permit year if the commissioner has:

- Discovered a violation of Article 21 of Chapter 47;
or
- Received a complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations.

The Conference Committee further amended the bill by making a technical change and amending an existing statute pertaining to stockyard inspections to clarify that the Commissioner or the Commissioner's designee could work in conjunction with the federal government to prohibit or prevent contagious animal diseases.

Background

The original bill was introduced by the Senate Committee on Agriculture at the request of the KDA. The original version of the bill contained multiple amendments to the Kansas Pet Animal Act, along with the provisions contained in the substitute bill.

At the hearing on the original version of the bill, proponents included the Allen County Animal Rescue Facility, American Society for the Prevention of Cruelty to Animals (ASPCA), Companion Animal Advisory Board, Great Plains SPCA, Kansas Certified Breeders Association, Kansas Cervid

Breeders Association, KDA, KDWPT, Lawrence Humane Society, Leavenworth County Humane Society, Pet Animal Coalition of Kansas (PACK), Prairie Paws Humane Society, Salina Animal Shelter, Second Chance Animal Rescue Foundation, The Humane Society of Greater Kansas City, The Humane Society of the United States (HSUS), Wellington Humane Society, and Western Plains Animal Refuge.

The KDWPT representative stated the portion of the bill dealing with domesticated deer is an attempt to address concerns related to the possession of the animals. Wild deer and domesticated deer potentially can transfer diseases to each other, as well as to the agricultural industry and vice versa. The KDWPT and KDA representatives stated cooperation among deer producers, the KDA, and the KDWPT is critical to protect all three partners. The Kansas Cervid Breeders Association clarified that cervids include all members of the deer family, including elk, moose, and all breeds of deer. In Kansas law, “deer” is defined as any member of the family *cervidae*.

The KDA representative stated the National Poultry Improvement Plan (NPIP) in Kansas was implemented by the Kansas Poultry Improvement Association at Kansas State University, but testing for the NPIP was moved to the then-existing Kansas Department of Animal Health about ten years ago. Despite NPIP testing being transferred from K-State, statutory authority has not changed.

Opponents to the original version of the bill included representatives of the American Canine Association, Kansas Federation of Animal Owners, and Kansas Pet Professionals and six members of the public who operate animal breeding facilities.

The Senate Committee amended the bill by striking the provisions relating to the Kansas Pet Animal Act. The Committee then recommended a substitute bill.

The House Committee on Agriculture and Natural Resources amended the bill to:

- Limit inspection of the premises and records of a person holding a domesticated deer permit to not more than once each year;
- Clarify the rules and regulations authority given to the Animal Health Commissioner is for all of the provisions of law dealing with domesticated deer;
- Reinstate a provision of law that would have been repealed concerning the inspection of stockyards; and
- Make other technical modifications.

The fiscal note on the original version of the bill, as provided by the Division of the Budget, states the KDWPT estimates a possible increase in expenditures from a shift from some current duties of the agency's Law Enforcement Division officers and biologists, but KDWPT was unable to estimate the increase at the time the fiscal note was submitted.

animal health; poultry improvement; domesticated deer

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