

SESSION OF 2005

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2053**

As Agreed to March 30, 2005

Brief *

HB 2053 would amend the section of law authorizing the Livestock Commissioner of the Kansas Animal Health Department to implement a premise registration and animal identification system. The bill would make the following modifications:

- Add tribal officials to the groups of individuals with which the Livestock Commissioner is authorized to cooperate with in the development of a premise registration and animal identification and tracking system;
- Clarify that the authority of the Livestock Commissioner is for the implementation of a voluntary animal identification and tracking system or premises registration system;
- Remove the sunset date of May 15, 2005, to make the authority of the Livestock Commissioner permanent;
- Require a report by the Livestock Commissioner to the Legislature by February 1, 2006, on the status of the state and federal voluntary premise registration and animal identification and tracking systems; and
- With respect to the subsection dealing with disclosure, make any records or data "obtained" in addition to "provided" confidential;
- Provide that the rules and regulations promulgated by the Livestock Commissioner regarding the voluntary premises registration and the national animal identification and tracking system be only those authorized by federal requirements; and

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- Provide that the study groups created under the law be allowed to make recommendations regarding the development of the voluntary premises registration or animal identification and tracking system.

In addition, the bill would amend several sections of law dealing with the costs, fees, and expenses associated with animals taken into custody or destroyed because of contagious or infectious diseases. With respect to unpaid costs, fees, and expenses associated with taking animals into custody, the bill would make the State of Kansas responsible, or if funds were available from the federal government, then those funds would be used. Under current law, counties would be responsible. Another section of law dealing with destroyed animals, other than dogs, would make the Livestock Commissioner responsible for appraisal and would delete the requirement that the appraisal be done in conjunction with the chairman of the county board of county commissioners where the animals were destroyed. In these cases, under current law, the county would have paid for one-half of the appraised value. The bill would amend this section to provide that the State would pay the owner the amount owed unless payment or indemnity for the domestic animal may be obtained from the U.S. government. In addition, the bill would delete a provision where one-half of the appraised value would have been paid. Finally, the bill would eliminate language that currently requires a report of the value of animals destroyed if they are affected with foot-and-mouth disease to go to the local board of county commissioners and requires the county to pay for the animals destroyed or to be destroyed. The bill would require the State of Kansas to pay unless indemnity is available from the federal government.

The bill would take effect upon publication in the *Kansas Register*.

Conference Committee Action

In Conference Committee, the House conferees agreed to the Senate amendments to the bill, with the following exceptions:

- Eliminate the Senate amendment which would have made the intentional disclosure of data or records a class C misdemeanor;

- Make technical amendments to clarify and make consistent the provision dealing with the quarantine authority of the Livestock Commissioner in terms of the fees, costs, and expenses.

Background

This bill was introduced at the request of the Livestock Commissioner. At the hearing on the bill, the Livestock Commissioner testified that the State of Kansas had been granted a pilot project by the U.S. Department of Agriculture and that the pilot project was progressing. He testified that his agency had begun registering premises in December of 2004. He told the Committee that the bill would allow his agency to go forward on the issue of voluntary animal identification and premise registration.

Also appearing in support of the bill was the Secretary of Agriculture and representatives of the Kansas Farm Bureau and the Kansas Livestock Association. Proponents with some concerns included representatives of the Kansas Farmers Union and the Kansas Cattlemen's Association. There were no opponents to the bill.

The House Committee on Agriculture amended the bill to delete the language dealing with county payment or appraisal of diseased animals or the payment of fees associated with animals capable of communicating infectious or contagious diseases.

The Senate Committee on Agriculture amended the bill to:

- Clarify in the section dealing with taking animals into custody that all references apply to fees, costs, and expenses in order to make the provision consistent;
- Make the intentional disclosure of confidential data or records a class C nonperson misdemeanor;
- Add data or records "obtained" in addition to those "provided" to the section making data or records confidential;
- Clarify that the rules and regulations promulgated by the Livestock Commissioner be limited to the extent authorized by the federal requirements; and

- Give additional authority to the study groups to make recommendations regarding the development of the voluntary premises registration or animal identification and tracking system.

The Senate Committee of the Whole amended the bill to eliminate a provision which would pay owners of certain domestic animals needing to be killed or disposed of one-half of the appraised value and replaced the language with a provision which would require the state to pay the amount owed to the owner for the animals unless payment or indemnity may be obtained from the U.S. government.

The fiscal note on the original bill states that the bill would make technical adjustments, so no fiscal effect would occur for the Kansas Animal Health Department. It goes on to state that the animal producers in the state would experience some fiscal effect in purchasing the necessary animal scanner tags for their livestock, if they choose to participate in the program.