

CORRECTED
SESSION OF 2013

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 57**

As Recommended by Senate Committee on
Agriculture

Brief*

Sub. for SB 57 would create new law regarding penalties and testing for chronic wastes. 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 strike the Kansas Poultry Improvement Association as the designated official state agency for the purpose of carrying out the National Poultry Improvement Plan and in its place add 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. New law created by the bill would impose a civil fine of \$1,000 for each violation of Article 21 of Chapter 47 of the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Kansas Statutes Annotated (domesticated deer), as determined by the Animal Health Commissioner.

Once per year, the Animal Health Commissioner, or the Commissioner's representatives, could inspect any premises that are issued a domesticated deer permit and the premises' records. Upon complaint, 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 that a person or premise is required to be licensed. Additionally, on an annual basis, the Animal Health Commissioner would be required to transmit a current list of persons issued a domesticated deer permit to the Secretary of Wildlife, Parks and Tourism. The Animal Health Commissioner could request assistance from the Department of Wildlife, Parks and Tourism (KDWPT) to assist in implementing and enforcing the domesticated deer laws.

The Animal Health Commissioner would be authorized to adopt rules and regulations 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*.

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 that have been raised related to the possession of the animals. Wild deer and domesticated deer potentially can transfer diseases to each other, as well as the agricultural industry and vice versa. The KDWPT and KDA representatives stated cooperation between 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 10 years ago. Despite NPIP testing being transferred from K-State, statutory authority was never changed.

Opponents to the original version of the bill included the American Canine Association, Kansas Federation of Animal Owners, 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 passed the bill favorably as a substitute bill.

The fiscal note on the original version of the bill, as provided by the Division of the Budget, states the KDA indicates the passage of the bill would allow for an increase to the statutory caps for Animal Health Division fees. The KDA estimated that fee revenue would generate \$202,320, all from special revenue funds, for FY 2014. 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.