

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 23, 2004, in Room 423-S of the Capitol.

All members were present.

Committee staff present:

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

Conferees appearing before the committee:

Others attending:

See attached list.

Minutes of the February 9 and 11 meetings were distributed. Members were asked to notify the committee secretary of any corrections or additions prior to 5:00 p.m., February 25, or the minutes will be considered approved as presented.

Discussion and action on HB 2593 - Establishing animal identification program

Chairman Johnson reported that the subcommittee recommends changing the title of **HB 2593** to “food safety and agriculture,” giving the livestock commissioner the authority and flexibility to develop and implement an animal identification program. This bill is intended to allow the commissioner to begin performing acts in preparation of implementation of the federal animal identification program. Such acts in preparation shall include, but not be limited to, public hearings, educational meetings, development of proposed rules and regulations, and development of infrastructure necessary for such implementation. All references to fees and enforcement have been removed from the bill. Staff was asked to outline the recommendations proposed by the subcommittee in **Substitute for HB 2593**.

Gordon Self, Revisor of Statutes Office, explained subcommittee recommendations stating that all language in the substitute bill is tied to implementation of the federal animal identification program. There is no language in the substitute bill concerning fees or civil penalties. Rules and regulations are permissive, in cooperation with the United States Department of Agriculture, to carry out and enforce the provisions of this act. Subject to appropriations therefor, the livestock commissioner is authorized to hire employees as needed. Authority for the commissioner to enter into agreements with federal agencies or officials, other state agencies or officials, or the owner of animals or such owner’s authorized agent is basically the same as the original bill. The livestock commissioner is required to form study groups representing the various animal species to be affected by this act and to include assistance from the Secretary of Agriculture. Each study group shall make recommendations to the commissioner regarding the definition of premise, appropriations and fees, enforcement provisions, and other issues related to the administration of the program. The substitute bill creates an animal identification fund in the office of the state treasurer for deposits of any federal financial aid or assistance, grants, gifts, bequests, money or aid of any kind for animal identification in Kansas.

A uniform system of data collection for the receipt and processing of all records filed with the Kansas Animal Health Department may be established by the livestock commissioner, such records to be deemed confidential and not subject to disclosure under the Kansas open records act, except as provided for in statute. Section 2 (47) of the bill states that this exception shall not apply when, in the livestock commissioner’s judgment, the sharing of such records and data with other state and federal animal health officials is necessary to carry out the provisions of Section 1.

The livestock commissioner will be required to report to the legislature by February 1, 2005, on the status of the animal identification program, including recommendations as to the definition of premise for purposes of this act, appropriations and fees necessary in administration of the program, enforcement provisions necessary in administration of the program, and any other recommendation deemed necessary to carry out the provisions of this act.

Representative Schwartz moved to adopt the subcommittee report on HB 2593. Seconded by Representative

CONTINUATION SHEET

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Powell, the motion carried. Chairman Johnson opened discussion on the subcommittee proposal.

Representative Schwartz moved to recommend **HB 2593**, as amended, favorable for passage in the form of **House Substitute for HB 2593**. Seconded by Representative Powell, the motion carried. Representatives Thimesch, Faber, and Ostmeyer requested that their “no” votes be recorded.

Discussion and action on HB 2622 - Fees collected by department of agriculture

Chairman Johnson opened discussion on **HB 2622**.

In response to watershed district representatives’ requests for elimination of fees, Representative Freeborn moved to amend **HB 2622** by eliminating the chief engineer’s \$400 field inspection fee on page 20, line 43. The motion was seconded by Representative Thimesch. David Pope, Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, explained that the \$400 inspection fee is for field work as well as paper work necessary before issuing the final water right. He reported that approximately 26 structures were inspected last year amounting to \$10,400 in fee revenue to the department. The motion failed.

Representative Feuerborn moved to recommend **HB 2622** favorable for passage. Seconded by Representative Kassebaum, the motion carried.

The meeting adjourned at 4:35 p.m. The next meeting is scheduled for March 3, 2004.