

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 4, 2004, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Legislative Research Department
Gordon Self, Revisor of Statutes Office
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Justin Holstin, Executive Director, KanPERC
George Teagarden, Livestock Commissioner, Kansas Animal Health Department
Mike Beam, Senior Vice President, Kansas Livestock Association
David Cross, Lewis, Kansas (written only)
Chris Wilson, Executive Director, Kansas Dairy Association
Brad Harrelson, Associate State Director, Governmental Relations, Kansas Farm Bureau
Donn Teske, President, Kansas Farmers Union
Eric Krug, Kansas Federation of Animal Owners (written only)
Doran Junek, Executive Director, Kansas Cattlemen's Association
David Pfrang, Goff, Kansas

Others attending:

See attached list.

Leslie Kaufman, Government Relations Director, Kansas Cooperative Council, requested introduction of a committee bill to allow grain warehouses to dump grain on the ground in emergency situations. There being no objections, the Chairman so ordered.

In accordance with legislation passed last session that created the Kansas Propane Education & Research Council, Justin Holstin, Executive Director, KanPERC, submitted the Council's annual report and responded to committee questions. (Attachment 1)

Hearing on HB 2593 - Establishing animal identification program

Chairman Johnson opened the hearing on **HB 2593**. Raney Gilliland explained that this legislation would authorize and direct the Livestock Commissioner to develop and implement a program, consistent with the provisions of any federal identification program, of data collection, animal identification, and premise registration for the purpose of preventing, tracking and eradicating infectious or contagious diseases in Kansas livestock. Such program shall be called the Kansas Animal Identification Program. The bill would authorize the Commissioner to establish policies and adopt rules and regulations; hire employees; enter into agreements with federal officials, other state officials, or private industry to coordinate efforts and share records and data; establish a uniform system of data collection; and assess fees to administer the program. A civil penalty provision and an exception to the open records act are also a part of this legislation.

Mr. Gilliland called the committee's attention to the fact that there is no definition of "livestock" in the bill; that most often the legislature sets some parameters as to fees; and a reminder that it is the responsibility of the legislature to set state policy. There is a fiscal note expenditure on the bill of \$118,446, \$92,446 for salaries and \$26,000 for other operating expenditures from the State General Fund in FY 2005.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, appeared in support of **HB 2593**. He reported that a working group of approximately 70 producer representatives and 30 government officials, formed with the blessing of the United States Animal Health Association, has worked on a National Animal Identification Plan. The plan calls for a cooperative effort by state animal health departments, USDA Veterinary Services, and producers. As the plan is currently drafted, the first phase, premise identification, is to start July, 2004.

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Commissioner Teagarden reported that the United States Animal Identification Plan outlines the responsibilities of individual states as well as the federal government. State responsibilities will include premise identification, recording of intrastate movement, and collecting and forwarding to the national database records of interstate movement. The department believes current statutes give them the authority to implement an identification program in conjunction with the USDA. They requested this legislation to authorize the department to assess fees, if necessary, and to impose penalties on those who choose not to participate. Although he believes the federal government will provide funds to states for implementation, he doesn't believe this program can be implemented in Kansas without additional resources. ([Attachment 2](#))

Mike Beam, Senior Vice President, Kansas Livestock Association, testified in support of **HB 2593** to engage the state, and empower the Kansas Animal Health Department, in the implementation of the United States Animal Identification Plan. He highlighted important aspects of the national plan, included with his testimony, and discussed why KLA believes it is important for the Kansas Legislature to enact legislation during the 2004 session. Eleven species are identified in the USAIP report with the initial focus on cattle, swine, and small ruminants. He reported that the USAIP envisions three phases, the first phase involving the identification of "premises" with the recommended time frame for all states to have premise identification in place by July, 2004. Individual or group/lot identification would be required by July, 2005, for interstate movement and by July, 2006, for all cattle entering commerce (interstate & intrastate movement).

The Kansas Livestock Association believes there are significant advantages to a program that has the full support and involvement of state animal health officials. The most immediate advantage is the phase of defining, identifying, and registering cattle premises. Passage of **HB 2593** will allow the Kansas Animal Health Department sufficient time to develop and facilitate a premise registration system. He acknowledged that there would be some concerns about the possible creation of new fees to fund the initial registration phase; however, he doesn't believe the Kansas Animal Health Department can move ahead in a progressive manner without federal resources or fee revenue. The Association believes the state should be actively engaged in the inevitable implementation of such a program. ([Attachment 3](#))

David Cross, Lewis, Kansas, submitted written testimony in support of **HB 2593** to involve the Kansas Animal Health Department in the national animal identification program. He believes the most important aspects of any identification program should contain: 1) Opportunities for producer input; 2) Minimal costs to producers; and 3) Opportunities for private industry to maintain the data base. ([Attachment 4](#))

Chris Wilson, Executive Director, Kansas Dairy Association, appeared in support of **HB 2593** and a national animal identification system. The Kansas Dairy Association wants a system that allows incorporation of existing dairy animal identification systems. The Association believes it is important to give the Kansas Animal Health Department the authority and necessary tools to carry out the responsibilities it will be given from the federal government. They believe that implementation authority exists under current law, but support clarifying that through this legislation. They do believe the portion of the bill related to fee authority requires further work. ([Attachment 5](#))

Brad Harrelson, Associate State Director, Governmental Relations, Kansas Farm Bureau, offered their qualified support for **HB 2593**. Their membership is concerned about the associated costs to producers and their ability to comply with the program. They believe the costs should be shared among all others who ultimately benefit and suggest that it is appropriate for State General Fund money to be made available to apply to any state costs associated with running the program. Their members are also concerned about confidentiality of the information provided and do not support civil penalties as suggested in the bill. ([Attachment 6](#))

Donn Teske, President, Kansas Farmers Union, testified in support of creating a national animal identification program, but believes the state should wait to see what the national program will be before considering **HB 2593**. He asked that the Committee keep the rights of the private animal owner the number one priority; make sure the costs of implementing the program are distributed evenly throughout the industry; encourage implementing the Country of Origin Labeling Program at the same time; and consider administering the program through the Kansas Department of Agriculture rather than the Kansas Animal Health Department. ([Attachment 7](#))

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Eric Krug, Kansas Federation of Animal Owners, submitted written testimony in opposition to **HB 2593**, expressing concern with the financial impact to animal owners. He proposed administering the Kansas Animal Identification Program under the authority of the Kansas Department of Agriculture. (Attachment 8)

Doran Junek, Executive Director, Kansas Cattlemen's Association, spoke in opposition to **HB 2593**, stating that it is premature to implement a state program before the framework of the national animal identification program is in place. He expressed concern in regard to the hiring of additional staff, program fees, premise inspections, and the fact that it will be a closed system and will not be accessible for use in the Country of Origin Labeling Program. (Attachment 9)

David Pfrang, Goff, Kansas, appeared in opposition to **HB 2593** believing the state should wait until the federal animal identification program is in place. (Attachment 10)

Dr John Haggard, a veterinarian with the Kansas Horse Council, discussed the bill in relation to registering premises and the sale/transfer of horses.

There being no other conferees, Chairman Johnson closed the hearing on **HB 2593**.

The meeting adjourned at 5:35 p.m. The next meeting is scheduled for February 9, 2004.