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To: The House Agriculture Committee
Representative Larry Powell, Chair

From: Mike Beam, Kansas Livestock Association

Re: **Testimony in support Senate Bill No. 414, a bill relating to amendments to the animal health statutes. (as presented to the Senate Agriculture Committee on Feb. 22, 2012)**

Date: March 12, 2012

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,300 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.

Mr. Chairman and committee members, KLA is supportive of a three key sections in SB 414, and thus appear as a proponent of SB 414. I want to focus our comments in support of Section 40 (pages 25-27) and Section 41 (pages 27-28).

Amendments to animal disposal law (Section 20):

Current law does not recognize "composting" as a legal means for the proper disposal of dead animals. Some producers have perfected this process of composting dead animals, and we believe it is appropriate to add this option to the list of approved practices in law, as proposed on line 8 of page 12.

Amendments to the feral swine law (Section 40):

KLA supports the proposed amendments to the feral swine law that broadens the definition of feral swine. The current definition has provided a loop hole in the feral swine statute so that some species of swine have not been subject to our state's laws prohibiting the importing, transporting, and possessing of feral swine. This new definition should make it clear that swine species that are not domestic are not welcome in Kansas. KLA also supports subsection (d), which prohibits a person from operating a shooting preserve with feral swine.

Kansas has earned a positive reputation for controlling feral swine. We believe these changes will empower the animal health commissioner to be more diligent in making sure feral swine is controlled for the benefit of our domestic livestock herds, the state's natural resources, and the health of our states rural residents.

Amendments to the “farm animal and research facilities protection” act (Section 41):

KLA also supports Section 41 of HB 414 as it strengthens the Farm Animal and Research Facilities Protection Act to make it clear that “fraud, deception, or duress” do not constitute “effective consent”.

Under current law, to prove a crime under the Act, a prosecutor must show a person intended to damage an animal facility-related enterprise by doing one of the enumerated acts in the statute, without the effective consent of the owner. The change to exclude “fraud, deception, or duress” from the definition of “effective consent” clarifies that animal activists concealing their identity or lying on a job application cannot avail themselves to the defense that they were given permission to work on or enter the facility.

Concerns with Sections 13-16:

I must point out that we are concerned with the new language suggested in Sections 13-16. Some of these exact terms were the focus of considerable debate and consternation in a USDA-GIPSA rule proposed in 2010. By including the terms “engaging in unfair, unjust, discriminatory, or deceptive practices”, SB 414 has the potential to inadvertently invite an interpretation that may conflict with alternative marketing arrangements that are common among Kansas livestock producers.

We respectfully ask this committee to defer any action on SB 414 until we have a chance to do additional research and confer with the stakeholders, including the animal health commissioner and Kansas Department of Agriculture staff.

Thank you!