



Dear Chairman Hoffman and Members of the Committee:

I'm Kelly Kultala, Executive Director of the Humane Society Legislative Fund of Kansas. HSLF of Kansas is a political advocacy organization dedicated to improving animal welfare.

Today I appear before you in opposition to HB 2477, which significantly increases licensing fees on shelters and other licensees under the Kansas Pet Animal Act.

As legislators, you strive to make sure that government programs are fair, effective, and accountable. Likewise, you are the watchdog for taxpayers who fund these programs. For many years, the legislature rejected increasing licensing fees like those proposed in HB 2477. Even more recently, after hearings and debate, the legislature again rejected raising licensing fees on shelters to correct the substandard performance of the Animal Facility Inspection (AFI) program. Increasing fees on shelters now would contradict past and current legislative decisions.

HSLF of Kansas opposes HB 2477 for these reasons:

- **It rewards an ineffective, inefficient program with more money.** In order to justify increasing license fees to run the AFI Program, the KDA **must first close inspection loopholes.** Today the AFI program does not charge licensees who fail inspections and require re-inspections for those services. In addition, the program does not charge licensees who are no shows for inspections and require re-inspections. Non-compliant licensees deplete program resources. Today there are no financial consequences for these behaviors. Enforcement penalties are necessary for an effective inspection program.
- **It unfairly raises fees on animal shelters and rescues.** These organizations already shoulder the financial burden in their communities from the overpopulation of companion animals. Shelters exist to care for homeless animals, including strays and those who have been abandoned or mistreated by their owners. Shelters and rescues improve the quality of life in our communities by keeping these animals off the streets and by finding loving homes for adoptable pets. Shelters and rescues are *not* a compliance problem.
- **This bill short circuits legislative actions already taken to evaluate the performance of the AFI program.** Last summer, Kansas Senators Dan Kerschen, Marci Francisco, and Mary Jo Taylor sponsored a bipartisan request for a Legislative Post Audit (LPA) to evaluate the AFI program. The audit request was unanimously approved by the Legislative Post Audit Committee, and the report will be available in June 2018. The audit will determine if the AFI program is adequately funded and

managed to efficiently and effectively carry out its mandate. A copy of the audit proposal is attached.

In closing, please oppose HB 2477, and postpone any legislative action until you have studied the Legislative Post Audit report. Thank you.

Kelly Kultala
Executive Director
Humane Society Legislative Fund of Kansas

AUDIT PROPOSAL

Department of Agriculture: Evaluating the Animal Facilities Inspections Program

SOURCE

This audit proposal was jointly requested by Senator Marci Francisco, Senator Mary Jo Taylor, and Senator Dan Kerschen.

BACKGROUND

In 2011, Executive Order 40 reorganized the Kansas Animal Health Department as a division within the Kansas Department of Agriculture. One of the programs administered by that division is the Animal Facilities Inspections program, which regulates companion animal facilities required to be licensed under the provisions of the Kansas Pet Animal Act. The act requires licensing and inspection of the following:

- dog and cat breeders who produce, offer, or sell three or more litters during the state fiscal year

Objective 1: Are the policies and practices of the Department of Agriculture's Animal Facilities Inspection program adequate to ensure fair and consistent inspections that help enhance animal health? Our tentative methodology would include the following:

- Review professional literature and interview officials from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service, the American Veterinary Medical Association, and other subject matter experts to identify best practices for animal facility regulatory programs.
- Interview program staff and review inspection reports to determine whether the programs policies and procedures adhere to best practice and are being followed by program staff. As part of that work, specifically evaluate whether the program's inspection reports accurately record results in a consistent and usable format to help evaluate, improve and report on the program outcomes.
- For a sample of inspections, interview program staff, individuals with business licensed through the program inspection documents to evaluate whether the inspections are being consistently performed across licensees.
- For a sample of inspections, interview program staff and review program documents to determine whether program officials take appropriate enforcement actions against facilities that have violated state laws and regulations.

Objective 2: Is the Animal Facilities Inspection program adequately funded, managed, and staffed to efficiently and effectively carry out its responsibilities? Our tentative methodology would include the following:

- Review professional literature and interview officials from the U.S. Department of Agriculture's Animal and Plant Health Inspection Service and other subject matter experts to

identify benchmarks in areas such as staffing levels and best practices for inspection and enforcement practices.

- Compare the program's current staffing levels against relevant benchmarks to determine whether the program appears to be operated in an efficient manner.
- Interview program officials to identify the program's primary responsibilities and review relevant data to determine whether the program appears to be satisfying those responsibilities in an effective manner.
- Compare the program's current inspection and enforcement process to industry best practices to determine whether the program appears to be operated in an efficient and effective manner.

Objective 3: To what extent have the conditions in commercial breeding operations in Kansas changed since our audit of the Animals Facilities Inspection program in 2002?

Our tentative methodology would include the following:

- Collect data snapshots from program officials and from the U.S. Department of Agriculture on the number and types of commercial breeding operation inspection results, enforcement actions, and complaints since our 2002 audit.
- Analyze that data to determine whether it appears conditions in commercial breeding operations have improved or worsened since our 2002 audit and identify any significant program changes since that time.
- Survey stakeholders of commercial breeding operations to collect their opinion of whether the program has had a positive or negative effect on the conditions in commercial breeding operations since 2002.

ESTIMATED RESOURCES

We estimate this audit would require a team of three (3) auditors for a total of five (5) months (from the time the audit starts to our best estimate of when it would be ready for the committee).