



Since 1894

Date: March 22, 2023

To: House Committee on Agriculture
Rep. Ken Rahjes, Chair

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

Re: **HB 2437 AN ACT concerning agriculture; relating to animal facilities inspections; updating certain terms, requirements and fees contained in the Kansas pet animal act related thereto.**

Position: Opponent, In-Person

The Kansas Livestock Association (KLA), formed in 1894, is a trade association representing more than 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, Chairman Rahjes, and members of the Committee, for allowing the Kansas Livestock Association (KLA) the opportunity to share our views on HB 2437. In its current form, KLA opposes HB 2437 because some of the terms used in this bill to limit production practices for pet breeders could easily be translated to livestock production and one section of the bill attempts to detract from the authority of the Commissioner of Animal Health. With the amendments discussed below, however, KLA would become neutral on the bill.

Although HB 2437 deals predominately with the Pet Animal Act, sections of this bill could have direct implications for the livestock sector if such references were to become engrained in statute. First, KLA opposes attempts to split the Kansas Department of Agriculture (KDA) Division of Animal Health (DAH) between livestock and pet programs. DAH must have one person, the Commissioner, in charge of responses to animal disease outbreaks. KLA believes insertion of the language on page 13, line 25 and 26, "in consultation with the animal facilities inspection program director," is a veiled attempt to chip away at the Commissioner's authority, and we oppose this provision.

Second, requiring the Commissioner to implement regulations that include "exercise and socialization" requirements (page 11, line 26) and "morbidity and mortality data" (page 12, line 6) is an overreach that will allow extremist animal rights groups to gather information to use against pet breeders to put them out of business. These same tactics have been used against livestock operations to push initiatives to limit livestock production methods. For instance, such terms were used by extremist groups to push Proposition 12 in California that limits swine

gestation crates, caged laying hens, and veal production. Such terms do not belong in Kansas law whether it is for livestock or pet health programs.

Third, KLA is concerned about language on page 6, line 36 through 43 that allows the Commissioner to enter contracts with animal shelters or rescue networks to seize, transport, or house pet animals. Seizure of private property is something that should only be done in grave circumstances and should only be done by government officials with accountability. This authority should not be delegated to private groups, some of which are aligned with the Humane Society of the United States (HSUS), an extremist animal rights group whose mission is to put pet breeders and traditional livestock operations out of business.

The authority pertaining to seizures is even more concerning when paired with the constitutionally suspect language on page 7 that allows private groups who have seized pet animals to take a security interest in the animals for the cost of seizure and care. Furthermore, it allows these private groups to demand payment “at any time” and if payment is not rendered, “the animal shall be deemed to have been abandoned as a matter of law.” *See* HB 2437, page 7, line 2 - 22. This provision allows an arbitrary demand for costs and abandonment of property without due process and before any adjudication on the underlying alleged violations. This subsection of the bill likely violates the due process clauses of the Kansas and U.S. Constitutions and should be stricken from the bill.

KLA appreciates the opportunity to submit testimony as an opponent of HB 2437. We realize KDA may need some modifications to the Pet Animal Act to improve the functionality of the program and KLA is not taking a stance on those issues. However, if the Committee decides that some technical changes are needed, KLA recommends the Committee strike the provisions referenced above. If such amendments are made, KLA would become neutral on the bill.