

## MINUTES OF THE HOUSE AGRICULTURE & NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 9:00 a.m. on March 12, 2012, in Room 783 in the Docking State Office Building.

All members were present except:

Representative Michael Peterson (Unexcused)

Committee Staff Present:

Randy Gilliland, Kansas Legislative Research Department

Sean Ostrow, Office of the Revisor of Statutes

Chris Sevedge, Kansas Legislative Research Department

Joyce Hladky, Committee Assistant

Conferees appearing before the committee:

Dr. Bill Brown, Animal Health Commissioner, Division of Animal Health

Mike Beam, Kansas Livestock Association

Tim Stroda, President & CEO, Kansas Pork Association

Others attending:

See Attached List.

Chairman Powell opened the floor for hearings on **SB252 rules and regulations filing act; change in notice period; agency name changes.**

Raney Gilliland provided an overview and explanation of **SB252.** The bill deals with amendments to rules and regulations filing act. Members of the legislature have bills that authorize state agencies to promulgate rules and regulations. Sometimes it is mandatory and at other times it is permissive. When state agencies do this they follow a process through the rules and regulations filing act.

This is the section of law in the bill before you today that the bill amends. Generally the state agency's promulgated rules and regulations are run through the department of administration and attorney general's office before it is published in the Kansas Register. However, once they are published there is a 60-day comment period. During this comment period is when the committee on rules and regulations reviews the rules and regulations being promulgated. During that time Mr. Gilliland writes letters on behalf of committee. Letters are written to heads of agencies on a

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## CONTINUATION SHEET

Minutes of the HOUSE AGRICULTURE AND NATURAL RESOURCES Committee at 9:00 a.m. on  
March 12, in 783-DSOB

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variety of matters. The only way that the legislature has to react is once to adopt new legislation to change the rule or regulation filed by the state agency. This deals with an intricacy within the process. Once the 60 day is completed the agency has a public hearing. During that hearing additional changes can be made to rules and regulations. If changes are substantial they would go back through the rule and regulation process through the joint committee. The problem is that normally the joint committee on rules and regulations would have 60 days to meet and review in the process. But when agency makes substantive changes on rules and regulations that have already been heard by the joint committee, then there is only a 30-day comment period. While this has not been a problem during the legislative regular session, it becomes a problem during the interim session. There was a situation last year where a state agency had some rules and regulations that were extensive and they ran them back through the process. The hearing was set for the week before the joint committee was to meet. Because I knew the department I was able to ask them to delay so as not to cause the joint committee to have to come in for an extra meeting.

Subsection C, page 5, line 23 addresses the substantive changes. The bill changes the 30-day window back to a 60-day window. The joint committee tries to meet about every six weeks during the interim to keep up with the volume of rules and regulations being promulgated and also to review the rules and regulations and to make a comment within that 60 day public comment period.

Mr. Gilliland stood for questions.

Seeing no questions Chairman Powell thanked Mr. Gilliland for his testimony.

There being no further testimony on **SB252**, Chairman Powell closed the hearings.

Chairman Powell opened the floor for informational hearings on **SB414 agriculture; amendments to animal health statutes.**

Dr. Bill Brown, Animal Health Commissioner, Kansas Department of Agriculture, presented testimony in favor of **SB414**. The bill makes several important changes to statutes related to animal health.

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The changes to **SB414** proposed by Kansas Department of Agriculture will update the animal statutes in order to:

1. Account for modern technology such as allowing the department to provide some information electronically.
2. Include bison, camelids, domestic poultry and domestic waterfowl in the definition of livestock.
3. Clarify that “kennel operator” means “boarding or training kennel operator.”
4. Make Kansas law consistent with the federal law in allowing livestock market owners to utilize bond equivalents.
5. Adjust the fine levels for misdemeanor crimes that had not been updated in recent years.

Other changes in the bill to help them better do their jobs:

1. Giving the department of authority to put in place limited quarantines to reduce the spread of animal disease.
2. Giving the Commissioner the ability to obtain injunctions and administrative search warrants, if necessary, to enforce the requirements of the acts.
3. Giving the department the enforcement authority to assess penalties for violations.

Lastly, the bill provides some additional protections for livestock producers.

The suggested changes in **SB414** update the statutes, provide the appropriate enforcement authority and improve protections for livestock producers. ([Attachment 1](#))

Mike Beam, Kansas Livestock Association, presented testimony in favor of **SB414**.

The Kansas Livestock Association is supportive of three key sections in **SB414**:

1. Amendments to animal disposal law (Section 20). Current law does not recognize “composting” as a legal means for proper disposal of dead animals. Some producers have perfected this process of composting dead animals, and Kansas Livestock Association believes it is appropriate to add this option to the list of approved practices in law.

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2. Amendments to feral swine in law (Section 40): Kansas has earned a positive reputation for controlling feral swine. The Kansas Livestock Association believes these changes will empower the animal health commissioner to be more diligent in making sure feral swine is controlled for the benefit of our domestic livestock herds, the state's natural resources, and the health of our state's rural residents.
3. Amendments to the "farm animal and research facilities protection" act (Section 41): KLA supports this section as it strengthens the Farm Animal and Research Facilities Protection Act to make it clear that "fraud, deception, or duress" do not constitute "effective consent." The change to exclude "fraud, deception, or duress" from the definition of "effective consent" clarifies that animal activist concealing their identity or lying on a job application cannot avail themselves to the defense that they were given permission to work on or enter the facility.
4. Concerns with Sections 13-16. KLA has concerns with some of the exact terms in the new language as these were the focus of considerable debate and consternation in the USDA-GIPSA rule proposed in 2010. KLA respectfully requests the Committee to defer any action on **SB414** until they have a chance to additional research and confer with stakeholders, including the animal health commissioner and the Kansas Department of Agriculture staff. (Attachment 2)

Tim Stroda, President-CEO, Kansas Pork Association (KPA) presented testimony in favor of **SB414**. The Kansas Pork Association was a proponent of the present statutes when they were put in place. The Kansas Pork Association also has been a strong proponent of the Feral Swine Control Program since its inception. The Association has also provided \$60,000 in funding to assist the program.

The KPA also supports the amendment to the Farm Animal and Research Facilities Protection Act on page 27, Section 41(e)(1). KPA believes this amendment strengthens the statutes protecting farmers from those willing to falsify records in order to gain access to farms or ranches. As we work to bring new swine operations to Kansas, these two statutes are very strong selling points for our state. (Attachment 3)

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There being no further informational testimony on **SB414**, Chairman Powell closed the hearings.

Meeting adjourned at 10:00 a.m.

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