

**Testimony in Support of Senate Bill 345
to the Senate Committee on Agriculture and Natural Resources
by Dr. Andy Hawkins, Assistant Animal Health Commissioner
Kansas Department of Agriculture
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Good morning, Chairman Kerschen and members of the committee. I am Andy Hawkins and I serve as the Assistant Animal Health Commissioner for the Kansas Department of Agriculture (KDA). Thank you for the opportunity to provide testimony in support of Senate Bill 345.

Senate Bill 345 would amend the laws regulating the importation of livestock into Kansas. Currently, K.S.A. 47-607 makes it unlawful for any person to “bring, drive or transport” any livestock into Kansas without first having the animals inspected by a licensed veterinarian and issued a certificate of veterinary inspection (CVI) indicating they are healthy. The only penalty for violating this law is an unclassified misdemeanor, which must be enforced by a county or district attorney.

A CVI signifies that livestock have been inspected by a veterinarian and found to be free of contagious, infectious, or communicable disease. In addition to providing animal disease traceability information, a CVI also ensures that livestock have met all requirements for entry into the destination state. It is the responsibility of each state to set entry requirements. These requirements are species specific, age specific, intended purpose specific and can change based on current disease status and geographic situational awareness.

Although investigation of these violations can require an inordinate amount of staff time, if the local prosecutor is uninterested in the case, there is little that can be done to curb frequent offenders. Many times, the Animal Health Commissioner has no way to access the records necessary to complete an investigation or create jurisdiction under another section of the law, or by the time the records can be collected from public livestock markets after the sale, the animals are too dispersed for a quarantine order to be practical or effective.

For example, the Animal Health Commissioner and staff recently investigated an individual who imported breeding bulls with no CVI and no indication of virginity status, age, or that bulls are negative for *Tritrichomonas foetus* as required by K.A.R. 9-7-4a. The investigation determined that the individual had been told by a veterinarian in the origination state that he needed the documents for entry and the individual chose to proceed with the movement of the bulls indicating to the veterinarian that Kansas had no ability to enforce the import requirements. Another common example is from individuals continually importing horses without a CVI or a valid Coggins (VS Form 10-11) indicating that each horse was tested and confirmed negative for Equine Infectious Anemia within the past 12 months pursuant to K.A.R. 9-7-14. If left unchecked, these incidents

could increase over time and have the potential to lead to an introduction of a contagious, infectious, or communicable disease among the livestock of Kansas.

Therefore, in order to provide adequate and timely enforcement authority, KDA and the Animal Health Commissioner ask that the authority to issue civil penalties be added to the import law at K.S.A. 47-607c. Additionally, in working with stakeholders on the development of this bill, some late suggestions were agreed to that would help target expanded enforcement authority against those persons who are truly bad actors and ignoring the current law. KDA asks that the committee consider adoption of the following amendment to Senate Bill 345:

K.S.A. 47-607c. Same; penalties for violations. *(a) Any person or persons violating or failing who intentionally or knowingly violates or intentionally or knowingly fails to comply with the provisions of this act shall be deemed guilty of a class C A nonperson misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ~~one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment.~~*

(b) In addition to any other penalty provided by law, any person who violates K.S.A. 47-607, and amendments thereto, the special permit requirements of K.S.A. 47-607a, and amendments thereto, or rules and regulations promulgated pursuant to K.S.A. 47-607d, and amendments thereto, may incur a civil penalty in an amount not less than \$100 nor more than \$1,000 for each shipment into the state such violation. ~~In the case of a continuing violation, every day such violation continues may be deemed a separate violation.~~

(c) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the animal health commissioner to the person who committed the violation. Such order shall state the violation, the civil penalty to be imposed and the right of the person to appeal to the commissioner. Within 20 days of such notification, any such person may make written request to the commissioner for a hearing in accordance with the Kansas administrative procedure act.

(d) Any civil penalty recovered pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(e) The animal health commissioner may require that any records related to the suspected transportation of animals into the state in violation of K.S.A. 47-607, and amendments thereto, the special permit requirements of K.S.A. 47-607a, and amendments thereto, or rules and regulations promulgated pursuant to K.S.A. 47-607d, and amendments thereto, in the possession of any person, be submitted to commissioner for review within a reasonable time. Failure to cooperate in any such request shall be considered a violation of this act.

KDA believes that this bill will allow the Animal Health Commissioner to properly fulfill his duties to protect the livestock of this state from the spread of contagious, infectious, or communicable disease in a responsible manner. Thank you for your consideration.