



# GINGER BARR

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February 22, 2012

**RE: Senate Bill 414 and Commercial Kennels**  
**Summary of Testimony**

Mr. Chairman and members of the Senate Agriculture Committee:

My name is Ginger Barr and I served in the Kansas House from 1982-1990. I was chief architect of the "Puppy Mill Bill". I have provided you a packet with my official testimony and background material on this subject. The one article missing from your individual packet is the Parade article dated Sunday, July 19, 1987 which showcases Kansas as one of the most miserable "puppy mill" states. I will leave one with your committee secretary for the record.

Bills are known to be revised, but I do support the following:

1. 1,200 dogs were euthanized in Oberlin, Kansas in December 2010 for having the highly contagious disease of distemper. Our Kansas disease was transported to Wyoming. It was a USDA - Kansas, licensed facility. Our Kansas state inspectors need to be able to see the vet records and provide vet care when needed. This was not good for the animals or Kansas public relations.
2. Make the breed of greyhounds also inspected by the Kansas Pet Animal Act. (KPPA)
3. Make sure that infectious diseases are not transported back and forth between state lines.  
Keep Kansas disease free!
4. **\*Those two important words in legislation: "shall" and "may".**  
The original intent of the bill in 1988 was enacted that all non USDA licensees "shall" be inspected twice a year. USDA licensee "shall" be inspected once by the federal government and "shall" once be inspected by the state. This would make all facilities inspected twice a year. In 1996 the word "shall" was changed to "may" which makes this act permissive and can "gut" the entire program when someone decides they don't want to do the program.

The last four (4) years I've stumbled across poor unlicensed breeders that misrepresent to the consumer. I've had veterinarians ask me why the state isn't doing more to close down establishments with sick animals. I receive telephone calls from people giving me tips regarding breeding establishments. There are more detail is in my testimony, but these establishments need to be checked.

My offer to Secretary Rodeman: At no charge to the state, I would be happy to ride with inspector(s) to check on the operations that I have mentioned in my testimony. I would also offer to visit other destinations to see the actual workings of this department from not only the inspection, but clear through the legal process if necessary. I would report back to Secretary Rodeman and to the legislature. I did this in the 80's and I can do it again.

After the hearing I would like to meet outside in the hall with the Secretary and staff. I will give him the information regarding the problematic areas that I have mentioned.

I stand for questions.

Respectfully submitted,

Ginger Barr  
Kansas House of Representatives  
1982-1990



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February 22, 2012

Mr. Chairman and members of the Senate Agriculture Committee:

**RE: Senate Bill 414 and Commercial Kennels**

Some of you have heard me speak on this subject last year regarding my concerns of reorganization of the Kansas Livestock Commissioner's office to the Secretary of Agriculture. I will not reiterate my testimony, but I have provided copies of my concerns from last year as further background for those of you who were not present during my testimony.

To those of you who don't know me, I'm Ginger Barr and served in the Kansas House of Representatives from 1982-1990. I come to you today only representing myself. I was the chief architect of the "Puppy Mill Bill" that passed the legislature in 1988. I served most of the rural areas of Shawnee County which consisted of small cities and a portion of Topeka. During my legislative career, I stumbled on a "dirty little secret of our state" that at that time, most people did not know including me.

Kansas was known at that time as one of the worst "puppy mill" states in America. When this horrific problem was brought to my attention, I decided to be a leader and work with various entities to correct the problem and restore the reputation of our state. We know that public relations do have a cost and that often times can't be measured. We can measure the hard dollars of economic development programs that is funded through tax dollars. But, finding the true total cost of poor public relations and bad reputation is difficult to measure or quantify. Kansas should have the best reputation in the country regarding every product that is shipped from the state and, particularly its Agriculture products. I have never viewed puppies and kittens as agriculture products. They are in a class of their own since they are known to the country as "companion animals". However, Kansas should always provide the best quality, beef, wheat, corn, soybeans, puppies and kittens.

There is a difference between a commercial kennel and a puppy mill. A commercial kennel is run professionally and correctly. A puppy mill is a "hell hole" where companion animals such as dogs and cats are bred with no regard for the health of the breeding stock or the health of the offspring – the Kansas product that is going to someone's home, usually via a pet shop. I can speak this way, because I have personally seen them! I also work with shelters that dogs and cats that are taken from breeders by the state. I try to help various organizations find homes, help socialize, and/or give additional medical care for those animals that survive. My family does this at our own expense because we care.

Do good commercial kennels exist in Kansas? .....you' bet'cha! Do "puppy mills continue today?.....you bet'cha! I have also enclosed further information on this topic in your packet.

Today, I stand before you to try and help you understand and to repeat my major concern. I am deeply, deeply disappointed that the current administration has missed one of the most important aspects of legislative language for Senate Bill 414!! I spoke with Governor Sam Brownback on January 25, 2012 regarding my concerns.

In 1988 the Kansas Animal Dealer Act was expanded to include inspecting and licensing breeders of all sizes, shelters, pet shops, etc. The act as passed and signed by the Governor Hayden had a major proviso. The Legislature instructed at that time that the Livestock Commissioner "**shall**" inspect USDA kennels once a year and "**shall**" inspect non USDA kennels twice a year.

You and I know that as a freshman legislator, each of us learn on the first day of our term to look for the words in any bill that state "may" and "shall". Those two words have different implications as how legislative intent is going to be carried out. There is a vast difference of those two words. One is **mandatory** and the other is **permissive**.

If you don't put the legislation back to "shall" inspect, you are gutting the statute. You are telling the entire country (which now views Animal Planet, Animal Cops, etc.,) that the state of Kansas is interested in neither protecting companion animals, consumers, nor producing the best possible Kansas product. We now have become a "permissive" state. Instead of going forward, we are taking one large leap backwards. Also, please remember that Kansas standards are very, very minimal. They follow USDA standards.

The law was passed in 1988 because USDA wasn't doing their job. I've also included in your packet information regarding the "Inspections of Problematic Dealers" based on an audit by USDA's Office of Inspector General of May 14, 2010. Look on the internet and read their report. There are pictures in the report that will make you gasp regarding companion animals. This is not surprising to me because USDA didn't do its job 25 years ago. \* Luckily, Kansas was not inspected. It was probably do to the type of animal welfare laws or inspection programs we have adopted. \*\* I would like to believe it is because the Kansas Animal Health Department has worked so hard since 1988 to be a good example of fair and frank enforcement.

It is my understanding that in 1996 there was change in the law from "shall" to "may" that was suggested by a reviser due to an error when amending the law. If I had of known anything about it in 1996, I would have opposed the change as I do today. I only found out about the change in the law in 2011. Last year I personally addressed this with Secretary Rodeman, leaders in the commercial kennel industry, and members of national humane organizations. The Department of Agriculture said to wait until 2012. Well, we are here, and I see no mention of changing the wording this time around as well. Let us also remember that in 1996 we expanded the mission of more facilities to be investigated, but made the law permissive and subjective.

We've established we need a department, but we also need to know how it works. I respectfully ask those from the Department of Ag and those from shelter organizations to listen carefully at what I'm about to say. This is information that I have received or stumbled upon as a citizen in the last four (4) years. I will be happy to meet with someone from the Agriculture Dept., representative of shelters in these areas and Midge Grinstead from HSUS to provide more information after the hearing. I know too

well that animals can be moved at a moment's notice and evidence can be destroyed. I think the committee as well as other legislators should know the answers.

**2009 – Carbondale, Ks.: Breeder** sold to two buyers in Auburn, Kansas. His method of operation is to meet at a location other than his home. Purchasers can't see operation.

**Buyer A:** Met him and his wife, gave him a deposit of \$100.00 to purchase a Golden Retriever puppy when weaned at six (6) weeks. She never got her dog.

**Buyer B:** Told her that his wife left him. Buyer purchased registered Golden Retriever for \$250.00. Veterinarian said it was a mix of Labrador Retriever and Golden Retriever. Seller said he would take dog back and purchaser said, "no" as she is now attached to the dog. Seller wanted registry papers back (probably to recycle). Purchaser did get a discount.

**2012:** Heard he is back in business. Is he? Is there anyone currently looking on the internet and newspaper regarding advertising? My understanding that position was done away with in trying to save money. However, the department might be losing out regarding its accounts receivables. Is this person in business and not paying his fair share?

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**2012 – Auburn, Ks.: Rescue/Hoarder:** Heard from veterinarian of concerns regarding an establishment in Auburn, Kansas. My understanding is the state knows of this establishment and has done nothing. At least two veterinarians have been approached by this person and the doctor's wonder why the state has done nothing. They turn to me and ask me why the state hasn't done anything?

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**2012 - Paola, Ks: Commercial Kennel/Puppy Mill/Rescue/Hoarder?** I learned this week through a meter reader regarding an establishment. Sheriff was called and investigated. There was shelter, water and food. Is this establishment licensed? Is it truly up to code? Have you collected the license fee?

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I have an offer for Secretary Rodeman. I've traveled Kansas dusty roads many years seeking the truth on this subject. I'll be happy to ride with your inspectors to not only view these and other establishments whether they be good or bad operators. I'll come to the office and see how the legal process works once the inspector has turned in his/her paperwork. We need to make sure that citizen's rights are preserved, but also that animals do not suffer in cruel situations. Once we have done this, I'd be happy to report back to Secretary Rodeman and the Legislature to my findings. Of course, this is of no cost to the state.

Let Kansas police itself. Don't be dependent upon USDA and don't invite national humane organizations into our state to investigate the commercial kennel operations in Kansas as they did in 1988. Let's have a level playing field for our good kennel operators. Let's protect their image by closing down the poor operators. As we all know, ultimately, the good operators pick up the tab for sub standard kennels that abuse and neglect their animals by bad public relations. Case in point is the 1,200 dogs that were euthanized in Oberlin, Kansas in 2011 due to an outbreak of highly contagious distemper.\*\*\*We must always be vigilant.

Let's not advertise that we are the "Animal Health Corridor" of the United States and take a leap backwards on protecting the health and welfare of the animals. Let's be proactive instead of reactive!

This is my main issue for the 2012 Legislature regarding this department. However, this department has many issues when it comes to making the department run smoothly, be transparent to the public, helping breeders, placing everyone on an equal footing, helping shelters that help the department in time of need and most important protect the animals. This includes internet sales and helping breeders phase out of their business without using euthanasia as the only tool. There is much work to be done and breeders and shelters should work together on these and other topics!

Respectfully Submitted,

Ginger Barr  
Ks. State Representative 1982-1990

**Enclosures:**

\*Report Says USDA Cuts Puppy Mills Too Much Slack

\*\*P. 43 Scope and Methodology: U.S. Dept. of Agriculture – Office of Inspector General  
Animal Care Program; Inspections of Problematic Dealers; May 14, 2010

\*\*\*1,200 Puppy Mill Dogs Euthanized Due to Distemper Outbreak

Should You Buy That Doggie In The Window; Parade Magazine article; May 19, 1987

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Fortin couldn't be reached for comment Wednesday because he didn't answer his phone and his voicemail box was full. Messages left with the owner of the Wyoming pet store where the distemper outbreak was first reported did not return messages seeking comment.

Donal O'Toole, a professor and pathologist with the University of Wyoming State Veterinary Laboratory, said 24 confirmed cases of distemper were identified in his state, primarily at pet stores in Cheyenne and Casper that bought puppies from Fortin's kennel.

"I've been here 21 years, and that is the biggest single-source episode of distemper I've ever seen," he said. He also said he has never heard of any cases where that many dogs were euthanized at once.

O'Toole told The Associated Press that since the pet store where the disease was first identified is at a mall, it's unlikely wildlife had anything to do with the outbreak.

"We're trying to sequence the virus and see what strain of virus we're dealing with," he said. "We think it traces back to the Fortin kennel because that's where all the pups were coming from. We've found no other sources."

O'Toole said the Kansas case is reflective of a May USDA audit critical of the Animal and Plant Health Inspection Service's enforcement efforts. Auditors criticized inspectors for being too lenient with violators, often

recommending no action be taken even for repeat violators.

Under a consent agreement between the Kansas Animal Health Department Fortin, he can get back to business in six months if he meets stringent requirements, Brown said.

Nearly three years of USDA inspection reports for Fortin's kennels show violations for things like failure to keep adequate records, failure to adequately treat animals with health problems and allowing trash, junk and discarded kennel materials near large dog enclosures.

USDA spokesman David Sacks said Fortin was fined \$8,795 in February 2006 for facility violations, and was issued a warning letter in March for facility violations and denying access to inspectors.

"That's round one," he said. "An official warning does not bring a fine, but it puts

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people on notice that if the violations are repeated there will be stricter penalties."

He said the USDA would inspect the kennel property after state investigators finish their probe, and additional sanctions could be levied.

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## About 1,200 dogs euthanized after disease outbreak

### Wyoming distemper cases linked to large-scale breeder in Kansas

Associated Press

updated 12/15/2010 7:06:49 PM ET

OBERLIN, Kan.— An estimated 1,200 dogs at a Kansas kennel were euthanized after an outbreak in Wyoming of the highly contagious disease distemper was linked to the large-scale breeding operation.

Kansas Livestock Commissioner Bill Brown said the state started investigating the Beaver Creek Kennels near Oberlin in September after being contacted by Wyoming's state veterinarian about distemper cases at a pet store in Cheyenne.

Brown said Wednesday that the Kansas Animal Health Department quarantined the kennel twice after investigators confirmed several cases of distemper in puppies that were being sold out of state. When breeder Jeff Fortin couldn't sell dogs because of the quarantines, he ran out of money to pay staff members and take care of the animals.

"It became an economic situation, and consequently became a health, safety and welfare issue for the puppies," Brown said. "The owner couldn't feed his dogs, his help left, and health, safety and welfare became an even bigger issue."

Distemper, which is usually lethal, can be

spread through contact with wildlife, as well as through other infected dogs.

Brown said no shelters would take the dogs because of the outbreak, so the decision was made to euthanize them.

"The Animal Health Department humanely euthanized those animals through intravenous injection," he said. "It was an agonizing decision on everyone's part. But when it came down to it, it was a unanimous agreement by all parties that this was the best step."

The dogs were buried on farmland in Decatur County after the Kansas Department of Health and Environment allowed Fortin to dispose of the bodies without a permit.

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## Report Says USDA Cuts Puppy Mills Too Much Slack

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According to a disturbing report released this week, federal investigators found horrible conditions at puppy mills and called out the U.S. Department of Agriculture (USDA) for failing to penalize violators.

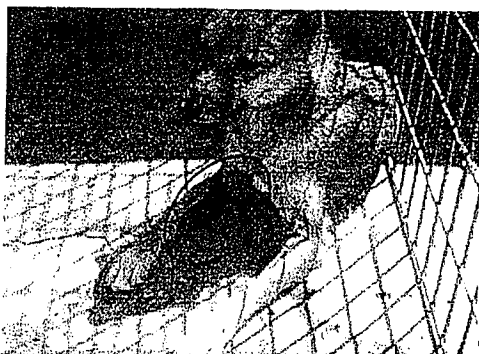


The "Inspections of Problematic Dealers" report is based on an audit by the USDA's Office of the Inspector General, which is the department's law enforcement branch. It found that the Animal and Plant Health Inspection Service's Animal Care unit, the agency responsible for enforcing the Animal Welfare Act, has ignored repeat violators, waived penalties, failed to adequately document the inhumane treatment of dogs, and gave some puppy mill operators a second chance even though dogs were dying and suffering in the facilities – which delayed confiscation of the animals.

From 2006 to 2008, federal investigators inspected 68 puppy mills in eight states that had previously been cited for at least one violation. Among the grisly conditions they discovered and photographed were dogs infested with ticks, suffering from open wounds and living in pools of feces.

In one shocking case cited in the report, from February 2006 to January 2007 agency inspectors cited an Oklahoma puppy mill for 29 violations, including nine repeated violations. No enforcement action had been taken as of November 2007, when an inspector returned to the facility and found five dead dogs as well as other starving dogs that had resorted to cannibalism. Despite these horrific conditions, the inspector did not confiscate the surviving dogs. As a result, 22 more dogs died before the breeder's license was revoked.

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The report states that the agency spent too much time educating violators when it should have been penalizing them: “The agency believed that compliance achieved through education and cooperation would result in long-term dealer compliance and, accordingly, it chose to take little or no enforcement action against most violators.”

It recommends that the agency should immediately confiscate animals that are dying or seriously suffering, and do a better job training its inspectors to document, report and penalize wrongdoing.

Agriculture Secretary Tom Vilsack told the Associated Press on Tuesday that the department takes the report seriously and will move to immediately improve enforcement, penalties and inspector training. He said the investigation was conducted before his time in office.

“USDA will reinforce its efforts under its animal welfare responsibilities, including tougher penalties for repeat offenders and greater consistent action to strongly enforce the law,” he said.



In a blog on [The Huffington Post](#), Wayne Pacelle, president of the Humane Society of the United States, wrote that the report confirms what animal rights activists have known for years.

“Of course, The Humane Society of the United States has been saying for years that the USDA has historically allowed puppy mills to violate the law without fear of any kind of aggressive enforcement actions,” he wrote.

“Last week, I was pleased to hear the Obama administration publicly announce that the USDA would take a tougher stance on Animal Welfare Act enforcement, by conducting more inspections and imposing higher fines. We’re glad to hear it, and we’re grateful to Agriculture Secretary Tom Vilsack for stepping up the enforcement actions.”

The report also noted that some large dog dealers get around animal welfare laws by selling dogs online or directly to the

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On Tuesday, Sens. Dick Durbin, D-Ill., and David Vitter, R-La., announced that they will introduce legislation – called the PUPS (Puppy Uniform Protection and Safety) Act – to close the loophole that allows breeders to operate online. They both said they will work with USDA to ensure changes are made throughout the agency.

*PHOTOS:* [usda.gov](http://usda.gov)

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## 1,200 Puppy Mill Dogs Euthanized Due to Distemper Outbreak

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About 1,200 dogs in an Oberlin, Kan., breeding kennel were euthanized this week after an outbreak of the highly contagious distemper virus.

Beaver Creek Kennels was initially investigated in September after Kansas state officials were contacted about distemper cases at a Cheyenne, Wyo., pet store, where puppies from the kennel were being sold.

Kansas Livestock Commissioner Bill Brown told the Washington Post that Beaver Creek Kennels had been quarantined twice after distemper was confirmed in several of its puppies that were being sold out of state.

When he couldn't sell the puppies because of the quarantines, kennel owner Jeff Fortin reportedly ran out of money to take care of them.

Shelters would not take any of the dogs because of the distemper, so they were all euthanized using intravenous injection by the Animal Health Department.

"It was an agonizing decision on everyone's part," Brown told the Washington Post. "But when it came down to it, it was a unanimous agreement by all parties that this was the best step."

Donal O'Toole, a professor and pathologist with the University of Wyoming State Veterinary Laboratory, said in a statement, "We confirmed distemper in 24 dogs, all purebred and purchased from pet stores. This was the largest outbreak

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Vaccines that prevent canine distemper are widely available. "We should not be seeing distemper in dogs, period," O'Toole said. "As long as dogs are vaccinated at the right time with the appropriate vaccine, the chances of distemper are almost zero. It just didn't happen on this occasion."

USDA inspection reports for Beaver Creek Kennels over the past three years include violations for failure to adequately treat animals with health problems; allowing trash, junk and discarded kennel materials near large dog enclosures; and failure to keep adequate records. In February 2006, Fortin was fined \$8,795 for violations. Last March, he received a warning letter for facility violations and for denying access to inspectors.

Last May, a USDA report found that the department's Animal and Plant Health Inspection Service was too lenient with puppy mill violators. O'Toole said the Beaver Creek Kennels case is reflective of this report.

Brown said that under a consent agreement between the Kansas Animal Health Department and Fortin, if he meets stringent requirements, Beaver Creek Kennels can be back in business in six months.

*PHOTO: [speakingoutforanimals.org](http://speakingoutforanimals.org)*

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**U.S. Department of Agriculture – Office of Inspector General  
Office of Inspector General**

***ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
ANIMAL CARE PROGRAM  
INSPECTIONS OF PROBLEMATIC DEALERS***

p. 43 **Scope and Methodology**

“With data exported for the LARIS (*Licensing and Registration Information System*) database, (*April 2008*) we judgmentally selected eight state – Arkansas, Iowa, Minnesota, Missouri, Ohio, Oklahoma, Pennsylvania, and Texas – based on the number of licensed dealers operating in the States. We also considered the type of animal welfare laws or inspection programs that had been adopted by the States.”

**Request for trailer bill and/or proviso**

To: Kansas Legislature  
From: Kansas Pet Professionals  
Kansas Pet Animal Advisory Board  
Date: April 27, 2011

We are writing to express our concern about the future of the Kansas Pet Animal Act and the possible change in enforcement when the program is moved to the Kansas Department of Agriculture.

Currently K.S.A. 47-1709(b) states that the commissioner or the commissioner's authorized, trained representatives may make an inspection of each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. If such premises are premises of a person licensed or permitted under public law 91-579 (7 U.S.C. § 2131 et seq.), such premises may be inspected at least once each year. Otherwise, the premises may be inspected at least twice each year. The only inspections that are required are initial inspections and complaint inspections.

When the statute was originally passed in 1988, annual inspections for USDA licensed facilities and bi-annual inspections for non USDA licensed facilities were mandatory. In other words, the statute required that premises SHALL be inspected. In 1996 several changes were made to the Pet Animal Act. While making changes, a Revisor suggested that the word "shall" be changed to "may" so the Department would not "get into trouble" if inspections fell behind. Although the statutory change was made, KAHD continued to respect the original intent of the statute by inspecting USDA licensed breeders annually and all other licensees bi-annually.

We are very concerned, particularly in light of the proposed dismissals of all program employees (with the exception of four field inspectors) that KDA does not intend to make this program a priority. No one would be left in the KDA office to answer questions from stakeholders, consumers or the inspectors. We can only assume the purpose of these dismissals is to discontinue current inspection and enforcement practices. Discontinuing routine inspections may have dire consequences not only to dog and cat breeders but also the livestock industry in the state. Over the past several years the livestock commissioner and the director of the animal facility inspection program have developed a working relationship with HSUS, ASPCA and PETA in that; if they have a complaint about a kennel (or a livestock market or feedlot) in Kansas they contact the Department instead of sending in their own investigation teams. Although most KAHD responses to their requests have indicated that there were no violations at the facilities, these organizations have enough respect for the Facilities Inspection Program they do not pursue the matter further and stay out of the state.



At a time when the animal health corridor is under development and with the relocation of the National Bio and Agro-Defense Facility (NBAF) to Kansas it is imperative that Kansas does not fall under the nation's scrutiny by discontinuing an inspection program that has successfully worked for the last 17 of its 23 year in existence.

The multi-million animal breeding industry brings not only new dollars but substantial tax revenue to the state of Kansas. Discontinuing or limiting the current inspection program (and not following up on unlicensed facilities) would again label Kansas as a "puppy mill" state; a label we have worked diligently to lose. This would be devastating to the breeders in this state and would have a detrimental economic impact on numerous other industries including pet food manufacturers, veterinarians and businesses supplying such things as micro-chips, kennel buildings, dog runs, cages and other items necessary to maintain a viable kennel.

We are requesting your assistance or support to introduce a trailer bill to amend K.S.A. 47-1709 to mandate inspections. The amendment would be a simple terminology change – from may to shall. Failing that, we request that the following proviso be added in the omnibus bill. The new language is underlined below:

Animal dealers fee fund .....No limit  
*Provided*, That expenditures from the animal dealer's fee fund for official hospitality shall not exceed \$300: *Provided further*, That expenditures shall be made from the animal dealers fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets: *And Provided further*, Notwithstanding the provisions of K.S.A. 47-1709(b) that the commissioner or the commissioner's authorized, trained representatives shall make an inspection of each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto. If such premises are premises of a person licensed or permitted under public law 91-579 (7 U.S.C. § 2131 et seq.), such premises shall be inspected at least once each year. Otherwise, the premises shall be inspected at least twice each year.

This proviso would require KDA to continue inspections through one fiscal year, and a bill could be introduced during the next legislative session to make the change permanent and would address the recommendations of both the Senate and the House stated in their 2012 Subcommittee Reports:

Thank you for your attention to this matter. We hope you will consider adding this proviso to the omnibus bill, the mega appropriations bill or as a "trailer bill" whichever is appropriate.



# GINGER BARR

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March 7, 2011

House Budget Committee: Agriculture and Natural Resources'

**RE: Executive Reorganization Order No. 40  
Governor Sam Brownback**

Madam Chairman and Members of the Committee:

My name is Ginger Barr, and I appreciate the opportunity to speak to you about the budgetary needs of the Animal Health Department. I have concerns about ERO 40, and its impact on the budget, staffing and functions of that department. Therefore, I am here today to ask the committee for two actions. First, adopt the Animal Health Departments FY2012 budget request. Second, hold hearings on ERO 40 so you and concerned citizens can learn about the merger plans and their impact on the Animal Facility Inspection Program.

I am a business woman and understand the need to be efficient and proactive. I have owned and operated cemeteries, funeral homes and monument companies. Currently I have a small management company. In 1982, I was elected to the Kansas House of Representatives representing most of the rural portions of Shawnee County which included the cities of Rossville, Silver Lake, Willard and Auburn. Also in this district was the southwest portion of Topeka. I had the distinct honor of representing all of the cities in Shawnee County. I served the urban interests as well as the rural interests. I retired in 1990.

In the mid eighties, I became aware of the terrible reputation that Kansas had developed nationally for sub-standard commercial breeding operations-known as "puppy mills". It became clear that Kansas must adopt standards and an enforcement program for commercial breeders if the good breeders were to survive. For several years I worked with others to develop what is now known as the Kansas Pet Animal Act which passed in 1988. While it took several years to implement the enforcement of the act, this program is now credited with reforming the negative image that Kansas suffered throughout the United States for breeding and selling sick and un-socialized dogs.

As we worked the bill through the legislative process, there was never a time that we proposed to shut down commercial breeders in our state. Our legislative intent was to bring the standards to a higher level and for Kansas not to be known as one of the worst top seven states regarding commercial kennels. We must protect the legitimate operators and do away with unscrupulous breeders that would give our state a poor name, create health problems and ultimately hurt Agricultural commerce! I view this law as sound policy for our state related to stable economic development and concurrent consumer protection.

Since retiring from the legislature in 1990, I have not been involved in animal legislation. When asked, I have volunteered for shelters, pounds and rescues sometimes finding homes for animals that have been taken by the state under horrible conditions. When I learned about Governor Brownback's Executive Reorganization Order No. 40, I became concerned about the merger of the Animal Health Department with the Department of Agriculture. ERO 40 does not address program priorities; therefore, when it is combined with the Governor's budget cuts for the Animal Health Department, it appears that there will be significant risk for further cuts to the Animal Facility Inspection Program which enforces the Pet Animal Act. We are also concerned that with the merger of the enforcement arm of agriculture, Animal Health Department, with the promotion arm of agriculture, Department of Agriculture, the focus maybe diverted from enforcement, with limited oversight on animal health conditions.

It is not widely known that Kansas has a large "companion animal" breeding industry due to the excellent job done by the Department of Animal Health. Consequently, it is important that Kansas maintains strong enforcement program to prevent sick dogs from entering interstate commerce. Weak inspection and licensing of breeding facilities could damage the states position as the world leader in animal health. As we know, history is a good predictor of the future. On July 17, 1987, Parade Magazine's cover story featured Kansas as a leading puppy mill state, selling sick and unsocialized dogs across the country. I have included a copy of the magazine in your packet. I've also included information about some of the press we received during the mid 1980's regarding this subject. I have the actual articles and tapes at my home if anyone cares to view or hear them. We cannot risk repeating this blight on Kansas agriculture by gutting of the Animal Facility Inspection Program.

Today the Animal Facilities Inspection Program is directed by Debra Duncan who has done an outstanding job. Ms. Duncan receives very high marks from former Commissioner George Teagarden, commercial breeders; humane society's and rescue groups. This is not an easy task as sometimes these groups might have conflicting viewpoints. Her seventeen (17) years at the helm has been quite successful! Her knowledge and history of the department can't be matched. Another outstanding person in the department is Carmen Simon. Her title is Program Consultant which means she is a field supervisor. Ms. Simon is out in the field with the four (4) inspectors. A support staff, or Administrative Assistant is in charge of all the licensing and collecting fees. There are seven hard working employees for the entire state.

Running this program the last few years has been difficult for Ms. Duncan due to the cuts in staff which make it more difficult to keep up with complaints involving sub-standard breeders, shelters, pounds, rescues and hoarders. Ms Duncan runs a department that is level handed and fair to all facilities that are licensed. It is important that she also looks out for the consumers who have the ultimate opinion related to the success of the program.

Director Duncan's department has to seize, euthanize, and find shelter for sick and stressed animals. It is a difficult job. In the last 13 years, the Animal Facility Inspection program has seized more than 10,000 dogs. Kansas is fortunate to have experienced and qualified people to handle this program.

My concern with the Governor's merger is that we don't go backwards in this important program. If we want to be the center of Agriculture, we need to continue to show that we are equipped to eradicate disease in livestock as well as be able to maintain a healthy, viable product in puppies and kittens. That means keeping the breeding stock of companion animals in healthy and sociable conditions. These companion pets are going into the homes of families. These families will be living with their pets from eight to sixteen years. The dogs and cats will be on the couches of people who live in Kansas, California,

New York, Texas and other states across the country. They will snuggle in the beds of our children. Good breeders must succeed and unscrupulous breeders need to close their doors.

We have come far as a state, but trust me we have not reached maximum compliance with commercial breeders, hobby breeders, shelters, pounds and rescue groups. Moreover, we now are faced with "hoarders" which have made people, even more aware with the popular channel of Animal Planet and National Geographic.

On December 15, 2010 the unspeakable happened. An estimated 1,200 dogs from Jeff Fortin's licensed commercial kennel in Oberlin, Kansas had to be euthanized by the Kansas Animal Health Department. A severe outbreak of highly contagious and often fatal distemper virus was discovered at the facility after sick puppies were sold to customers of at least two Wyoming pet stores. News of this tragedy spread quickly online. (Just Google "1200 dogs euthanized" for thousands of hits.) On January 22, 2011, protesters held a vigil in Denver, where Fortin also owns a pet store, to call attention to the 1,200 dogs euthanized in Kansas. We need this department and we need the current staff to continue their work because problems do arise!

There are also unlicensed breeding facilities that undercut Kansas legitimate dealers. These "dealers" have no investment in food, shelter, and care for their breed animals and as a result, have the competitive advantage over the legitimate operators. Sometimes it is difficult to track them down. If anything it would be nice to have additional help. Under these economic times I just hope that the Director Duncan maintains her current staff.

When animals are confiscated and/or turned over to the Animal Health Department where do they go? They go to animal shelters. There are only a few that will accept them. Also, the shelters have to worry about possible diseases that those animals are carrying. No shelter wants to jeopardize their dogs whose owners are frantically looking for them or the animals that are looking for permanent homes.

As you review the budgets for the Animal Health Department and the Department of Agriculture, I respectfully request that you also study and hold hearings on ERO40. I think we all need more detail on how the Animal Facility Inspection program will be staffed and function under the merger. If you cannot be guaranteed that the current staffing and programming will continue, then I respectfully ask you to reject ERO 40 and fund the Animal Health Departments recommendations for FTE's. I know as a former legislator the challenges you have with the economics of our state and country. But you and I recognize that it is the legislature's responsibility to set the priorities and insure that the enforcement of Kansas Pet Animal Act will be properly funded.

If I can be of further assistance to you, please don't hesitate to contact me.

Respectfully submitted,

Ginger Barr,  
Kansas Representative  
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