

MINUTES OF THE JOINT SENATE AND HOUSE AGRICULTURE COMMITTEES.

The meeting was called to order by Chairman Derek Schmidt at 8:00 a.m. on April 25, 2001, in Room 313-S of the Capitol.

All members were present.

Committee staff present:      Raney Gilliland, Legislative Research Department  
   Jill Wolters, Revisor of Statutes  
   Gordon Self, Revisor of Statutes  
   Betty Bomar, Senate Committee Secretary  
   Kay Scarlett, House Committee Secretary

Conferees appearing before the committee:

George Teagarden, Livestock Commissioner  
Jamie Clover-Adams, Secretary, Kansas Department of Agriculture  
Jonathan Small, Assistant Adjutant General  
Leslie Kaufman, Kansas Farm Bureau  
Mike Jensen, Kansas Pork Producers Association  
Mike Beam, Kansas Livestock Association  
Doug Wareham, Kansas Grain & Feed Association and Kansas Fertilizer & Chemical Association

Others attending:      See attached list

**Proposed Senate Substitute for Sub HB 2468 - relating to animal diseases**

Chairman Schmidt stated that this joint committee meeting is the result of the Livestock Commissioner, George Teagarden, advising the Chair and House Chairman Representative Johnson that he has limited authority in the case of an outbreak of Foot and Mouth Disease (FMD) and/or Bovine Spongiform Encephalopathy (BSE). There was a consensus that the Legislature should review the potential need for legislation.

Representative Johnson stated the statutes need to be reviewed; that during the interim period there had been conversations between the Governor's office, the Livestock Commissioner, the Adjutant General's office, and others regarding the need to review the present statutes and make recommendations.

Chairman Schmidt informed the Committees that **Sub HB 2468** was selected as a vehicle for the proposed legislation resulting from conferences between the parties above outlined.

Jill Wolters, Revisor of Statutes, reviewed the proposed legislation (Attachment 1) that: 1) Grants the governor the authority to issue a proclamation relating to a quarantine upon the finding that it is necessary to prevent the spread among domestic animals of any contagious or infectious disease, and grants him authority to require and direct the cooperation of any state agency in establishing and enforcing the quarantine; 2) Provides reimbursement of one-half the appraised value of diseased livestock by the state of Kansas; 3) Enlarges the penalty to a class A, nonperson misdemeanor for anyone who shall knowingly expose any domestic animal to any contagious or infectious disease; 4) Provides for a 1-year moratorium for the feeding of garbage to animals; 5) Establishes a procedure to extend the time of a quarantine; and 6) Gives the governor authority to control ingress and egress "of persons and animals" from, within, and upon a disaster area.

George Teagarden, Livestock Commissioner, appeared in support of the proposed legislation to improve the defense against contagious and infectious diseases and submitted proposed amendments: 1) Section 1, Paragraph (b) should read "the governor shall direct the commissioner"; 2) Wording in Paragraph (c), is too broad and the word "establish" should be stricken; 3) Language in Paragraph (e), should be changed to read "the livestock commissioner or his representative"; 4) Language in Section 5(B) should be stricken; 5) Questioned whether garbage feeding should be allowed to continue; 6) Endorsed the language in Section 11 which enables the governor to declare an emergency and clarifies that those powers apply to disease control and eradication. (Attachment 2)

## CONTINUATION SHEET

Brigadier General Jonathan Small, Assistant Adjutant General, testified in support of the proposed legislation, but did raise a question relative to the reimbursement of contaminated livestock by the state as provided in Section 2 as the federal government in many instances pays owners of destroyed animals 100 percent of appraised value.

Jamie Clover Adams, Secretary, Kansas Department of Agriculture (KDA) testified in support of the proposed legislation that strengthens the state's ability to act should FMD appear in the United State or Kansas. KDA strongly supports provisions that strengthen the Governor's ability to respond should FMD be found in Kansas. The economic impact of FMD would be catastrophic to the livestock industry in Kansas. ([Attachment 3](#))

Leslie Kaufman, Associate Director, Kansas Farm Bureau, testified in support of the proposed legislation dealing with animal health, quarantines, and garbage feeding. The proposed legislation will ensure that the Governor and the Livestock Commissioner have the authority to take action to address an animal disease outbreak in the state. The Kansas Farm Bureau encouraged the Committee to act favorably on this measure. ([Attachment 4](#))

Mike Jensen, President, Kansas Pork Producers Association (KPPA), testified in support of the proposed legislation. Mr. Jensen raised the issue of feeding garbage to swine in Kansas, stating this is an issue that should have been addressed years ago. KPPA strongly encouraged the Committee to adopt a provision to permanently ban the feeding of garbage to livestock in Kansas. ([Attachment 5](#))

Mike Beam, Kansas Livestock Association, appeared in support of the proposed legislation enhancing the state's efforts to respond to emergency disease situations. KLA endorses a more aggressive approach to the regulation of garbage feeding, and supports an amendment that completely prohibits the feeding of garbage, cooked or uncooked, to livestock. The risks associated with the feeding of garbage are too great to ignore as witnessed by the recent outbreak of FMD in Europe. ([Attachment 6](#))

The Committee raised the following questions: 1) raise the penalty from a Class A misdemeanor to a felony; 2) state payment for value of lost livestock; 3) treatment of non-domestic animals; and 4) moratorium or permanent ban on feeding of garbage.

Doug Wareham, Kansas Grain and Feed Association, and Kansas Fertilizer and Chemical Association, appeared in response to the utilization of **Sub HB 2468 - County discount program to control noxious weeds**, as a vehicle for the proposed new legislation, stating that he has been assured this legislation will be considered next session. Mr. Wareham does support the proposed legislation.

The hearing was concluded.

The meeting of the Joint House and Senate Agriculture Committees adjourned at 9:20 a.m.

The Senate Agriculture Committee continued its meeting.

Steve Williams, Secretary, Department of Wildlife and Parks, appeared before the Committee and stated that the quarantine of non-domestic animals, primarily deer, raises additional questions, such as fencing off a certain area, private property authority, and who would be shooting the animals, etc.

The Committee requested the penalty be raised to a felony; that the language ensure that federal money be completely utilized before the use of any state money for reimbursement of diseased livestock.

The Chair named a subcommittee consisting of Senators Tyson, Lee, and Schmidt to review the proposed legislation, make the suggested amendments, and report back to the full committee.

The meeting adjourned at 9:50 a.m.