

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR SUBSTITUTE
FOR HOUSE BILL NO. 2593**

As Agreed to April 1, 2004

Brief*

Senate Sub. for Sub. for HB 2593 would authorize the Livestock Commissioner to cooperate with the United State Department of Agriculture (USDA), other state governmental officials and representatives of private industry, and to promulgate rules and regulations, to define premises where animals are located, and to develop a premises registration system for Kansas. In the development of the system, the Livestock Commissioner would ensure that the requirements of identification of premises are consistent with the federal program and with the US Animal Identification Program; the costs and paperwork requirements for registration of premises are minimized for the registrant and the state; and the program is not duplicative of or in conflict with federal requirements.

The Livestock Commissioner would be authorized to prepare for the implementation of the premise registration program prior to implementation of the US Animal Identification Program. The acts in preparation would include, but not be limited to, public hearings, educational meetings, development of proposed rules and regulations and cooperative development with the Department of Agriculture of a proposal regarding infrastructure necessary for the implementation.

The bill would authorize the Livestock Commissioner to promulgate rules and regulations as may be reasonably necessary to implement premises registration if, prior to May 15, 2005, the USDA issues proposed or final rules for the implementation of a national animal identification or premise registration program or the Congress of the United States enacts requirements for a national animal identification and premise registration system.

*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>

The Livestock Commissioner would be authorized to employ two persons for the purpose of carrying out the provisions of the bill, subject to appropriations.

Further, the Livestock Commissioner would be authorized to enter into agreements with federal agencies or officials, other state agencies or officials or the owners of animals to coordinate efforts and share records and data systems to maximize efficiency and effectiveness.

Any data or records provided to the Animal Health Department under the bill would be considered confidential and would not be disclosed to the public. The requirement of the five-year review of closed records would not apply to these records.

Additionally, the bill would create the Animal Identification Fund, where moneys from federal financial aid or assistance, grants, gifts, bequests, or aid would be remitted.

The bill would require the Livestock Commissioner to form study groups representing the various animal species to be affected by the provisions of the bill. The study groups are to include representatives of each species and are to be assisted by the Secretary of Agriculture. Each study group would be required to make recommendations to the Commissioner regarding the definition of premise, fees necessary in administration of the program, necessary enforcement provisions, and any other issue related to the program.

The Livestock Commissioner would be required to prepare a report by February 1, 2005 to the Legislature. The report would include recommendations for the Commissioner as to the definition of premise for purposes of the program, appropriations and fees necessary in administration of the program, enforcement provision necessary in administration for the program and any other recommendations deemed necessary by the Commissioner.

The provisions of this portion of the bill would expire on May 15, 2005.

Further, the bill would provide that, for livestock prepared and inspected in Kansas according to the appropriate Kansas or federal law, there will be a rebuttable presumption that the producer of such livestock met the standard of ordinary care for injuries, illness, or any

type of damage or economic loss suffered from the consumption of a meat food product. In no event will the producer be held to a standard higher than that of ordinary care.

In addition, the bill would provide that on and after July 1, 2004, the nine members of the Kansas Animal Health Board would be appointed by the Governor for terms of three years. Members would be appointed as follows: one member to be a licensed dog or cat breeder; one member being a licensed veterinarian; one member representing auction markets; one member representing the swine industry; one member representing the dairy cattle industry; and three members representing the beef cattle industry. The bill would provide a process to transition to the direct appointment of the members of the Board by the Governor.

Conference Committee Action

The Conference Committee agreed to the Senate amendments to the bill, except that the Conference Committee:

- ! removed the preamble language of the Senate version;
- ! clarified that the Livestock Commissioner is to have authority to promulgate rules and regulations to define "premises;"
- ! adopted new language authorizing the Commissioner to prepare for the implementation of premise registration prior to implementation of the federal program including, but not limited to, public hearings, educational meetings, development of proposed rules and regulations and cooperative development with the Department of Agriculture of a proposal regarding infrastructure necessary for implementation;
- ! limited to no more than two additional employees for the Animal Health Department;
- ! provided that notwithstanding the five-year review of closed records in the Open Records Act, the records collected under this bill would remain confidential;
- ! added a House provision requiring the formation of study groups; and

! made other technical amendments.

Background

The original bill was introduced at the request of the Livestock Commissioner. Appearing in support of the original bill at the hearing was the Livestock Commissioner, a representative of the Kansas Livestock Association, and a representative of the Kansas Dairy Association. Also appearing in support of the bill was an individual from Lewis. The Livestock Commissioner explained that animal identification was a topic that had been discussed for several years among animal health officials. He stated that in order to trace animal disease, there is a need to be able to identify individual animals and have a system that enables tracking the animal's past history. The Commissioner stated that in late December of 2003, the U.S. Secretary of Agriculture announced that the U.S. Animal Identification Program would be put on a fast track. He noted that the discovery of BSE in the U.S. prompted that announcement.

The Senate substitute bill was brought to the Senate Agriculture Committee by the Chairperson of the Committee.

The Senate Committee of the Whole amended the bill to provide for direct appointment of the members of the Kansas Animal Health Board by the Governor.