

SESSION OF 2003

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 131**

As Agreed to April 2, 2003

**Brief \***

SB 131 would amend a section of law dealing with definitions relating to the regulation of sources of potential water pollution. Specifically, the bill would provide that in determining the number of animal units present at a livestock market that the average animal units sold by the market during the past five calendar years would be divided by 365. This animal unit figure could be adjusted if the livestock market submits documentation that the amount of time in 24-hour increments or partial 24-hour increments that the animals are at the market warrants the adjustment.

In addition, the bill would set annual permit fees for truck washing facilities for animal wastes as follows:

- ! for a private truck washing facility for animal wastes with two or fewer trucks, the fee would be not more than \$25;
- ! for a private truck washing facility for animal wastes with three or more trucks, the fee would be not more than \$200; and
- ! for a commercial truck washing facility for animal wastes, the fee would be not more than \$320.

Further, the bill would make modifications in the definition section of the Kansas Meat and Poultry Act. Specifically, the bill would modify the definition of the term "livestock" to exclude from the term buffalo or domesticated deer slaughtered for sport or recreational purposes.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org/klrd>

## **Background**

Under current rules and regulations of the Kansas Department of Health and Environment (KDHE), some public livestock markets are required to obtain a Kansas Agricultural and Related Waste Control Permit Application if the facility has an average weekly capacity of 300 or more animal units and is used more than one day a week. According to testimony, about 14 public livestock markets in the state have water pollution control permits.

At the hearing on the original bill before the Senate Agriculture Committee, proponents included representatives of the Manhattan Commission Co., the Fort Scott Livestock Market, Inc., and the Kansas Livestock Marketing Association. Several of the proponents of the bill argued that public livestock markets do not operate like confined feeding facilities and therefore should not be regulated as if they were. Another proponent argued that his facility was to be regulated on the “potential” of pollution when pollution had never occurred.

Opponents to the original bill included representatives of the KDHE and the Kansas Water Environment Association. The spokesperson from KDHE stated the pollution potential from a livestock market is significant and that the Department had addressed this source of potential pollution since the 1970's through the wastewater permit program. The spokesperson from the Kansas Water Environment Association stated that public livestock markets are short-term confined feeding facilities which have the potential to contribute significant quantities of pollutants into the waters of the state.

The House Committee on Agriculture amended the bill to eliminate the amendatory language of the original bill and to provide that in determining the number of animal units present at livestock markets would be the total annual number of animal units at the market divided by 365. This number could be reduced if the livestock market demonstrates that the amount of time in 24-hour increments or partial 24-hour increments that the animals are at the market is different.

The House Committee also amended the bill to establish fees for truck washing facilities dealing with animal wastes.

The Conference Committee modified the language pertaining to the requirements for permitting a public livestock market, lowered the fee for a permit for the smallest category of truck washing facility from \$100 to \$25; and added the language of SB 135 which deals with buffalo and deer taken for sport or recreational purposes.

The fiscal note on the bill states that the Department of Health and Environment believes that the bill would require regulatory changes that would include operating expenditures; however, the amount of the operating expenditures would be negligible and could be absorbed within existing resources.