

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 a.m. on February 24, 2009 in Room 545-N of the Capitol.

All members were present except:

Senator Terry Bruce- excused
Senator Tim Huelskamp- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Corey Carnahan, Kansas Legislative Research Department
Jason Thompson, Revisor of Statutes Office
Kristen Kellems, Revisor of Statutes Office
Judy Seitz, Committee Assistant

Conferees appearing before the Committee:

Barb Hinton, Legislative Post Audit (LPO)
George Teagarden, Livestock Commissioner, Kansas Animal Health Department (KAHD)
Mike Beam, Senior Vice President, Kansas Livestock Association (KLA)
Gary Reser, Vice President, Kansas Veterinary Medical Association (KVMA)
Jim Reed, President, Kansas Dairy Association (KDA)
Tim Stroda, President-CEO, Kansas Pork Association (KPA)
Heather Donley, Chairman, Kansas Animal Health Board (KAHB)
Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau (KFB)
Mike Samples, Kansas Livestock Marketing Association (KSLMA)
Tom Bruno, Kansas Pet Professionals

Others attending:

See attached list.

Chairman Taddiken opened the hearing on **SB 231 - Transferring the powers and duties of the animal health department and state conservation commission to the department of agriculture.**

Barb Hinton, Legislative Post Audit (LPO), presented neutral testimony on **SB 231** (Attachment 1). She noted that her appearance as a neutral does not mean they do not support the audit report. This audit was conducted as part of the LPO Committee's initiative to focus more of the audit work on efficiency and cost savings issues. Ms. Hinton noted that based on the work performed and on discussions with officials from the Kansas Department of Agriculture (KDA), it was estimated that Kansas could save at least \$710,000 a year in operating efficiencies by merging the two agencies with the KDA. About \$630,000 of the savings would come from eliminating or restructuring management positions.

Ms. Hinton took questions.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department (KAHD) presented testimony in opposition to **SB 231** (Attachment 2). He believes the KAHD would better serve the livestock industry as a stand alone agency with a Commissioner who answers to the Kansas Animal Health Board (KAHB) which is made up of producers that represent the various species of livestock. Mr. Teagarden said the KAHD has implemented some efficiencies suggested by Legislative Post Audit. Included in his written testimony are responses to the post audit recommendations. He offered to stand for questions.

Mike Beam, Senior Vice President, Kansas Livestock Association (KLA), presented testimony in opposition to **SB 231** (Attachment 3). He said the position of the livestock commissioner requires certain skills, knowledge and commitment which should receive as high a level of compensation as possible. Some of the proposed savings by LPO would lower salaries for some top-level positions at the KAHD. Mr. Beam also stated that **SB 231** would take away the responsibility of the KAHB to direct the Livestock Commissioner and the agency. This bill would designate the Secretary of Agriculture as the person responsible for appointing the position of Livestock Commissioner.

CONTINUATION SHEET

Minutes of the Senate Agriculture Committee at 8:30 a.m. on February 24, 2009 in Room 545-N of the Capitol.

Gary Reser, Vice President, Kansas Veterinary Medical Association (KVMA), appeared in opposition to **SB 231** (Attachment 4). He said the core mission of the KAHD is to control and eradicate infectious and contagious livestock diseases. The KAHD also ensures the public health, safety and welfare and enhances the economic viability of the Kansas livestock industry. The KVMA is concerned that swift and effective response would be diminished due to expanded organization flow charts and increased supervisory levels after the merger.

Jim Reed, President, Kansas Dairy Association, testified in opposition to **SB 231** (Attachment 5). He said the regulatory certainty of a small agency is good for producers since it allows producers to continue managing their operations without having to change practices following an election. The small size of the KAHD also allows the agency to respond in a timely and effective way to issues of concern from the producers. Mr. Reed also noted that the KAHD is made up of industry representatives and directs the agency's functions.

Tim Stroda, President-CEO, Kansas Pork Association (KPA), presented testimony in opposition to **SB 231** (Attachment 6). He said the members of the KPA understand an effort to increase efficiency and cut costs in state government. He said that any measure taken to save money cannot jeopardize the quality or safety of pork products. Mr. Stroda said that Kansas pork operations provide food for the world and the KAHD has been a valuable partner in ensuring the safety of their products.

Heather Donley, Chairman, Kansas Animal Health Board (KAHB), appeared in opposition to **SB 231** (Attachment 7). She said the board's function is to advise and direct the livestock commissioner in policies, procedures and budget expenditures that affect their businesses everyday. The Board meets quarterly and has conference calls when important issues arise that need immediate attention. Under the proposed **SB 231** the Board would lose the ability to provide direction of the animal health department to focus on important livestock issues and companion animal regulations. Ms. Donley recognized the Board members: Lonnie, Busch, Vincent Traffas, Brice Guttery, Steve Estes, James Reed, Ken Grecian and Tom Frederick in attendance and Opal Featherson, who was not in attendance.

Brad Harrelson, State Policy Director, Governmental Relations, Kansas Farm Bureau (KFB) testified in opposition to **SB 231** (Attachment 8). He said that the KFB's main objection is the abolishment of the KAHD and merging into the KDA. He also stated that the KFB feels that with the significance of the livestock industry in Kansas that an agency which is narrowly focused and limited in scope is best suited to protect the livestock health, safety and welfare. The KFB questions the need to "fix something when it isn't broken."

Mr. Harrelson said the Committee should seriously consider the wisdom of combining the conservation programs with an agency tasked with regulatory enforcement. He offered to stand for questions.

Mike Samples, Kansas Livestock Marketing Association (KSLMA), testified in opposition to **SB 231** (Attachment 9). He said the livestock industry has to have fast and accurate answers when needed and are currently receiving that with the KAHD. He is also very concerned about the functions of the KAHD if merged with the KDA. Mr. Samples said he is available for questions.

Tom Bruno, Kansas Pet Professionals (KPP), appeared in opposition to **SB 231** (Attachment 10). The KPP is the state's trade organization for pet breeders and distributors. He said that during the early 1990's, the reputation of the pet industry in Kansas was hurt by reports in the national press about puppy mills in Kansas. The KPP strongly supports the KAHD's efforts and regulations and feels that their success is dependent upon the effectiveness of the department and the program. Mr. Bruno offered to stand for questions.

Written testimony in opposition to **SB 231** was provided by:

John Donley, President, Kansas Agricultural Alliance (Attachment 11)

Midge Grinstead, Director, Lawrence Humane Society (Attachment 12)

Carol Stubbs, Executive Director, Helping Hands Humane Society, Inc., (Attachment 13)

Chairman Taddiken said there is a group who e-mailed their support of **SB 231** and when that letter is received copies will be distributed to the Committee.

CONTINUATION SHEET

Minutes of the Senate Agriculture Committee at 8:30 a.m. on February 24, 2009 in Room 545-N of the Capitol.

Ms. Hinton took questions.

Mr. Reed also answered questions.

Discussion on **SB 231** will continue tomorrow.

The next meeting is scheduled for February 25, 2009.

The meeting was adjourned at 9:30 a.m.

SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2-24-09

NAME	REPRESENTING
CV Cotsoradis	KDA
BRAD HARRISON	KFB
Mary Jane Stankiewicz	KARA
Debra Duvall	KATHI
George Teagarden	KATD
Old Smith	KDA Washburn
Emily Buat	Washburn
Tina Albers	Washburn
Elise Richardson	Washburn
Mike Beam	Ks Livestock Assn.
Tim Strode	Ks Pork Association
George Teagarden	KATD
Widge Christead	Lawrence Humane Society
Mark Christead	↓
Carol Steubos	Helping Hands Humane Soc.
Stacy Hersick	Helping Hands Humane Soc.
George	KAN. VETERINARY MED. ASSN.
Pat Lehman	KACD
Greg Foley	SCU

John Kottwitz
 Sean Miller
 Tonia Martin

KPA
 CAPITAL STRATEGIES
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Testimony for the Senate Agriculture Committee on SB 231

Barb Hinton, Legislative Post Auditor

February 24, 2009

Mr. Chairman and members of the Committee, thank you for allowing me to appear before you on behalf of the Legislative Post Audit Committee regarding SB 231.

As you know, this bill would implement recommendations made in our December 2008 performance audit, *Agriculture-Related Agencies: A K-GOAL Audit Determining Whether Cost Savings Could Be Achieved By Making the Animal Health Department and the Conservation Commission Part of the Department of Agriculture*. The Post Audit Committee voted to introduce this legislation at its December 18 meeting as a starting point in the policy discussion of whether to merge these agencies into the Department of Agriculture.

This audit was conducted as part of the Committee's initiative to focus more of our audit work on efficiency and cost savings issues. Such audits can help identify ways to change how programs or agencies are structured or operated, so that *essentially the same thing can be accomplished using fewer resources, or existing resources can be used more productively*. In the case of potential mergers, such as the ones proposed in SB 231, resources often can be reduced because larger agencies are more highly automated, or already have existing central administrative support staff in place who can absorb additional duties (economies of scale).

Because we presented this audit to your Committee earlier this session, I won't discuss the findings again today, but I have presented a brief summary of the audit findings below:

Kansas is one of only six states that doesn't place any of its animal health oversight or conservation grant functions within its Department of Agriculture. The remaining 44 states have varying degrees of those functions placed under their Department of Agriculture. Based on the work we performed and on our discussions with officials from the Department of Agriculture, we estimated Kansas could save at least \$710,000 a year in operating efficiencies by merging the two agencies with the Department of Agriculture. We think the savings could be even higher in the future if changes are made to increase the use of technology and automation. [These two agencies combined spent about \$1.9 million in SGF dollars in FY 2008, \$1.8 million in fees and transfers, \$1.3 million in federal funding, and \$15.2 million in State Water Plan dollars. Their total expenditures that year were about \$20.1 million.]

About \$630,000 of the savings would come from being able to eliminate or restructure management positions, eliminate a federally funded emergency management specialist position and transfer those duties to the Homeland Security Specialist position at the Department of Agriculture, and eliminate 9 support positions. The duties of those 9 support positions would not be needed because the Department of Agriculture's inspection process is highly automated, and it has existing accounting or administrative support staff that could absorb some additional duties.

All programs would be transferred to the Department in our analysis. We did not eliminate any field staff, and only one of the currently funded professional or technical staff positions directly related to those programs (noted above) would be cut. Agency officials expressed concerns about restructuring, but we think those issues could be overcome. We also noted other opportunities for improving how efficiently these agencies operate, including changing from annual licensing to multi-year licensing, and fully automating various processes, such as inspection reporting, grant application, licensing, and permitting.

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Attachment 1

Legislation to make the Animal Health Department a division of the Department of Agriculture was introduced in 2005 and again in 2008. The possibility of moving the Conservation Commission also was discussed in a Legislative Post Audit report in 1996, and was studied by the Governor's Transition Team in 2003. These reviews showed that such moves were feasible.

Besides the broad policy decision related to merging the Animal Health Department and Soil Conservation Commission into the Department of Agriculture, our audit identified several other policy issues or steps the Legislature would need to address if the merger takes place, as follows:

- **determining the roles of the applicable Boards (State Conservation Commission, Pet Advisory Board, and Animal Health Advisory Board).** Currently, the State Conservation Commission and Animal Health Advisory Board are policy-making boards, and each has the power to hire and fire their respective agency directors. Under this bill, the directors of the divisions of animal health and conservation would both be appointed by and serve at the pleasure of the Secretary of Agriculture, as other division directors are. Both boards would become advisory.
- **if these boards become advisory, determining who they would become advisory to.** Under this bill, they would be made advisory to the Secretary of Agriculture. However, they could be made advisory to the directors of the divisions of animal health and conversation.
- **ensuring that fees generated by one agency don't subsidize another.** Sections 6 and 12 in this bill attempt to do that.
- **determining whether any of the specific powers currently given to the Livestock Commissioner or the Executive Director of the Conservation Commission would stay with those positions if they become division directors.** For example, the Livestock Commissioner currently is statutorily responsible for the State's response during a livestock disease emergency. This bill would transfer such responsibilities to the Secretary of Agriculture. However, certain powers could remain with either of these positions (just as current law gives certain powers to the Chief Engineer of the Department of Agriculture, not to the Secretary).

I'd be happy to answer any questions you may have.

STATE OF KANSAS
Kansas Animal Health Department

George Teagarden, Livestock Commissioner

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February 24, 2009

Senate Agriculture Committee

Chairman Taddiken and Members of the committee,

I am George Teagarden, Livestock Commissioner, Kansas Animal Health Department. I appear before you today in opposition to Senate Bill 231. As you know, this bill would abolish the Kansas Animal Health Department and transfer the authorities, duties and funding to the Kansas Department of Agriculture. The current employees would become employees of the KDA if the Secretary chooses to keep the positions.

The Post Audit study that was commissioned this past year recommended this move due to the savings, in their minds, that could be captured. We all understand the financial condition of the State of Kansas and realize that budget efficiencies should be considered. I think it is wise to consider the long term effects of any consolidation of government; effectiveness should be considered. The dollar savings identified by the Post Audit Division, may or may not be realized. The effectiveness of our department was not considered in the audit.

The Kansas Animal Health Department was formed in 1884 because of animal disease concerns. Disease control and eradication remains our core mission today.

The department is a fiscally conservative agency and yet able to accomplish our mission successfully. We have eliminated swine and bovine brucellosis, tuberculosis and pseudorabies from Kansas livestock. We have implemented a Johne's Disease control program in cattle and sheep, a Chronic Wasting Disease monitoring program in our domestic cervid industry, a Scrapie eradication program in sheep and goats, an Emergency Animal Disease Plan and have in place the foundation for a National Animal Identification System. We have an effective kennel inspection program which is used as a national model for other states and a state brand division. When there has been a disease issue, suspected or proven, we have responded in a timely, efficient manner, to protect the livestock industry of our state.

The Kansas Animal Health Board guides our department. The nine member board consists of active industry members. They represent each of the primary livestock species and the pet animal industry. Our department has a very good working relationship with the industry, in part because we are guided by industry representatives. I view our agency as a service agency,

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Attachment 2*

protecting our multi-billion dollar industry from diseases that would affect the marketing opportunities and options for our producers.

As the Livestock Commissioner, I work with every State Veterinarian in the United States. It has been my observation that the animal health functions that are part of a bigger, multi-level agency, are slower to respond to disease outbreaks because of the added bureaucracy that is inherent in cabinet level agencies.

I strongly believe that a smaller agency, guided from the grassroots level can be more effective than a division of a larger, politically guided agency. A change in the State's administration has a domino effect on agency programs and the effectiveness of those programs. Priorities change within agencies every time leadership changes.

The Kansas Animal Health Department's priorities are control and eradication of diseases of livestock and domestic animals, maintain an effective brand registration program and a kennel inspection program that addresses the health, safety and welfare of the companion animals produced in the state. These priorities have not changed in 125 years.

Mr. Chairman, I will stand for questions.

**STATE OF KANSAS
KANSAS ANIMAL HEALTH
DEPARTMENT**

George Teagarden, Livestock Commissioner

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February 3, 2009

Agency response to PERFORMANCE AUDIT REPORT
Agriculture Related Agencies – December 2008

Post Audit Recommendations for Executive Action:

To help ensure efficient and effective operations, the Animal Health Department should:

- a. Formalize all verbal agreements with the USDA by entering into written agreements that outline each party's duties and responsibilities concerning animal disease control inspections and any other pertinent matters.**

Agency Response:

The KAHD and USDA, Veterinary Services (VS) have formal cooperative agreements on all of our joint ventures except for our field staff areas of responsibility and our staffing of the State/Federal Laboratory.

The Kansas Area Veterinarian in Charge previously indicated he will not sign a document that binds their department to our staffing arrangement. Federal employees are often platooned to other states for emergency work and, like us, are subject to budget cuts so he will not sign anything that would tie them to duties in Kansas. KAHD will pursue this avenue again, including a memorandum of understanding that recognizes USDA may need to temporarily suspend its cooperative agreement in the case of an emergency in other states.

Explanation of Job Duties and the State/Federal working relationship:

State/Federal Brucellosis Laboratory:

Two KAHD laboratory technicians work with six federal employees at the state/federal brucellosis laboratory, which is run under the direction of USDA, VS. This arrangement has been in place for over 13 years. The laboratory processes tests for infectious and contagious livestock diseases in this state.

Field Staff Areas of Responsibility:

In the case of the field staff, the five livestock inspectors and three veterinarians employed by KAHD work hand- in- hand with four USDA veterinarians. To accomplish this, we have divided the state into seven regions. Two regions are covered by USDA veterinarians who work alone in their areas. In each of the other five regions a livestock inspector is paired with either a state or federal veterinarian. All field people do the same work and each group works under the direction of the Commissioner and the Kansas Area Veterinarian in charge. As far as we know this arrangement is unique to our state. At one time, the USDA, VS office had animal health technicians that worked in the two areas which are currently being handled alone by two USDA, VS veterinarians. Those positions were cut by USDA management at the federal level.

Our employees have worked under this arrangement for 15 years. It usually works well but sometimes we do not have enough veterinarians to cover every contingency field work requires. On a few occasions federal employees from other states have assisted us – at no cost to our agency. In 2003, we had 20 to 30 federal employees from other states join our staff to help TB test 85,000 dairy cows in a 30 day time-frame. We have in turn helped with two or three federal emergencies. The federal government reimbursed the KAHD for our costs.

This sharing of field forces has made the state and the federal government more efficient in our field operations and has saved the state of Kansas thousands of dollars.

- b. Develop written policy manuals describing the processes and actions that all of the Department's inspectors should take.**

Agency Response:

Animal Facility Inspectors: *Our animal facilities inspectors have a 50 + page policy manual that acts as a guide for inspections of facilities licensed, or required to be licensed, under the Kansas Pet Animal Act. Rules and regulations support these policies. Inspectors also use a form inspection sheet which specifies which areas of compliance they should evaluate. The Inspectors have been routinely drilled in inspection policies since at least 1998. This policy manual is a*

“living document” and revisions and additions are constantly being made.. An index has been added and final revisions (suggested at the last staff meeting by animal facility inspection program staff) have been included.

Livestock Inspectors: The title “livestock inspector” is a misnomer. They are, in reality, animal health technicians. Their primary responsibilities include working with our veterinarians in the testing of suspect animals and/or herds, tracing animals for disease control purposes and, yes, inspecting livestock markets, feedlots, disposal plants and trucks when not working on disease matters. Again, their primary responsibility is disease control; their secondary responsibility is inspections of facilities. When they do inspect facilities they use a standard form inspection sheet that is self explanatory.

Brand inspectors: The work of our contract brand inspectors is pretty much cut and dried. They work on an “as needed” basis and inspect cattle to insure they are branded with a registered brand. Under Kansas law, a registered brand is personal property. If there are questions regarding the legitimacy of the brand, the owner must provide proof of ownership. If they can't the animal cannot be sold at a livestock market or shipped out of the inspection county.

Brand Investigators: Brand investigators are law enforcement trained. They assist sheriffs and other law enforcement officials in recovering lost or stolen livestock. They receive annual training and certification hours as required by law.

- c. Develop guidance and criteria for determining whether a facility passes or fails an inspection. Separate guidance will need to be developed for each of the agency's programs.**

Agency Response:

Animal Facilities Inspection Program: An inspection “score card” to determine whether a facility has passed or failed its inspection is currently in use.

Animal Disease Control Program: Because of the variances in livestock production systems across the state, I have found it difficult to develop a written document that will fit all operations that we inspect. Our livestock facilities that are required by law to be licensed are inspected, following law, rules and regulations that primarily speak to the welfare of the animals. Our theft investigators, misclassified in the report, assist local law enforcement with livestock thefts and missing livestock. Although the investigators are duly licensed law enforcement officers, we let the local authorities take the lead in these activities. We are open to suggestions and help in developing policy documents for the disease control and brand functions of our department that fit all of the variables in livestock production.

- d. Develop a written plan which would implement a risk-based inspection model for the Companion Animal Facility Inspection program. Such a plan would provide guidance on the frequency of inspections for various facilities, how the results of federally-conducted inspections for certain establishments affect inspection-frequency standards, and the like. In turn, this plan should be used to develop a realistic model for the number and type of staff needed to carry out the program.

Agency Response:

Our companion animal facility inspection program does have such a plan and it has been in existence for at least five years, perhaps longer. It is always considered in the budgeting process. The requests for additional inspectors (included in our budget for the last seven years) have always been based on the number of inspectors it would actually take to inspect our licensees and to handle 350+ complaints a year. These numbers are based on the inspection schedule that was established when the program was implemented.

The Pet Animal Act was primarily developed to allow the state to take responsibility for regulating commercial (USDA licensed) kennels located in our state. For that reason, we do our own inspections of these facilities. USDA inspection reports are utilized to "flag" problem facilities and to determine the season an inspection is due. If, for example, the USDA inspects a facility in the winter, the KAHD inspector will try to inspect it in the summer.

For the last several years we have used risk-based inspections. The number and frequency of inspections depends on license category, past performance of the facility and complaints. The table below depicts current inspection strategies and inspections that would occur if we were fully funded and staffed.

	<u>Risk based Inspections being used now.</u>	<u>Inspections as they should be</u>
Risk Based (in current use)	All inspected on initial application and complaint	All inspected on initial application and complaint
v. Routine Inspections	18 - 24 months if routinely pass inspections. We make appointments if it is an initial inspection or licensee has passed 2 or more inspections in a row.	Appointment for initials only.

<u>LICENSE CATEGORY</u>	<u>IN PLACE NOW</u>	<u>IF WE WERE FULLY STAFFED</u>
Animal Breeder and Distributor	Once a year	State once a year & USDA once a year
Retail Breeder (USDA licensed)	Once a year	State once a year & USDA once a year
Retail Breeder (not USDA licensed)	Twice a year	Twice a year
Hobby Breeder 10 or more	complaint	Once a year
Hobby Breeder 10 or fewer animals	complaint	Complaint
Pet Shop	Twice a year (check records)	Twice a year
Pound and Shelter	Twice a year (check records)	Twice a year
Animal Rescue	complaint	Once a year
Group Foster Home	complaint	Once a year
Foster Home	complaint	Complaint
Boarding and Training	complaint	Once a year
Doggie Daycare	complaint	Once a year
Re-inspections	re-inspections range from 24 hours to 6 months.	re-inspect 60 days or less

e. Evaluate the benefits of moving from an annual licensing process to a multi-year licensing process.

We do register brands for a 5 year period (\$ 9 per year). We believe that multi-year licensing of companion animal facilities, feedlots, markets and disposal facilities would create a financial hardship on producers and such a proposal would meet with great resistance. In some cases this could amount to several thousand dollars. We will review our licenses and pursue multi-year licensing if feasible. Such a move would require several statutory changes.

f. Evaluate the benefits of computerizing various processes, such as inspection reporting, licensing and permitting. By moving from a paper-oriented process to one that makes use of modern technology, it is likely that many hours of staff time could be freed up.

Agency Response:

Disease Control Inspection Program. We agree! The KAHD wants to move towards more electronic transfer of information. We will move to electronic transfer of our inspection reports and do so to a certain extent at this time. A large volume of our paper work is in certificates of veterinary inspection. All veterinarians in the state have had electronic health papers as an option for the

last four years but most practitioners have not chosen the electronic method. While we don't want to force veterinarians to go paper-less, we hope, through education, that they will eventually embrace this change.

Technology takes capital investment, money that we have not had at our disposal. Systems are being developed that will allow private practitioners and our disease control staff to read electronic identification devices, complete vaccination and test charts and report those actions to our office and the appropriate federal office electronically. We embrace modern technology and will move forward as our budget allows; we are not sure how to move livestock producers along with us.

Animal Facilities Inspection Program: We are experimenting with laptop generated reports by having inspectors type their inspection reports on their computers, printing copies for the licensees and then e-mailing the reports to the office when they get home or to a hotel. Primary concerns at this point are time (re-writing the notes they have already made as they walk along), cramped, uncomfortable writing conditions (using laptops in their state issued trucks) battery life, protecting the laptops and printers from extreme heat and cold and the legal issues generated by not having the licensee sign the inspection report.

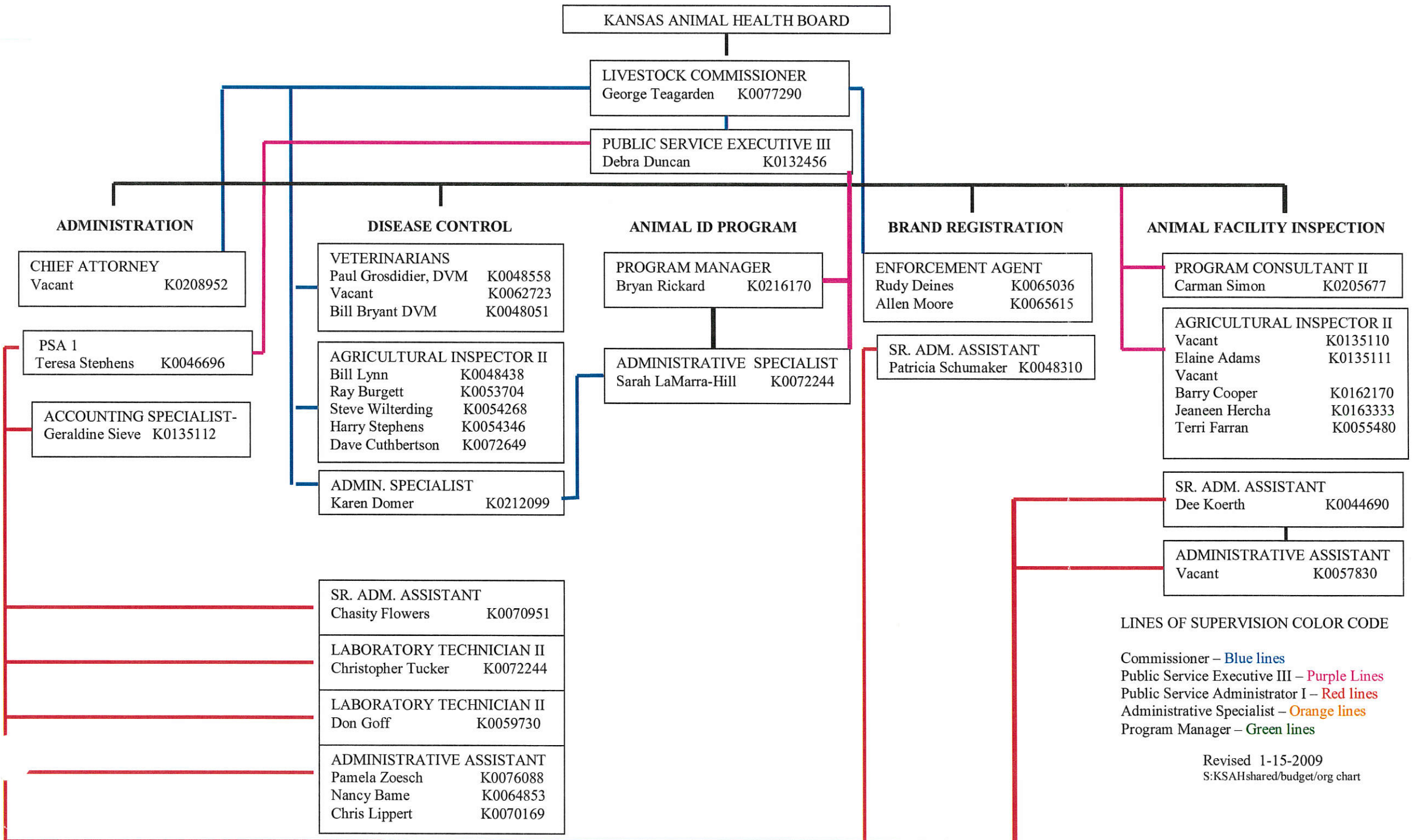
- g. Compare, as its office lease agreement expires, the amount of office space the agency has been renting to the Department of Administration's recommended space standards. The agency should either make the necessary adjustments to meet the standard or seek an exemption from the Department of Administration.**

Agency Response:

The lease on our current space was and is approved by the Department of Administration. The Facilities Management Division developed our floor plan to maximize staff efficiency. We were not informed by D of A that we needed to apply for an exemption. By my calculations, using Post Audit's figures, the KAHD has an excess of 80 square feet.

KANSAS ANIMAL HEALTH DEPARTMENT ORGANIZATION CHART

2-9



LINES OF SUPERVISION COLOR CODE

Commissioner – Blue lines
 Public Service Executive III – Purple Lines
 Public Service Administrator I – Red lines
 Administrative Specialist – Orange lines
 Program Manager – Green lines

Revised 1-15-2009
 S:KSAHshared/budget/org chart



Since 1894

TESTIMONY

To: The Senate Agriculture Committee
Sen. Mark Taddiken, Chairperson

From: Mike Beam, Sr. Vice President

Date: February 24, 2009

Subject: **Senate Bill No. 231**

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing approximately 5,500 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf and stocker production, cattle feeding, dairy production, grazing land management and diversified farming operations.

The Kansas Livestock Association (KLA) is opposed to SB 231. We believe there is merit in leaving the Kansas Animal Health Department and State Conservation Commission (SCC) as two separate agencies. While we have concerns about abolishing SCC, I will direct most of our comments to the Legislative Post Audit proposal to fold KAHD into the Kansas Department of Agriculture (KDA).

Estimated cost savings of SB 231

It's not surprising the Legislative Post Audit report projected a savings by abolishing two state agencies and merging their responsibilities into a larger state agency. The economies of scale allow larger businesses as well as governmental agencies to spread fixed costs to reduce output expenses. It's important, in this case, to take a close look at the ramifications of the proposed merger. Let's discuss some of the key assumptions in the report's recommendations that lead to savings from KAHD's current expenditures.

The report projects a savings of \$48,000 by eliminating an agency head position and one deputy position. One must conclude this savings would be made by lowering the salaries of two current, top-level positions within KAHD. Administering an agency responsible for regulating health programs for over 35,000 owners of beef cattle, dairy, swine, sheep, and goats is a vital task for a state employee.

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Attachment 3*

The Livestock Commissioner is expected to have:

- Considerable knowledge of the livestock industry and animal diseases.
- An ability to manage a \$2.6 million budget and manage an agency of 30 or more employees.
- A commitment to attend numerous local, state, and national meetings among producers and regulatory officials.
- The skills to convince a producer that costly herd testing or a quarantine order is essential for controlling a specific disease.
- An ability to collaborate with state and federal officials in interstate movement regulations for livestock. *(KAHD is able to coordinate with federal officials in Kansas, which reduces the number of KAHD employees needed to meet its obligations.)*
- The communication skills to interact with state and federal lawmakers.

Our state's livestock industry is a major economic factor in the Kansas economy. The health of our state's livestock herds is an awesome responsibility. KLA believes it is inappropriate and ill advised to reduce the compensation for the state's top animal health official as suggested in the Post Audit report.

The most significant savings suggested by the report, in regards to KAHD expenditures, is the elimination of six (6) administrative-support positions. This recommendation for \$241,000 in savings appears to be based on the assumption that KDA staff can absorb these responsibilities and that greater efficiencies are generated with advance technologies. Do we really know that this transition can be made without a sacrifice in services? It's also important to note that KAHD is pursuing technologies that can reduce paper work and staffing needs. This change, however, does require start-up resources and time to adopt.

Role of Animal Health Board

Perhaps the most significant policy change in SB 231 is the role of the Kansas Animal Health Board. While the LPA recommendation would continue an advisory role of this appointed board, their responsibility for directing the Livestock Commissioner and the agency is invalidated. Current law stipulates the Livestock Commissioner serves at the pleasure of the Animal Health Board.

SB 231 would take away this responsibility from the board and designate the Kansas Secretary of Agriculture as the person responsible for appointing this position. KLA is opposed to this change. This board represents a cross-section of individuals who have a personal financial stake in the mission of KAHD. I contend this board has taken this role seriously and the livestock industry is best served with an administrator that reports to a non-political body unconcerned with the political whims of an election.

The structure proposed in SB 231 is much like the administrative positions of key personnel at USDA. When a new administration is elected it usually means a re-shuffling of agency positions and new individuals are appointed, regardless of their track record, competency and commitment to the job at hand.

We contend the administrator of the state's animal health agency should be a stable position, whose career depends on his or hers success in fulfilling the duties of the agency.

I might add this structure is prevalent in other regulatory agencies in Kansas. The following state regulatory agencies operate with an appointed board, whose director serves at their pleasure:

- Board of Accounting
- Behavioral Sciences
- Board of Healing Arts
- Board of Examiners in Optometry
- Board of Pharmacy
- Kansas Dental Board
- State Board of Technical Professions
- Board of Nursing
- Board of Mortuary Arts

The responsibility for an appointed board to hire and fire the director of a state agency is a consistent policy within current law. We contend this is a good policy, and it should continue to apply to the Kansas Animal Health Department and State Conservation Commission.

In conclusion, KLA sincerely believes KAHD and SCC should continue as stand alone agencies with the current responsibilities assigned to the Animal Health Board and State Conservation Commission. We encourage this committee to not recommend SB 231 favorably.

Thank you, I'd be happy to respond to questions at the appropriate time.



816 SW Tyler, Suite 200, Topeka, KS 66612-1635 ■ (785) 233-4141 ■ FAX: (785) 233-2534

**Testimony
Senate Agriculture Committee
Presented by Kansas Veterinary Medical Association
Tuesday, Feb. 24, 2009**

Senator Taddiken and members of the Senate Agriculture Committee, thank you for the opportunity to appear today on behalf of the Kansas Veterinary Medical Association (KVMA) and testify in opposition to S.B. 231.

The Kansas Veterinary Medical Association (KVMA) advocates on behalf of the Kansas veterinary profession through legislative and regulatory representation and educational, communications, and public awareness programs.

The KVMA respectfully requests Committee members to vote “no” on S.B. 231.

As you know, the core mission of the Kansas Animal Health Dept. is to control and eradicate infectious and contagious livestock diseases. Additional critical goals of the KAHD are to ensure the public health, safety, and welfare, and enhance the economic viability of the Kansas livestock industry.

The KVMA feels that the KAHD has done an excellent job in meeting these objectives.

The KAHD reports directly to a nine-person board representing stakeholders, including producers, breeders, veterinarians, and the general public, who are very committed to realizing the successful completion of the Department’s missions.

This arrangement keeps the Department focused on the task at hand and, at the same time, allows it to respond effectively in times of urgency because of a minimum of reporting requirements and departmentalization.

The KVMA is concerned that swift and effective response would be diminished due to expanded organization flow charts and increased supervisory levels after the merger.

The KAHD track record in food animal disease prevention has been exceptional and is largely because of timely action and positive results facilitated by KAHD autonomy.

The KAHD’s excellent animal identification and emergency planning programs since 1998 is the product of being sensitive to its food animal constituents and being efficient

(Over)

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with its smaller, independent agency approach.

With the growing concern with bio terrorism post 9/11, the KVMA feels now is not the time to jeopardize the opportunity for continued KAHD success in this area by altering its organizational structure.

Th KAHD staff works in close cooperation with United States Department of Agriculture Animal and Plant Health Inspection Agency, Veterinary Services (USDA APHIS, VS). This relationship has proven to be extremely beneficial and productive in the face of animal disease issues.

Sustaining this working relationship is vital to protecting the Kansas livestock industry and it could possibly be compromised if a merger occurs.

Once again, the KVMA respectfully requests Committee members to vote "no" on S. B. 231.

Respectively submitted,

A handwritten signature in cursive script that reads "Gary Reser". The signature is written in black ink and is positioned above the typed name.

Gary Reser,
KVMA vice president



Kansas Dairy Association

Kansas Dairy Commission

Providing a unified voice for Kansas dairy farmers

To: The Senate Agriculture Committee
Sen. Mark Taddiken, Chairperson

From: Jim Reed, President

Date: February 24, 2009

Subject: **Senate Bill No. 231**

The Kansas Dairy Association opposes SB 231 for several reasons.

The Animal Health Department is a small agency that is not subject to the drastic changes in personnel or policies following an election. The regulatory certainty is good for producers since it allows producers to continue in managing their operations without having to constantly change practices following elections. The agency's small size allows it to respond in a timely and effective way to issues of concern from the producers. The possible addition of political factors in decisions made by the agency would have a harmful impact on the livestock professionals in this state.

The importance of the current structure of the KAHD cannot be overlooked. The Kansas Animal Health Board, which is made up of industry representatives, directs the agency's functions. The Board also keeps the agency focused on issues that affect the industry the agency serves. The board's representatives cover many species and segments of the industry to assure us that dairy farmers will have input into the agency's direction and focus.

I appreciate the opportunity to testify today and I would urge the committee to reject SB 231 and any similar bills that propose to weaken the Kansas Animal Health Department and the important role it plays in Kansas agriculture.

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Senate Agriculture Committee

Testimony in opposition to Senate Bill 231

By Tim Stroda
President-CEO
Kansas Pork Association

February 24, 2009

Mr. Chairman, members of the Committee, I am Tim Stroda. I represent the members of the Kansas Pork Association.

Senate Bill 231 has been brought to your attention as a means to increase efficiency and cut costs within our state government. Our members well understand this effort as they have been dealing with their own budget shortfalls. In 2008, Kansas pork producers sold about three million head of market hogs. Pork producers lost an estimated \$20 on each hog they sold. In one year, our industry has lost about \$60 million in equity.

As you can imagine, producers are using every cost-saving technique available. However, pork producers also understand that any measures taken to save money cannot jeopardize the quality or safety of our products.

As you face this decision, our members ask that you utilize a similar policy.

The Kansas Animal Health Department has a long history of providing quality service to the Kansas livestock industry. The Department has worked closely with our industry to eradicate contagious diseases such as swine pseudorabies. Pork producers are also very appreciative of the ongoing feral swine control work. The Department also serves as our first line of response against a foreign animal disease outbreak.

Kansas pork operations provide food for the world. The Kansas Animal Health Department has been a valuable partner in ensuring the safety of our products.

Our members respectfully ask you to vote "no" on SB 231.

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KANSAS ANIMAL HEALTH BOARD

708 SW Jackson
Topeka, KS 66603-3714
785-296-2326

February 24, 2009

Senate Agriculture Committee

Chairman Taddiken and Members of the committee,

I am Heather Donley, Chairman of the Kansas Animal Health Board. I appear before you today in opposition to Senate Bill 231. My husband and I operate a 200 head cow/calf operation near Ellsworth and I also am the director of quality assurance for the Beef Marketing Group. The Beef Marketing Group is a cooperative of fifteen feedlots in Kansas and Nebraska. I oversee the development and implementation of value-add programs such as source and age verification for Japan, NHTC, Natural, and food safety initiatives.

The current structure of the Kansas Animal Health Board is such that the governor appoints a producer from each of the following livestock groups: dairy, beef, auction markets, veterinarians, pork, and small animals. The board's function is to advise and direct the livestock commissioner in policies, procedures, and budget expenditures that affect our businesses everyday. The board meets quarterly and has conference calls when important issues arise that need our immediate attention.

Under proposed bill 231 the board will lose the ability to provide direction of the animal health department to focus on important livestock issues and companion animal regulations. The department has functioned this way since 1884 and has eliminated swine and bovine brucellosis, tuberculosis, and pseudorabies. Additionally, they have implemented an effective Johne's disease control program in cattle and sheep, a chronic wasting disease monitoring program, scrapie eradication, emergency animal disease program and national animal identification system. All of these diseases if not controlled could cause tremendous financial hardship to our livestock producers.

The small size of the Kansas Animal Health department allows it to respond timely and effectively to disease control, prevention, animal identification, companion animal regulation, and other emerging livestock issues. Our mission remains the same "To ensure economic viability of the state's livestock production through livestock identification, emergency preparedness, disease prevention, control and eradicate infectious disease and regulate kennel inspection"

I would like to introduce our board members that have come today to show their support for the Kansas Animal Health Department.

Lonnie Busch – Beef

Opal Featherston – Companion Animal

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Vincent Traffas, DVM – Veterinarian
Brice Guttery – Beef
Steve Estes – Auction Market
James Reed – Dairy
Ken Grecian – Beef
Tom Frederick – Swine

I am proud to serve with these members who have been very conscious about the producers they represent. The board and I welcome any questions from committee members or the public.

Respectfully,
Heather Donley



PUBLIC POLICY STATEMENT

SENATE COMMITTEE ON AGRICULTURE

RE: SB 231 – an act merging the Kansas Animal Health
Department with the Kansas Dept. of Ag.

February 24, 2009
Topeka, Kansas

Testimony provided by:
Brad Harrelson
State Policy Director
KFB Governmental Relations

Chairman Taddiken, and members of the Senate Committee on Agriculture, thank you for the opportunity to appear today and offer testimony on SB 231. I am Brad Harrelson, State Policy Director—Governmental Relations for Kansas Farm Bureau. KFB is the state's largest general farm organization representing more than 40,000 farm and ranch families through our 105 county Farm Bureau Associations.

Kansas Farm Bureau is opposed to SB 231 and asks you to reject it. In 1884 the Kansas Legislature created what is now known as the Kansas Animal Health Department. Its mission is to ensure the public health, safety and welfare of Kansas citizens and enhance the economic viability of the state's livestock production through livestock identification, emergency preparedness, disease prevention, and control and eradication of infectious and contagious livestock and domestic animal disease in the state of Kansas. This mission has helped to support and sustain one of Kansas agriculture's largest economic sectors, indeed one of the entire states. We believe an agency that is narrowly focused and limited in scope is best suited to protect the states livestock health, safety and welfare.

Given the importance of the industry and the proven history of the Animal Health Department in its oversight, we question the need to "fix something when it isn't

Kansas Farm Bureau represents grass roots agriculture. Established in 1919, this non-profit advocacy organization supports farm families who earn their living in a changing industry.

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broken". Clearly, our members believe in limited and efficient government, but the arguable savings suggested by the 2008 Post Audit study seem inconsequential. In fact, we have concerns that the savings suggested, if realized, may have little impact on government efficiency and place the livestock industry at unnecessary risk.

While Kansas Farm Bureau has full confidence in the Kansas Department of Agriculture and its ability to promote and regulate Kansas Agriculture, we have serious concerns about the certain strain on its limited resources and focus to assume the statutory duties of two entirely new state agencies. These concerns are compounded by the very real expectation under this structure that the role of the Animal Health Department will be further subject to the politics of political appointments and changing administrations. Under current statutory organization the industry has a significant role in the selection, performance, and stability of the Commissioner and its duties with significant legislative oversight. While the current administration clearly understands the importance of livestock production in Kansas, future administrations may fail to understand its magnitude or share the same priorities.

Finally, agricultural producers and all Kansans benefit from the valuable, voluntary conservation programs administered by the State Conservation Commission. We respectfully ask the committee to seriously consider the wisdom of combining these programs with an agency tasked with regulatory enforcement.

In conclusion, Kansas Farm Bureau respectfully urges your recommendation to not pass favorably SB 231. Thank you, once again, for the opportunity to appear before you and share the policy of our members. KFB stands ready to assist you as you consider this measure. Thank you.

Senate Agriculture Committee Hearing on SB 231, a bill abolishing the Kansas animal health department and creating the animal health division within the Kansas department of agriculture.

February 24, 2009; 8:30 a.m.; Rm. 545-N

Testimony of the Kansas Livestock Marketing Association, presented by Mr. Mike Samples, Farmers and Ranchers Commission Co., Inc.; Salina, KS

Mr. Chairman and members of the Committee, the Kansas Livestock Marketing Association (KSLMA) appreciates the opportunity to express our views on SB 231, a bill transferring the functions of the Kansas Animal Health Department to the Department of Agriculture. I am Mike Samples, manager of Farmers and Ranchers Livestock Commission Co., Inc. located in Salina, KS and a member of KSLMA.

The KSLMA opposes bringing the functions and authority of the Animal Health Department, or AHD as I'll refer to it in my testimony, under the management of the state's Department of Agriculture. I do not need to remind this Committee of the importance of the livestock industry to the economy of the State. This is a point that is reinforced with you everyday as members of the Agriculture Committee.

It is because the livestock industry and health of the state's animal herd is so important to Kansas that we should not fool with what is not broken. The AHD, formed 40 years ago, has been a model for other states in managing animal disease control programs; animal facility inspection, such as livestock markets; and brand inspection.

While it is understandable that the legislature would wish to find efficiencies in tax-payer funded state programs, particularly during current difficult economic times, the relatively minor efficiencies resulting from moving AHD functions to another agency is not great enough, in our view, to disrupt a well-managed program with a direct link to the constituency it serves.

Budget cuts by the AHD over the next several budget cycles are already expected. Thus, we would be very concerned about moving AHD employees into the Department of Agriculture and possibly lose highly qualified, trained animal health inspectors and veterinarians to senior agriculture department employees with no animal disease control experience or knowledge. We would much prefer to take our chances on any budget cuts within an independent AHD than see them lumped together with another agency.

The industry-directed Board of Animal health is today intimately involved in establishing and advising the Animal Health Commissioner on animal disease regulatory policy. We are very concerned that, if these functions are absorbed into a larger multi-tasked Agriculture Department, the close animal health stakeholder involvement enjoyed with AHD will disappear and be replaced by more bureaucratic program influenced by those with less knowledge and interest in livestock/animal health issues. Again, why take a chance on changing something that is already working very well for all concerned,

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particularly when there is no guarantee of real savings or efficiencies in making the change.

We particularly like that there are not multiple layers of bureaucracy and decision making under the state's current animal health management scheme. Currently a stand-alone AHD provides livestock producers and markets with a direct line of support and attention to their animal health/disease problems as well as the rapid response so critical in an animal disease outbreak. We can not afford to have that direct line to AHD broken or even slightly diminished by moving the state's animal health functions into the Department of Agriculture.

There are many ways to achieve administration efficiencies within AHD whether it is to share financial management and human resource functions with the Department of Agriculture, without abolishing this extremely important agency and absorbing it into the Department of Agriculture. Thus, we strongly urge the Committee not move this bill forward and allow an agency dedicated specifically to the state's all-important livestock industry continue under its present organizational format.

Thank you. I'm happy to answer your questions.



Bruno & Associates

To: Senate Agriculture Committee

From: Tom Bruno

Re: Senate Bill 231

Chairman Taddiken & Committee Members:

I am Tom Bruno and I am here representing the Kansas Pet Professionals, the state's trade organization for pet breeders and distributors. The Kansas Pet Professionals strongly oppose SB 231.

The members of KPP have expressed significant concern about moving the responsibilities of the Kansas Animal Health Department to the Kansas Department of Agriculture. The KPP has a high level of respect and trust in KAHD's leadership and the leadership's willingness to work with the industry to ensure the proper oversight and regulation for long term viability for the industry.

During the early 1990's, the pet industry in Kansas was hurt by reports in the national press about puppy mills in Kansas. Since that time, the industry has worked hard to rebuild its reputation. If KAHD is moved, the members of KPP are concerned that Kansas will once again become the target of animal rights activists. We have seen the states that surround Kansas become the target of bills from groups that would jeopardize the industry if the proposals were enacted. We don't want that to happen in Kansas and if the KAHD is merged with KDA, it could be viewed by some organizations as an opportunity to close down the industry.

The KAHD is currently able to respond quickly and effectively to issues that arise in the pet animal industry, whether it is a response to a disease issue, humane care, handling standards, or distribution issues. The KPP has seen how the lack of an active and effective regulatory agency has been harmful to breeders in other states.

We feel that it is in the best interest for the Kansas pet industry, Kansas' reputation and the Kansas economy that the Animal Facilities Inspection Program is not hindered in anyway especially by combining it with any other department. Attached to my testimony is only a small sample of the many legislative issues that other states are facing. Kansas does not encounter these challenges because we have a very effective program that works. The Program has been instrumental in the success of the Kansas professional pet industry. It has changed the reputation Kansas had as a "puppy mill" state to a model state which does what's best for the animals. There are hundreds of Kansas families who depend on their kennel for their livelihood. Millions of dollars flow into the Kansas economy, each year from other states, which supports many jobs and Kansas families. The amount of money to be saved is so minimal in comparison the amount of money we risk losing if the pet industry is damaged.

The Kansas Pet Professionals feel our future success is dependent on the effectiveness of the Animal Facilities Inspection Program.

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PetAlert

February 3, 2009
(CO HB 1172)

THE PET INDUSTRY'S UNIFIED VOICE

COLORADO TO AMEND BREEDER LICENSING LAW LIMITING POSSESSION TO 25 DOGS

**** Hearing Set for February 4th ****

The Issue.

With only a single day's notice, the Colorado House Committee on Agriculture, Livestock & Natural Resources has scheduled a hearing on a bill to amend the Pet Animal Care Facilities Act. Breeders licensed under this act are required to comply with standards of care for their animals. **House Bill 1172** would amend that law to prohibit breeders from keeping more than 25 unsterilized dogs over the age of six months on their premises." **PIJAC urges every person concerned about this legislation to take immediate action.**

The Impact.

This measure would add only a few, but very significant, provisions to the existing licensing law. The prohibition against keeping more than 25 unsterilized dogs on premises licensed under the Pet Animal Care and Facilities Act would not encompass dogs that are "temporarily boarded" for a fee or some other form of compensation, and does not include dogs under the age of six months. HB 1172 also includes the following amendments:

- No breeder may breed any dog unless a veterinarian first certifies the dog is in suitable breeding health, and that certification must be obtained annually for each dog.
- The Department of Agriculture is given authority to adopt rules relative to the requirement for annual veterinary certification of breeding dogs, including "minimum criteria and standards."
- Existing permissive authority to deny or revoke licenses is made mandatory, and in addition to conviction of a cruelty law as a basis for losing a license, a plea of not guilty will result in the loss or denial of a license.

There is no correlation between the size of a breeding facility and the quality of care provided to dogs in that facility. This bill would penalize good, caring breeders who are in full compliance with (and even exceed) all legal standards. It would drive taxpaying businesses out of business or out of the state, increase unemployment, and provide NO corresponding benefit to pet animals or to the people of Colorado.

If the legislature passes a bill limiting pet dealers to possession of 25 dogs, why not then pass a bill limiting possession of reptiles or small animals!?!



PET INDUSTRY JOINT ADVISORY COUNCIL (PIJAC)
1220 19th Street, NW, Suite 400, Washington, DC 20036
Phone 202-452-1525, 800-553-PETS, Fax 202-293-4377

10-2



PetAlert

THE PET INDUSTRY'S UNIFIED VOICE

February 2, 2009
(NE L 241, 588, 677)

NEBRASKA TO CONSIDER BILLS REGULATING DOG BREEDERS-DEALERS; LAW WOULD BAN OWNERSHIP OF MORE THAN 75 DOGS

**** Hearing Set for February 3rd ****

The Issue.

The Nebraska legislature's Committee on Agriculture has, on very short notice, scheduled a hearing for three bills that will impact those who breed or sale dogs in the state. Legislative Bill 241 amends the Commercial Dog and Cat Operator Inspection Act (Act), primarily with enforcement provisions. Legislative Bill 588 establishes a new statutory warranty covering retail purchasers of dogs. And Legislative Bill 677, also amending the Commercial Dog and Cat Operator Inspection Act, would **prohibit any breeder from keeping more than 75 unaltered dogs over the age of four months.**

The Impact.

Legislative Bill 677

This measure offers several changes to existing standards in the Act.

- No licensee may, after April 1, 2010, renew their license if the breeder owns, possesses, controls or has custody of more than seventy-five unaltered dogs over 4 months of age at any time;
- Housing facilities must be sufficiently ventilated to minimize odors, drafts and ammonia levels, and to prevent moisture condensation. Housing facilities must also be equipped with a smoke alarm and have some means of fire suppression, as well as sufficient lighting "to observe dogs."
- Food and water receptacles must be readily cleaned and sanitized. Potable water that is free from debris must be accessible by dogs at all times.
- Unaltered dogs must receive veterinary exams annually and female dogs also prior to breeding. No dogs may be used for breeding if not between the ages of 18 months and 8 years, and female dogs are permitted to whelp only once per year.
- Ear cropping, tail docking, debarking, surgical births and euthanasia must be done by a veterinarian.
- Primary enclosure flooring must have flat slats that are no less than three-fifths of an inch in width and spaces that are no more than half an inch in width. Primary enclosures may not be stacked.
- Primary enclosures must be cleaned daily, and dogs removed during cleaning.
- All dogs in an enclosure must be compatible, with vicious dogs housed separately, and breeding females or females with litters housed separately



PET INDUSTRY JOINT ADVISORY COUNCIL (PIJAC)
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10-3



ILLINOIS CONSIDERS NEW DOG BREEDER LICENSING LAW LIMITING POSSESSION TO 20 DOGS

**** Hearing Set for February 10th ****

The Issue.

Companion bills introduced in both the Illinois House and Senate creating the “Dog Breeder License Act” would impose comprehensive new requirements on breeders, as well as restrictions on pet stores selling dogs. House Bill 198 and Senate Bill 53 mandate licensure and establish criminal penalties for violators. **The bill also limits to 20 the number of adult dogs a breeder may own.**

The Impact.

LICENSING

These bills call for all dog breeders in the state to obtain licensing through the Illinois Department of Financial and Professional Regulation Division of Professional Regulation (Division). The act states that anyone who owns more than three breeding females and sells their offspring must be licensed, but simply defines a “dog breeders” as “any person who is, or should be licensed under the Dog Breeder License Act”.

Applications for original licenses must be in writing, signed by the applicant and come with a nonrefundable fee, to be determined. The application may include information pertaining to facility location, description of facilities, present and previous business connections, bank and personal references, whether or not the applicant has had any previous state licenses revoked relating to handling dogs and cats and if the applicant is a convicted felony. Applicants will also be required to submit their fingerprints to the Illinois State Police for a criminal history record check.

A person is **ineligible** for licensure if he or she has been convicted of any of the following:

- A felony under any Section of the Humane Care for Animals Act;
- Dog fighting;
- Sexual conduct or sexual contact with an animal; or
- A criminal offense in another jurisdiction of the United States that is substantially similar to any of the offenses listed here.

Also, if a person owns two or more dog breeding physical facilities that are separated by ¼ mile or more each facility must be licensed separately.





OREGON BILL TO IMPOSE RESTRICTIONS ON DOG DEALERS - LIMIT POSSESSION TO 25 DOGS

**** HEARING SET FOR FEBRUARY 23rd ****

The Issue.

With little notice, the Oregon House Consumer Protection Committee set a hearing on legislation that would place restrictions on persons selling dogs, create a statutory warranty right for persons buying dogs, and prohibit anyone from having more than 25 adult dogs at a time. This bill would impact breeders, pet stores, and anyone else qualifying as a pet dealer.

The Impact.

Oregon House Bill 2470 would **prohibit any person from possessing, controlling or having charge of 25 intact dogs over the age of 4 months.** It would also establish a number of requirements for pet dealers in the state. A "pet dealer" is defined by the bill as anyone selling or offering to sell, exchanging or bartering more than 20 dogs or more than three litters of dogs (whichever is greater).

Pet dealers would be prohibited from selling a dog that:

- Was not examined by a veterinarian in the preceding 30 days;
- Has any clinical sign of infection or parasitic or communicable disease; or
- Has any disease or congenital or hereditary defect requiring hospitalization.

When selling a dog, pet dealer would be required to provide information about the origin of the animal, registration information, and health information, as detailed by the bill.

The legislation also provides for a warranty to purchasers of dogs that are veterinarian-certified within 30 days of sale to have an illness or condition adversely affecting its health, or to have died from such a condition, that existed at the time of sale. The warranty would also apply to congenital or hereditary conditions that are certified by a veterinarian within two years after the buyer acquires the dog. Remedies include an exchange or refund for the animal in addition to reimbursements for veterinary fees incurred attempting to treat the animal.

The bill does include certain protections for the pet dealer, including the right to challenge a questionable claim.



Kansas Agricultural Alliance

800 SW Jackson St. Ste, 1300 Topeka, Kansas 66612, 785.234.4535 Fax 785.234.0278



TESTIMONY

To: The Senate Agriculture Committee
Sen. Mark Taddiken, Chairperson

From: John Donley, President

Date: February 24, 2009

Subject: **Senate Bill No. 231**

The Kansas Agriculture Alliance (KAA) is an alliance of organizations representing agricultural interests in Kansas.

Good morning Mr. Chairman and members of the committee, my name is John Donley, and I am the current president of the KAA. The KAA has taken a policy position to oppose the proposed merger of the State Conservation Commission and the Kansas Animal Health Department into the Kansas Department of Agriculture that is contained in SB 231.

The citizens of Kansas are better served by maintaining the current governmental structure of these two entities. The current make up of both entities allows for an efficient manner of governance that is guided by the affected citizens of Kansas. By merging these agencies into the Department of Agriculture, much of that governance structure would be skewed to the whims of the politically appointed Secretary of Agriculture.

The KAA strongly supports the testimony of the other agricultural organizations testifying in opposition to this legislation, and concurs in those comments. It is important to note that while all members of the KAA may not have a policy position on this bill, none of the members dissented to having the KAA have an official position on SB 231.

If you have any questions regarding this testimony, please contact me at any time.

Thank you.

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Lawrence Humane Society, Inc.

P.O. Box 651 • Lawrence, Kansas 66044-0651

Testimony – SB 231
Senate Agriculture Committee
February 24, 2009

Senator Taddiken and members of the Committee, thank you for the opportunity to appear before you today. I am here to support the Kansas Animal Health Department and the Kansas Pet Animal Act. I am opposed to SB 231.

I have been the director of the Lawrence Humane Society for the past 12 years. The Society is a not-for-profit 501 c (3) organization that is a licensed shelter through the Kansas Animal Health Department. We are currently the only non-profit shelter in the state of Kansas that investigates all of the cruelty and neglect complaints for our entire county, averaging 500 cases per year. In the past twelve years, that I have been involved with the Lawrence Humane Society, we have seen a dramatic decrease in the amount of puppy mills and hoarders in our county as a direct result of the Kansas Animal Health Department.

In the early nineties the animal inspection program was created as a result of complaints from consumers and the general public regarding the horrendous conditions found in facilities throughout our state. Our shelter has received hundreds of animals from the Kansas Animal Health Dept. and I can tell you that all of them were in great need of care. Even with medication and veterinary support, some died. I've seen everything from animals that were starved almost to death to animals whose fur was matted to the skin causing huge open sores. This department continually and effectively handles facilities that are not in compliance with the Kansas Pet Animal Act.

The legislative Post Audit Committee requested a performance audit of this program on March 7, 2002. They found that of the 36 recommendations resulting from the 1990 audit, most either had been implemented or no longer appeared to be relevant. In a survey conducted in 1990 of out-of-state purchases of pets that were bred in Kansas facilities, 41% stated that Kansas bred animals had more health problems than pets bred in other states. In 2002, only 3% stated that Kansas bred animals had more health problems than pets bred in other states. In 2004, as a member of the Governor's Advisory Panel for Companion Animal Legislation, I sent a survey regarding fee increases, inspections and multiple license facilities to all shelters, pounds, rescues and animal control agencies in our state. A total of 36% responded. Of those, 69% favored an increase in their own fees to assure that the Kansas Animal Health Department would be able to continue the important work that they do.

The state of Kansas has been a leader and role model in the area of animal welfare since the formation of the Kansas Pet Animal act and their department. The Kansas Animal Health Department has continued to maintain consistency in insuring that the Kansas Pet

Animal Act is adhered to by all licensed facilities in the state of Kansas. Eliminating this department or moving it to a department that has already failed in this area would not only be detrimental to the animals, but to the general public and economy as well.

It is clear that this program is doing the job that it was intended to do, which is to ensure the health, safety and welfare of Kansas pet animals, as well as to improve the image of the state of Kansas. This program not only benefits the animals but helps breeders bring in millions of dollars in revenue to our state every year. Kansas is a leader in the pet industry solely because of this program.

As a volunteer at Helping Hands Humane Society in the seventies, I saw first hand what happens when no one is held accountable. Animals suffer, and businesses die. One thing is certain, without the help of the Kansas Animal Health Department, shelters, pounds, rescue groups and animal control agencies across the entire state would be completely over-whelmed with animal overpopulation, and animal diseases.

I strongly urge the Committee to oppose SB 231. Thank you for your time in allowing me to appear today and share my views with respect to this vital issue. If you should have any questions, I would be pleased to answer them to the best of my ability.

Midge Grinstead
Director Lawrence Humane Society
Board Member Humane Kansas Legislative Network
2001-2004 Member Governors' Advisory Panel for Companion Animal Legislation
2000 Graduate Law Enforcement Training Academy Columbia, Mo.

SENATE BILL NO. 231

Helping Hands Humane Society opposes the passage of Senate Bill 231 that would abolish the Kansas Animal Health Department and make it a division of the Department of Agriculture.

The KAHD provides a vital service to the animals and citizens of the State of Kansas by inspecting and licensing breeding facilities, pet stores, shelters, rescue groups, homes that foster animals and individuals harboring more than nineteen animals. Kansas has long been known as a "puppy mill" state and over the years the KAHD has made great strides to shut down substandard breeders and have saved countless animals from existing in unbelievably inhumane conditions. Helping Hands, along with many other shelters across the state, take in animals that the KAHD have rescued from these facilities so we see first hand the appalling conditions of these dogs that have not had any veterinary care, have not had adequate food or water, are so matted that sometimes their movement is restricted and they have not been socialized with people. Thousands of animals have been saved because the KAHD is a smaller agency and able to respond quickly to disease or kennel emergencies. Their staff is well trained and professional and because they have a very strong inspection program, Kansas is no longer considered one of the top "puppy mill states" in the nation.

The KAHD not only regulates animal facilities, they also provide guidance as well as support during disasters. Several years ago when Helping Hands was advised to evacuate the shelter because of the possibility of flooding, Debra Duncan loaned us crates to help us transport our animals. Luckily, the flood waters did not come, but the KHDA staff agreed that we couldn't take a chance with the welfare of our animals. They also spent days helping rescue the animals in Greenburg after their devastating tornado as well as other disasters in the state.

Our fear is that the Kansas Animal Health Department will be swallowed up by the Department of Agriculture and will not be allowed to continue the excellent work they have done for years by being the state's watchdog for the companion animals. The Department of Agriculture has no experience in regulating small animals and this program may not be a priority and priorities could change with the change of administrations. We do not want the animals of Kansas to suffer because the KAHD is caught up in the bureaucracy of a large agency. We need a strong Animal Health Department to continue the fight for animal welfare.

Carol B. Stubbs
Executive Director
Helping Hands Humane Society, Inc.
2625 N.W. Rochester Road
Topeka, Kansas 66617
785 233-7325

*Senate Agriculture Committee
2-24-09
Attachment 13*