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To: Senate Committee on Agriculture and Natural Resources
Senator Dan Kerschen, Chair

From: Aaron M. Popelka, V.P. of Legal and Governmental Affairs, Kansas Livestock Association

Re: **SB 551 AN ACT concerning the department of agriculture; relating to animal health; establishing the pet animal facilities inspection division to be administered by a director under the supervision of the secretary.**

Date: March 17, 2022

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing over 5,700 members on legislative and regulatory issues. KLA members are involved in many aspects of the livestock industry, including seed stock, cow-calf, and stocker cattle production; cattle feeding; dairy production; swine production; grazing land management; and diversified farming operations.

Thank you, Mr. Chairman, and members of the Committee. The Kansas Livestock Association (KLA) opposes SB 551 because the bill places animal health programs at risk and is an unnecessary growth of government.

Splitting the Division of Animal Health (DAH) of the Kansas Department of Agriculture (KDA) into two separate divisions, would unnecessarily insert political pressures on animal health programs, grow government, and create potential conflicts of interest within KDA. Historically the DAH was its own agency. About a decade ago it was consolidated into KDA to make operations more efficient. One of the remaining characteristics of the stand-alone DAH was the Commissioner of Animal Health (Commissioner) retained autonomy to promulgate rules and regulations and operate animal health programs apart from political influence of the Secretary. This enables the Commissioner to make unbiased, tough decisions in the event of an animal disease outbreak.

SB 551 would destroy part of that autonomy and create a potential conflict between two administrators within KDA in the event of an outbreak. Currently, the Commissioner makes all decisions regarding quarantines and other safety measures during such events. If the state were to have a zoonotic disease outbreak, this bill would diminish the ability of the Commissioner to be decisive and respond immediately to stop the spread among our domestic animal populations. While SB 551 does not completely take away the control of the Commissioner in quarantine situations, it would create conflict and confusion among staff during times of emergency when clear leadership would be needed. KLA is also aware that certain pet advocacy groups have lobbied to weaken the state's quarantine laws. A pet animal facilities director working independently from the Commissioner could fall susceptible to these bad ideas and push new regulations to frustrate animal disease response. It is important that the Commissioner remain in control of all animal health programs.

SB 551 also unnecessarily grows government. While some proponents will point to a June 2020 Legislative Post Audit (LPA) of the KDA Pet Animal Program, a November follow-up report stated: "The Kansas Department of Agriculture Implemented all 5 recommendations." While KLA is aware that additional funding is needed for more inspectors, growing the agency with unnecessary administrators autonomous from the Commissioner is bad policy. KLA supports the appropriations request for funds to

hire additional inspectors, so long as these inspectors stay under the supervision of the Commissioner of Animal Health.

Finally, splitting DAH into two divisions will eventually lead to budget issues within the livestock health programs. Currently, the combined programs have flexibility to use State General Fund (SGF) money where needed. This is important when animal health emergencies occur. If a separate pet animal facilities division is created, and the state returns to leaner times, KLA fears that public sentiment will push legislators to cut SGF budget authority from the livestock health program, instead of reducing the budget of the pet animal programs which are much more reliant on SGF. This is mostly because the livestock industry stepped up to support sufficient fees to operate livestock health programs, whereas many pet advocacy groups have fought fee increases over the years leaving that program depleted and reliant on SGF. It is a problem of their own creation and separating these departments will only place livestock health programs at greater risk of losing the little SGF funding the programs currently use when tighter budget cycles return.

Thank you for this opportunity to present KLA's position opposing SB 551. KLA respectfully requests the committee not advance the bill.