



*Since 1894*

**Kansas Livestock Association Stockgrowers Council Business Session**

2:30 p.m. to 4:30 p.m.

Thursday, December 1, 2022

Meeting Room- Cypress 209AB

Century II Convention Center

Wichita, KS

**Sponsored by:**

Chairperson: **Kevin Schultz**, Haviland  
Vice Chair: **Gene Barrett**, Grantville  
Past Chair: **Lafe Wilson**, Uniontown



**KanEquip**  
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**\*AGENDA\***

1. Introductions & Announcements
2. Livestock Risk Protection (LRP) Insurance Overview & Updates  
*Joe Kovanda, Compass Ag Solutions*
3. Election Review and Congressional Preview  
*Tanner Beymer, Senior Director, Government Affairs, National Cattlemen's Beef Association*
4. State Legislative Update  
*Aaron Popelka, VP of Legal & Government Affairs, Kansas Livestock Association*
5. Addition of Agenda Items from Council Membership
6. Review of Existing Policy Resolutions, And Consideration of Stockgrowers Council Executive Committee (SCEC) Recommendations
7. Consideration of New Policy Resolutions
8. Other Business
9. Stockgrowers Council Nominating Committee Report  
*(Lafe Wilson, Committee Chair)*
10. Election of 2023 Council Leadership
11. Announcements
12. Adjournment

# Stockgrowers Council Policy – No Changes

## 7. CATTLE MARKETING (2021)

WHEREAS, livestock buyers and sellers continue to seek out innovative and efficient marketing methods, and

WHEREAS, the beef cattle industry has moved toward the production of a more consistent, higher-quality beef product in order to recapture market share.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports industry participant-led changes to the current marketing system that improve the value discovery process.

BE IT FURTHER RESOLVED, the Kansas Livestock Association shall continue to guard its members' freedom of choice to conduct their own business and utilize their own marketing program as they see fit.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes lawsuits, petitions, or other legal proceedings that jeopardize trade relations with countries such as Canada and Mexico.

## 10. STATEMENT OF OPERATING PRINCIPLES (2021)

WHEREAS, the Kansas Livestock Association believes the livestock industry is best served by the process of free enterprise and free trade, and

WHEREAS, even with its imperfections, free trade is relatively more equitable than regulated and subsidized markets that retard innovation and distort production and market signals, and

WHEREAS, regulated and subsidized markets disadvantage some producers in favor of others.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association is opposed to attempts to narrow the business options or limit the individual freedom of livestock producers to innovate in the management and marketing of their production unfettered by additional government regulations.

## 11. PROPOSED PSA REGULATIONS (2022)

WHEREAS, Section 11006(1) of the 2008 Farm Bill directed the Secretary of Agriculture “to establish criteria that the Secretary will consider in determining . . . whether an undue or unreasonable preference or advantage has occurred in violation of” the Packers and Stockyards Act (PSA), and

WHEREAS, the USDA Grain Inspection, Packers and Stockyards Administration (GIPSA) proposed regulations (75 Fed. Reg. 35338-35354, June 22, 2010) that exceeded this authority and, based on an outside economic analysis, would have adversely impacted the marketing of livestock, and would have overturned appellate court decisions that require parties to prove competitive harm to the marketplace, exposing the beef industry to increased litigation, and

WHEREAS, the proposed regulations likely would have resulted in increased costs for documentation and reduction of marketing opportunities available to producers and eliminated incentives for producers to invest in improved genetics, production practices, and new technologies, and

WHEREAS, on October 18, 2017, USDA withdrew the proposed 2010 GIPSA regulations, and

WHEREAS, on January 11, 2021, USDA finalized a PSA rulemaking directed by the 2008 Farm Bill that remained narrowly focused on the directive of section 11006 of the 2008 Farm Bill and did not impact the harm to competition requirement of the PSA, and

WHEREAS, on July 9, 2021, President Joseph Biden signed the “Executive Order on Promoting Competition in the American Economy,” which directed the U.S. Secretary of Agriculture to issue a regulation to remove the requirement that a party “demonstrate industry-wide harm to establish a violation” of the PSA, and modify additional definitions and requirements of the PSA.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports repeal of Section 11006(1) of the 2008 Farm Bill.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes reintroduction of a regulation similar in substance to the 2010 GIPSA proposal, and any regulation that would remove the requirement that a party prove competitive harm to the marketplace under section 202 of the PSA.

BE IT FURTHER RESOLVED, the Kansas Livestock Association, in the absence of repeal of Section 11006(1) of the 2008 Farm Bill, supports proposal of a regulation by USDA that does the following: (1) remains limited in scope to only the terms of Section 11006(1) of the 2008 Farm Bill; (2) adheres to appellate court decisions that require competitive harm to the marketplace; (3) allows incentives for producers to invest in improved genetics, production practices, and new technologies; and (4) is cost-neutral to the livestock industry.

#### **14. KANSAS AGRICULTURE MARKET REPORTS (2021)**

WHEREAS, access to fair, transparent, third-party, government-generated market information is critical in determining the value of agricultural products and is an important function of state and federal government.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports adequate state and federal funding for the continuation of the Kansas Hay Market Reports and Kansas Feeder Cattle Auction Reports.

#### **15. MOTOR VEHICLE REGULATIONS (2022)**

WHEREAS, livestock producers are an important sector of the nation's economy, and

WHEREAS, the use of trucks and trailers is a necessary part of every livestock producer's operation, and

WHEREAS, additional regulatory measures create an extensive economic burden on livestock operations.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports changes to statutes and regulations dealing with motor vehicle requirements to ensure the agricultural industry is not unnecessarily burdened.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports reasonable and least burdensome regulations so that they do not impede the necessary transportation of Kansas agricultural products to and from market.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports an interpretation of federal law that clarifies transporting agricultural products to and from market within the state does not constitute interstate commerce.

#### **16. LIVESTOCK TRANSPORTATION HOURS OF SERVICE STANDARDS (2021)**

WHEREAS, livestock haulers must adhere to hours of service (HOS) standards that limit drive time to 11 hours and on-duty time to 14 hours, and

WHEREAS, strict enforcement of the HOS standard is not practical and will compromise animal welfare, and

WHEREAS, significant confusion exists around mandatory electronic logging devices (ELD) and ELDs' impact on HOS for livestock haulers.

THEREFORE BE IT RESOLVED, KLA supports an exemption from ELD requirements for livestock haulers while modifications to HOS requirements for livestock haulers are sought.

BE IT FURTHER RESOLVED, KLA supports HOS changes that protect animal welfare and prevent excessive cost increases in freight.

#### **17. IMMIGRATION (2022)**

WHEREAS, the Kansas livestock industry, the largest segment of Kansas agriculture, relies on immigrant workers for a significant portion of its labor force, and

WHEREAS, Kansas agricultural businesses desire to hire a documented, legal workforce, and

WHEREAS, in the case *Arizona et al. v. U.S.*, 132 S. Ct. 2492 (2012), the U.S. Supreme Court stated: “The Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens,” and

WHEREAS, the duty to regulate immigration policy is the constitutional responsibility of the federal government and such authority does not lie with the states unless expressly delegated by the federal government.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association opposes state government legislation that would enact more restrictive immigration policies than exist under federal law.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports federal immigration policy that allows for an efficient and adequate guest worker program, and provides opportunities for current employees found to be unauthorized workers to complete the immigration process legally.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes tougher penalties for businesses unknowingly employing unauthorized workers and supports legislation that eliminates liability for employers who have made a good faith effort to comply with immigration laws.

#### **18. BEEF CHECKOFF (2021)**

WHEREAS, producer investment in the beef checkoff, created in the 1985 Farm Bill, has helped improve beef demand by funding important promotion, research, and education projects, and

WHEREAS, a Cornell University study between 2014 and 2018 showed for every \$1 invested, the checkoff returned \$11.91, and

WHEREAS, a 2020 producer attitude survey confirmed 73% of producers approved of the checkoff program, and

WHEREAS, more than three decades of inflation has cut into the amount of funding the checkoff can provide for these essential programs, and

WHEREAS, the 1996 Act, in comparison to the 1985 Beef Promotion and Research Act, gives more control and power to the federal government; allows for an increased share of the checkoff funds to be used for administration costs; and does not ensure a coordinated state/national partnership.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports an increase in the beef checkoff assessment rate for the purpose of adequately funding an effective beef demand-building program.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes proposals to create a supplemental beef checkoff under the 1996 Act.

#### **21. BEEF INDUSTRY LONG RANGE PLAN (2021)**

WHEREAS, the vision of the Beef Industry Long Range Plan is “to be the protein of choice around the world, trusted and respected for our commitment to quality, safety and sustainability,”

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports the Beef Industry Long Range Plan.

#### **22. TRADE AGREEMENTS (2021)**

WHEREAS, according to the U.S. Trade Representative, the U.S. has approximately 20 bilateral trade agreements in effect and is a member of the World Trade Organization, and

WHEREAS, bilateral and multilateral trade agreements create opportunities to increase U.S. agricultural sales internationally, remove nontariff barriers to trade, eliminate tariffs, open markets, and promote economic growth in agriculture, and

WHEREAS, some countries prohibit the use of agricultural technology such as genetically modified organisms, beta agonists, and antibiotics, which science has shown to be safe and are approved for use in the United States, as a protectionist nontariff barrier to free trade, and

WHEREAS, recent trade agreements have allowed U.S. products to access or remain competitive in foreign markets.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports bilateral and multilateral trade agreements that benefit agriculture.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports protecting the use of modern agricultural technology in bilateral and multilateral trade agreements.

### **23. CONSERVATION RESERVE PROGRAM (CRP) (2021)**

WHEREAS, haying/grazing for livestock production is currently prohibited on CRP land, except in emergency situations, managed harvesting, prescribed grazing, routine grazing, grazing by a beginning farmer or rancher, and seasonal grazing of vegetative buffer practices incidental to agricultural practices on adjacent land, and

WHEREAS, the 2018 Farm Bill established 27 million acres as the maximum number of CRP acres to be enrolled through 2023, and

WHEREAS, native grass species found in CRP acres would receive specific benefits from grazing.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association urges USDA to establish a rental rate formula that assures the most sensitive land remain in CRP.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports amendments to the CRP law that clarify emergency forage is one purpose of CRP.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes legislation increasing the number of additional acres that may be enrolled in CRP.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports rules to allow periodic non-emergency and emergency haying and grazing as approved by an NRCS management plan, including CRP lands planted with CP 25 grass mixtures to address rare and declining wildlife habitat.

BE IT FURTHER RESOLVED, the Kansas Livestock Association believes farmers and ranchers who graze or hay any CRP land should have their annual CRP payment reduced as per contract terms.

### **26. SERICEA LESPEDEZA (2022)**

WHEREAS, sericea lespedeza is a statewide noxious weed that is a non-native plant that has infested grasslands in Kansas, and

WHEREAS, sericea lespedeza is difficult to control and chemical treatment is not always cost-effective, and

WHEREAS, this non-native invasive species is rapidly infesting grasslands in Kansas and in 2016 was reportedly found on over 498,883 acres in 59 counties across the state.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation and/or efforts to allow county weed departments to combine their efforts and resources in acquiring and distributing chemicals for treating lands infested with sericea lespedeza.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports additional coordinated research and educational efforts between the Kansas State University Extension Service; Natural Resources Conservation Service; and other interested agencies, associations, and/or persons to identify cost-effective practices for controlling sericea lespedeza.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports federal legislation and regulatory efforts to provide financial assistance to landowners for invasive species control and eradication programs.

### **27. NOXIOUS WEEDS INTRODUCED BY GOVERNMENT ENTITIES (2021)**

WHEREAS, invasive plant species, such as sericea lespedeza, crown vetch, and Old World bluestem were introduced and planted in Kansas by state and federal agencies for wildlife habitat and erosion control, and

WHEREAS, multiple pest management approaches have been and are being developed and landowners should not be restricted to certain methods of weed control or prohibited from certain land management practices, and

WHEREAS, existing Farm Bill programs like the Environmental Quality Incentives Program (EQIP) have proven ineffective to control spread of invasive species and unnecessarily restrictive of landowner-determined land uses.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association believes state and federal agencies should share financial responsibility for control of invasive plants, on private land, introduced by the state and federal agencies without unnecessarily restricting the ability of the landowners to utilize and manage their property.

### **28. NOXIOUS WEED LAW (2022)**

WHEREAS, the Kansas noxious weed law was amended and updated during the 2018 Kansas legislative session.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports state laws that (a) enhance enforcement of noxious weed violations on state or federally owned and/or managed lands; (b) authorize the Kansas Secretary of Agriculture to add weeds to or remove plants from the noxious weed list following recommendations from an advisory committee; and (c) authorize counties to declare noxious weeds within their jurisdictions, with oversight from the Kansas Department of Agriculture.

### **30. AGRICULTURAL BURNING (2022)**

WHEREAS, the burning of agricultural land is a commonly used land-management practice in Kansas, and

WHEREAS, the prescribed burning of native prairies has an ecological and economical value, which preserves the prairie ecosystem and enhances cattle production, and

WHEREAS, in recent years, prescribed burning in the Flint Hills has contributed to exceedances of the federal air quality standard for ozone in Kansas City and Wichita, and

WHEREAS, the Environmental Protection Agency (EPA) encouraged Kansas to adopt and implement a “Smoke Management Plan” (SMP) to reduce the number of days Flint Hills burning causes air quality problems for Kansas and downwind states, and

WHEREAS, KDHE adopted an SMP in 2010 after considerable input and guidance from stakeholders to enable EPA to disregard the monitoring data if air quality problems are caused by Flint Hills burning, and

WHEREAS, the Flint Hills SMP relies on voluntary measures to reduce emissions from prescribed burning of rangeland in the Flint Hills, and

WHEREAS, the Kansas Livestock Association was a participant in drafting the SMP and encourages its members to utilize the information available, as a result of the SMP, to schedule prescribed burns in a manner that minimizes the chances of causing air quality problems for areas of high or concentrated population centers.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association encourages EPA to (1) not seek regulatory proposals that inhibit prescribed burning of native grass grazing lands, (2) resist proposals to lower the air quality standards for ozone levels, and (3) recognize that air quality problems caused by prescribed burning is a rare event that should not penalize cities for nonattainment of federal clean air guidelines.

### **31. WILDFIRE SUPPRESSION (2022)**

WHEREAS, the two largest wildfires in the last 50 years in Kansas occurred in 2016 and 2017, burning over 1 million acres and causing at least \$80 million in damages and losses, and

WHEREAS, three state agencies have wildfire suppression duties in Kansas, and

WHEREAS, a recent Kansas Legislative Post Audit Performance Report noted Kansas devotes fewer state resources to wildfire suppression compared to other Great Plains states, and

WHEREAS, this report also recommends the Kansas Legislature consider amending state law to designate a single state entity to lead the state’s wildfire suppression efforts.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association (1) supports increased state funding for wildfire suppression, (2) encourages state agencies to enhance their collaborative efforts to increase

efficiency and effectiveness in wildfire suppression programs, and (3) supports state and federal enhancements for local fire districts and volunteer firefighters.

### **37. KANSAS GRAZING LANDS COALITION AND AFFILIATES (2022)**

WHEREAS, the Kansas Grazing Lands Coalition and affiliates, including other regional grazing groups like Tallgrass Legacy Alliance and Post Rock Grazers, are working on cooperative initiatives to enhance and restore the biological, economic, and cultural well-being of the grazing lands in Kansas, and

WHEREAS, the Kansas Grazing Lands Coalition and its affiliates' objectives are to continue as rancher-driven coalitions that help landowners voluntarily manage grazing lands in a fiscally and ecologically sustainable manner.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports the objectives of the Kansas Grazing Lands Coalition and its regional affiliates and encourages Kansas Livestock Association members to participate in the coalition's organizational activities.

### **38. CONSERVATION EASEMENT FUNDING PROGRAM (2021)**

WHEREAS, at least 29 states provide funding or tax incentives for the purchase of conservation easements, on a voluntary basis, that preserve working farms and ranches, and

WHEREAS, since 2003, Kansas farm and ranch landowners have granted perpetual conservation easements on over 188,000 acres, and

WHEREAS, USDA's Agricultural Conservation Easement Program (ACEP) provides funding for the purchase of perpetual conservation easements from private landowners, provided a non-federal entity is able to match a portion of the contribution, and

WHEREAS, state general fund dollars are not available for matching USDA's ACEP funds in Kansas.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports state legislation creating a Kansas conservation easement funding source.

BE IT FURTHER RESOLVED, any Kansas conservation easement purchase program should authorize qualified private conservation organizations to hold and administer the easements.

BE IT FURTHER RESOLVED, the Kansas Livestock Association believes the Kansas Department of Agriculture, Division of Conservation is the appropriate state agency to administer a Kansas conservation easement funding program.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes state legislation that prohibits Kansas landowners from voluntarily agreeing to a perpetual conservation easement agreement.

### **40. LESSER PRAIRIE CHICKEN (2022)**

WHEREAS, the lesser prairie chicken (LPC) is a native, grassland-nesting, upland bird found in mixed grass, sand-sage, and shinnery oak prairies of western Kansas, much of which is privately held land, and

WHEREAS, environmental activist groups forced the U.S. Fish and Wildlife Service (FWS) to list the LPC as a threatened species under the Endangered Species Act (ESA) on April 10, 2014, but that listing was vacated by a federal court in 2016, and

WHEREAS, in 2016, environmental activist groups again filed a petition with FWS to relist the LPC as a threatened or endangered species, filed a lawsuit in 2019 to force FWS to decide whether to list the LPC, and thereafter, FWS settled the lawsuit by agreeing to make a listing decision by May 26, 2021, and

WHEREAS, on June 1, 2021, the FWS published a proposed rule to list the LPC as threatened in Kansas, Colorado, Oklahoma, and parts of Texas; as endangered in New Mexico and other parts of Texas; and included a 4(d) rule that granted incidental take protection to routine agricultural practices on cultivated land in areas where the LPC is considered threatened, but specifically excluded livestock grazing practices from such protections, and

WHEREAS, listing of the LPC as a threatened species under the ESA is likely to frustrate ongoing voluntary conservation efforts, and

WHEREAS, while the Western Association of Fish and Wildlife Agencies (WAFWA) successfully implemented some voluntary conservation for the LPC through the Lesser Prairie Chicken Range-Wide Conservation Plan (Range-Wide Plan), an audit of the Range-Wide Plan demonstrated WAFWA mismanaged funds and conservation activities.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports voluntary, incentive-based conservation efforts as a means to preserve and enhance the population of the LPC in Kansas.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes listing the LPC as a threatened or endangered species under the ESA.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports inclusion of grazing lands in any future 4(d) rule for the LPC with similar incidental take protections as have been afforded cultivated lands.

BE IT FURTHER RESOLVED, the Kansas Livestock Association is opposed to the fee title acquisition of grazing lands under the Range-Wide Plan as a means of providing long-term conservation for the LPC.

BE IT FURTHER RESOLVED, the Kansas Livestock Association calls on WAFWA to resign as the administrator of the Range-Wide Plan.

### **43. ENVIRONMENTAL REGULATION (2021)**

WHEREAS, the mission of the Kansas Livestock Association is to advance members' common business interests and enhance their ability to meet consumer demand, and

WHEREAS, agriculture, in particular livestock operations, are a vital part of the Kansas economy, and

WHEREAS, livestock operations require consistent, science-based, uniform environmental laws and regulations to maintain a favorable business environment, and

WHEREAS, climate change, air, and water pollution regulation is or may be proposed at state and federal levels that may impact agricultural operations including livestock operations, and

WHEREAS, federal and state court and administrative regulatory decisions regarding greenhouse gas emissions and air or water pollutants may directly impact livestock and agricultural operations.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislative, judicial, or administrative actions to minimize the effects of environmental laws, regulations, or judicial determinations on livestock operations and to maximize the economic opportunities for agricultural and livestock operations to meet such regulations.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative actions that allow maximum flexibility for agricultural and livestock operations to meet regulatory obligations.

### **53. ANIMAL CARE (2021)**

WHEREAS, livestock producers recognize that good animal health, care, production, and handling practices are a responsibility of producers to the animals and the consumer, and

WHEREAS, livestock producers long have been concerned with the welfare of livestock, recognizing that good animal health, care, production, and handling practices are essential to efficient and profitable production, and

WHEREAS, it is important for livestock producers to share with the public the many animal husbandry practices used every day in their operations.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association recommends producers implement the Cattle Industry's Guidelines for the Care and Handling of Cattle, Beef Quality Assurance guidelines, Dairy Quality Assurance guidelines, and/or the National Dairy FARM Program.

BE IT FURTHER RESOLVED, the Kansas Livestock Association encourages the further development and participation in voluntary certification programs that validate participating producers are using best management practices for disease control and animal care.



#### **54. HANDLING OF NON-AMBULATORY CATTLE (2022)**

WHEREAS, the safety and well-being of cattle handlers is a priority, and

WHEREAS, humane handling of cattle always has been a priority for Kansas livestock producers.

THEREFORE BE IT RESOLVED, non-ambulatory cattle should be humanely euthanized as soon as possible.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports policy prohibiting the harvest of non-ambulatory cattle for human consumption.

#### **57. ANIMAL HEALTH PRODUCTS (2021)**

WHEREAS, the Kansas Livestock Association facilitates the Kansas Beef Quality Assurance educational program with Kansas State University and the Kansas Veterinary Medical Association, and

WHEREAS, the Kansas Livestock Association continues to encourage the livestock industry to follow the proper use of animal health products and feed additives.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association opposes laws and regulatory proposals that hinder the timely availability of animal health products, create costly or burdensome distribution and administration of products, and impose duplicative regulatory requirements by state and federal agencies.

#### **59. BOVINE TUBERCULOSIS AND BRUCELLOSIS (2021)**

WHEREAS, Kansas is a tuberculosis-free and brucellosis-free state and the loss of that status would be an added burden and expense to the state's livestock industry.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports all possible steps by state and federal agencies to maintain free status.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports the Kansas Department of Agriculture, Division of Animal Health in its efforts to protect the domestic livestock population of Kansas from these infectious and contagious diseases.

#### **63. INTERSTATE SALES OF STATE-INSPECTED MEAT (2022)**

WHEREAS, there has been increased demand from U.S. consumers to purchase meat directly from the producer, and

WHEREAS, current law prohibits meat from entering interstate commerce unless processed at a USDA-inspected facility, and

WHEREAS, as of 2021, Kansas and 26 other states have adopted robust, annually audited State Meat and Poultry Inspection (MPI) Programs that operate under a cooperative agreement with the United States Department of Agriculture (USDA) Food Safety Inspection Service that meet or exceed the "at least equal to" inspection standards under the Federal Meat Inspection Act, and

WHEREAS, food safety is essential to the international meat export market.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation to allow interstate sales of state-inspected meat under an MPI cooperative agreement that meets or exceeds the "at least equal to" inspection standard.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports USDA maintaining recall authority over meat processed at state-inspected facilities.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports reasonable measures to prevent meat processed at state-inspected facilities from entering export markets.

BE IT FURTHER RESOLVED, the Kansas Livestock Association opposes unnecessary restrictions on the quantities of and the methods by which state-inspected meat may enter interstate commerce.

#### **64. SUPPORT FOR NEW OR EXPANDING MEAT PROCESSORS (2022)**

WHEREAS, a 2020 study found the beef industry could economically accommodate an additional 5,600 head of daily processing capacity, and

WHEREAS, significant barriers to entry and expansion exist.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports initiatives that contribute to new construction or expansion of meatpacking facilities to achieve and maintain necessary packing capacity levels.

#### **65. ANIMAL IDENTIFICATION FOR DISEASE TRACEABILITY (2021)**

WHEREAS, USDA's animal identification disease traceability program is limited to sexually intact cattle, more than 18 months of age, that move in interstate commerce; dairy cattle; cattle used for rodeo and recreational events; and cattle moved to shows and exhibitions, and

WHEREAS, the 2021-2025 cattle industry Long Range Plan emphasizes the cattle industry should invest in education, communication and other activities that drive the industry to unify efforts to achieve traceability.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports efforts by the National Cattlemen's Beef Association and USDA to develop a mandatory national individual animal identification disease traceability system for all cattle.

BE IT FURTHER RESOLVED, the Kansas Livestock Association believes strongly that any animal identification or disease traceability program should be designed to (1) minimize costs to producers, (2) optimize the role of the private sector to administer the program, and (3) protect the confidentiality of individual animal owner records.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports expansion and further development of U.S. CattleTrace and its interface with existing private-sector, data management, identification and traceability companies as the nationally significant solution for animal disease traceability.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports limitations on animal owners' liability exposure that may arise under a private or public animal identification or disease traceability program.

# Stockgrowers Council Policy to Renew

## **8. LIVESTOCK PRICE REPORTING (2020)**

WHEREAS, cattle marketing methods continue to evolve, making meaningful price reporting a challenge, and

WHEREAS, the United States Department of Agriculture Agricultural Marketing Service (USDA AMS) is meeting with industry stakeholders to discuss what changes could be made to Mandatory Price Reporting.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports a transparent price reporting system that allows the livestock industry to understand the price paid for cattle.

## **9. FUTURES MARKETS (2020)**

WHEREAS, the commodity futures markets provide a vital and necessary risk management tool for the livestock industry, and

WHEREAS, additional research, study and industry agreement is needed before making wholesale changes to the CME live cattle contract, including movement to a cash settlement process.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports physical delivery, including feedyards as delivery points, as the preferred mechanism for settlement of the CME Live Cattle contract.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports viable futures exchanges to facilitate effective risk management opportunities for the livestock industry.

BE IT FURTHER RESOLVED, contract specifications should match industry needs and facilitate convergence of futures prices with the cash market to ensure a useful risk management function is provided.

BE IT FURTHER RESOLVED, the Kansas Livestock Association will continue to monitor any pending rule or regulatory changes that may impact the ability of the futures markets to provide a meaningful risk management function.

## **13. STATUTORY LIENS (2020)**

WHEREAS, there are a number of agricultural statutory liens that have served Kansas well for decades, and

WHEREAS, under current law, livestock producers have a first and prior lien on the grazing, feeding, and care provided for livestock owned by others without having to file financing statements with the state.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports the current agricultural lien laws dealing with the feed and care provided livestock and will oppose any efforts to eliminate these liens or their priority.

BE IT FURTHER RESOLVED, the Kansas Livestock Association will oppose amendments that would require livestock producers to file financing statements with the state in order to maintain the status of their statutory lien.

## **19. LABELING OF IMITATION MEAT AND DAIRY PRODUCTS (2020)**

WHEREAS, the development and commercialization of meat analogues, foods that approximate the aesthetic qualities, primarily texture, flavor, and appearance, or the chemical characteristics of specific types of meat, but do not contain meat or a meat food product, is occurring, and

WHEREAS, the development and commercialization of laboratory-grown meat alternatives is imminent, and

WHEREAS, the development and commercialization of dairy analogues has occurred, and

WHEREAS, companies selling meat analogues have claimed their products are meat, despite not containing animal protein, and

WHEREAS, meat analogues are often nutritionally inferior to meat, and

WHEREAS, the Federal Meat Inspection Act (FMIA) grants the U.S. Department of Agriculture (USDA) regulatory authority over all meat and meat food products, and

WHEREAS, the Federal Food, Drug, and Cosmetic Act (FFDCA) grants the Food and Drug Administration (FDA) regulatory oversight of all non-meat and non-poultry derived food products, and

WHEREAS, both USDA and FDA are responsible for enforcing standards that labels are truthful and not misleading, and

WHEREAS, there is lackluster enforcement by the FDA against meat and dairy analogues, and

WHEREAS, the same enforcement issues could occur with laboratory-grown meats, and

WHEREAS, the cross-use of nomenclature is confusing and misleads consumers who expect certain characteristics from meat and dairy products, and

WHEREAS, consumers should be equipped to make informed decisions when purchasing meat food products versus imitation meat products and other meat analogues.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association opposes allowing dairy analogues, meat analogues, and laboratory-grown meat to inappropriately utilize nomenclature associated with actual meat or dairy products.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, regulatory, or judicial action to protect consumers by ensuring dairy analogues, meat analogues, and laboratory-grown meat are accurately labeled and do not inappropriately utilize nomenclature associated with actual meat or dairy products.

## **32. PROTECTION OF PRIVATE PROPERTY AND USE OF EMINENT DOMAIN (2020)**

WHEREAS, private property rights are one of the basic pillars of a free enterprise society, and

WHEREAS, the preservation of private property rights is a policy objective of the Kansas Livestock Association.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative initiatives to prevent the use of eminent domain powers by governmental entities as a tool to take private property from one party and transfer to another party for profit or private gain.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative initiatives that require governmental entities proposing to use

eminent domain powers to acquire property for public or private projects to demonstrate the proposed project does not violate state and federal laws prior to any condemnation of property.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislation that provides for full compensation to property owners for any property interest taken through eminent domain.

BE IT FURTHER RESOLVED, the Kansas Livestock Association believes that if a certificate of convenience is issued to an entity for a public purpose, the certificate and any subsequent condemnation should be limited in scope to authorize only the minimum amount of intrusion on private property necessary to accomplish the public purpose.

### **34. ZONING OF AGRICULTURAL LAND AND BUILDINGS (2020)**

WHEREAS, the preservation of private property rights is a policy objective of the Kansas Livestock Association, and

WHEREAS, agricultural enterprises succeed best when decisions about agricultural land and the construction, maintenance, and use of agricultural structures are left to the property owner and free from government interference, and

WHEREAS, the Kansas Legislature has recognized and preserved the right of property owners to use agricultural land and buildings free from regulations under the Kansas planning and zoning act, and

WHEREAS, numerous Kansas counties have chosen not to follow the Legislature's mandate to exempt the use of agricultural land and buildings from planning and zoning regulations, infringing on the property rights of farmers and ranchers.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports current state laws that prohibit local governments from enacting any regulations that apply to agricultural land use or the construction and maintenance of buildings used for agricultural purposes outside of city limits, and opposes any attempt to weaken those exemptions.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports legislative, judicial, and administrative initiatives to compensate private property owners who are forced to defend their right to use agricultural land and buildings from planning and zoning resolutions and ordinances, promulgated by local governing bodies, that violate state statutes prohibiting such resolutions and ordinances.

### **39. PRAIRIE DOGS AND BLACK-FOOTED FERRETS (2020)**

WHEREAS, in recent years, the black-tailed prairie dog population has significantly increased in some areas of western Kansas, and

WHEREAS, prairie dogs tend to migrate and create new and/or increasing populations on additional grazing lands, and

WHEREAS, prairie dogs reduce forage available for livestock and often inhabit grazing lands where they are unwanted, and

WHEREAS, landowners and/or local units of governments who seek to control unwanted prairie dog populations incur significant expenses, and

WHEREAS, the U.S. Fish and Wildlife Service (FWS) has introduced the black-footed ferret, a federally endangered species that depends exclusively on prairie dogs for food and shelter, and

WHEREAS, the FWS made certain commitments to private landowners to prevent adverse impacts from prairie dogs that were expected to accompany reintroduction of the black-footed ferret, and FWS has failed to meet those commitments.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association opposes state and federal legislation or regulations that would restrain local government officials' ability to control prairie dogs.

BE IT FURTHER RESOLVED, the Kansas Livestock Association urges the FWS to remove the black-footed ferret from reintroduction sites in Kansas.

#### **41. DEER (2020)**

WHEREAS, the deer population in Kansas is causing significant problems to landowners and tenants.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation to financially compensate farmers and ranchers experiencing significant crop damage from deer and other wildlife. This compensation should be equal to the loss incurred.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports changes in Kansas law to allow farmers and ranchers more flexibility and legal authority to control deer and other wildlife causing damage to crops and livestock.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports state legislation amending deer hunting laws to allow landowners and tenants to acquire a deer hunting tag or permit that may be transferred to a resident or nonresident for use on the landowner/tenant's property.

#### **55. HUMANE CARE OF HORSES (2020)**

WHEREAS, the lack of federal funding for government inspectors has created an effective ban on horses being humanely processed in the United States, and

WHEREAS, federal legislation has been proposed to prohibit the processing of horses in the United States and to prohibit the transportation of horses destined for processing in other countries, and

WHEREAS, there is a continued need for the humane harvest of unwanted horses as an alternative to the costs of continued care or euthanasia and disposal, and

WHEREAS, the elimination of the option of humane harvest of unwanted horses creates the potential for long-term neglect and abandonment.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports legislation or regulations that allow for responsible forms of euthanasia of excess horses and burros, including harvesting and processing.

#### **58. TRICHOMONIASIS (2020)**

WHEREAS, trichomoniasis is a sexually transmitted disease in cattle that causes significant reductions in pregnancy rates within infected cowherds, and

WHEREAS, trichomoniasis is transmitted by bulls, is difficult to detect, and infected bulls are untreatable, and

WHEREAS, current regulations of the Kansas Department of Agriculture, Division of Animal Health designates trichomoniasis as a reportable disease and requires testing of certain animals.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports practicable harmonization of trichomoniasis regulations among states and urges state and federal animal health agencies to strive for the eradication of trichomoniasis.

#### **60. BOVINE VIRAL DIARRHEA (2020)**

WHEREAS, bovine viral diarrhea (BVD) is one of the most costly viral diseases of cattle in the United States, and

WHEREAS, cattle persistently infected (PI) with BVD prolifically shed the virus and are considered the major source of BVD, and

WHEREAS, the reproductive losses associated with lower pregnancy proportions, more abortions, and higher calf mortality greatly impact efficiency and profitability, and

WHEREAS, research indicates there is nearly a \$50 per head cost for every animal going into the feedyard because of PI exposure, and

WHEREAS, the American Association of Bovine Practitioners (AABP) and Academy of Veterinary Consultants (AVC) have statements approved by the National Cattlemen's Beef Association (NCBA) regarding disclosure and disposition of BVD PI animals for the purpose of reducing exposure and the transmission of BVD.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association encourages beef and dairy cowherd owners to consult with their veterinarian to consider a cost-effective vaccination prevention program and the merits of a BVD PI testing regime.

BE IT FURTHER RESOLVED, the Kansas Livestock Association encourages the development of a voluntary certification program that validates participating herd owners are using best management practices for disease control and animal care.

BE IT FURTHER RESOLVED, the Kansas Livestock Association adopts the following AABP and AVC position statements regarding responsible disclosure and disposition of BVD PI animals:

##### **AABP Statement on Disclosure of BVD PI Animals**

The cattle industry has a moral, ethical, and potentially legal obligation not to sell known diseased or damaged animals to other parties without full disclosure. Responsible disposition of animals persistently infected with BVD PIs is an important component of BVD control. The dilemma of how to deal with known PI cattle becomes more critical as BVD testing becomes more widespread.

Appropriate disposition of known PI cattle must take into account the adverse impact these cattle have on the health, welfare, and the economic return of other cattle and cattle operations they may expose to BVD. It is widely recognized that a PI animal is defective and once confirmed, the PI status should be thereafter disclosed – as exposure to these cattle has health ramifications for all cattle, especially those intended for reproductive purposes. The American Association of Bovine Practitioners strongly opposes marketing or movement of BVD PI animals in any manner that potentially exposes at-risk cattle.

##### **AVC BVD Position Statement**

The dilemma of how to deal with known PI cattle becomes more critical as BVD testing becomes more widespread. Appropriate disposition of known PI cattle must take into account the adverse impact those cattle have on health, welfare and the economic return of the cattle or cattle operation they may expose to BVD.

It is widely recognized the PI animal is defective and once confirmed, their PI status should thereafter be disclosed as exposure to these cattle has health ramifications for all cattle, especially those intended for reproduction purposes. Therefore, marketing or movement of PIs in any matter that potentially exposes at risk cattle is strongly discouraged.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports requiring cattle tested as positive for BVD PI to be permanently identified before a change of ownership occurs, unless the positive animals will be quarantined until shipment direct to harvest.



# STOCKGROWERS COUNCIL POLICY SCEC RECOMMENDS TO AMMEND

## 12. DEALER STATUTORY TRUST (2021)

WHEREAS, ~~during the past 10 years~~, there have been dozens of livestock dealer defaults, including a 2010 default that cost creditors, including producers, auction markets, and other dealers, approximately \$112 million, and

WHEREAS, when such defaults occur, producers who have recently sold livestock often are not paid for the sale of their animals, and

WHEREAS, a seller's protection often is limited to a bond, which has historically compensated unpaid sellers less than fifteen cents for every dollar in losses, and

WHEREAS, ~~the Livestock Marketing Association has sponsored~~ legislation creating a Dealer Statutory Trust, similar to the ~~existing~~ Packer Statutory Trust became law on December 27, 2020.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports ~~federal legislation creating a the~~ Dealer Statutory Trust statute that gives unpaid cash sellers first priority in livestock and the proceeds or accounts receivable from the sale of such livestock prior to other creditors.

BE IT FURTHER RESOLVED, a buyer in the ordinary course of business purchasing from a dealer ~~will~~should continue to take clear title of livestock.

## 24. USDA DISASTER PROGRAMS (2021)

WHEREAS, Kansas livestock producers recently have been impacted by significant natural disasters, including wildfires and blizzards, and

WHEREAS, these disasters have killed thousands of head of livestock and burned thousands of miles of fence, and

WHEREAS, these disasters have highlighted shortcomings in USDA livestock disaster programs.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports federal legislation to improve the livestock disaster programs, including an increase in the payment limitations and adjusted gross income eligibility requirements for all USDA livestock disaster programs.~~the USDA Farm Service Agency's Livestock Indemnity Program and Emergency Conservation Program to help compensate for livestock killed and fences destroyed by natural disasters.~~

## 25. WILD/FERAL HORSES AND BURROS (2020)

WHEREAS, the population of wild/feral horses and burros in the western United States continues to outpace natural death loss and adoption rates, leading to rapid overpopulation, starvation, and dehydration, and

WHEREAS, this overpopulation greatly contributes to range degradation, reducing the biodiversity and productivity for wildlife and livestock, and

WHEREAS, the annual federal fiscal year budget for the wild horse and burro program exceeds ~~\$80~~137 million, compared to \$36.7 million in 2004, and

WHEREAS, according to a 2010 report by the U.S. Department of the Interior’s Office of Inspector General (OIG), the costs of the Wild Horse and Burro Program are “not sustainable for the animals, the environment or the taxpayer,” and

WHEREAS, moving these animals from their native range to other regions of the United States only transfers the problems instead of solving them, and

WHEREAS, the federal government is competing with Kansas livestock producers for grazing land with taxpayer money.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association favors the use of euthanasia, fertility control, harvesting, and other humane means of reduction and management of the population of wild/feral horses and burros, and opposes the federal government competing with livestock producers for grazing land through the translocation of these animals to other regions of the United States.

#### **61. FERAL SWINE (2020)**

WHEREAS, feral swine may harbor diseases infectious to domestic livestock herds and often cause damage to dams, crop fields, and grazing lands, and

WHEREAS, USDA officials have confirmed feral swine inhabit at least five multiple counties in Kansas.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports state and/or federal funding for feral swine control and eradication efforts in Kansas.

#### **62. KANSAS DEPARTMENT OF AGRICULTURE, DIVISION OF ANIMAL HEALTH (2021)**

WHEREAS, animal agriculture is important to the Kansas economy, and

WHEREAS, maintaining a healthy animal population is important to all Kansans, and

WHEREAS, being prepared to manage any animal health situation that may arise is important to maintaining a strong economy.

WHEREAS, having one person, the Animal Health Commissioner, charged with administering animal health programs ensures a coordinated and comprehensive response to animal disease emergencies.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association supports funding the Kansas Department of Agriculture, Division of Animal Health through the state general fund or from a broad-based fee collection system funded proportionately from all species based on their demands on Kansas Department of Agriculture, Division of Animal Health resources.

BE IT FURTHER RESOLVED, the Kansas Livestock Association supports the current structure of the Division of Animal Health where both pet animals and livestock are under the purview of the Animal Health Commissioner and opposes legislative or executive action to remove pet animals from the supervision of the Animal Health Commissioner.

#### **66. KSU COLLEGE OF AGRICULTURE, COLLEGE OF VETERINARY MEDICINE, EXTENSION SERVICES, AND EXPERIMENT STATIONS (2020)**

WHEREAS, agriculture is the number one industry in Kansas, and

WHEREAS, Kansas State University is one of the nation's first land grant colleges and agriculture has always been a prime area of teaching and research.

THEREFORE BE IT RESOLVED, the Kansas Livestock Association strongly supports that the university administration, Board of Regents, and the Kansas Legislature provide funding for the College of Agriculture, College of Veterinary Medicine, ~~a food safety and security facility~~, experiment stations, and extension services in relationship to agriculture's importance to the Kansas economy.

~~BE IT FURTHER RESOLVED, the Kansas Livestock Association supports the need for and legislative approval of a new state-of-the-art veterinary diagnostic laboratory.~~