

Approved 2-20-86
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Lloyd D. Polson at
Chairperson

9:00 a.m./~~p.m.~~ on February 11, 1986 in room 423-S of the Capitol.

All members were present except: Representatives Apt, Dean, Jenkins, Neufeld, and Weaver, who were excused.

Committee staff present:

Raney Gilliland, Legislative Research Department
Norman Furse, Revisor of Statutes Office
Mary Jane Holt, Committee Secretary

Conferees appearing before the committee:

Representative Ginger Barr
Dr. A. T. Kimmell, Livestock Commissioner, Animal Health Department
Mike LaRue, Topeka Zoological Park
Jerry Hazlett, Kansas Wildlife Federation
Darrell Monte, Kansas Fish and Game Commission
Dr. Mike Johnson, K.S.U.

Hearing on H. B. 2718 - Regulation of exotic pets.

Raney Gilliland reviewed the bill for the Committee.

Representative Barr read to the Committee the background material for the bill. Raymond Powers of the Research Department prepared the background material for the Energy and Natural Resources Committee and will prepare copies for the Committee members.

Representative Barr stated the intent of this bill is not to restrict Kansas citizens from having exotic animals but to make sure that Kansas citizens lives, as well as property, are being protected from animals or exotic animals that have a potential of being dangerous and also to make sure that animals or exotic animals are being properly maintained. She also proposed several amendments to the bill and they are included in Attachment I.

Dr. A. T. Kimmell testified the bill is directed more to animal welfare than to animal health. The animals they inspect are in pet shops, pounds, animal dealers and shelters, in first class cities. A pet shop fee is \$100.00. Certain wild animals are excluded from sale due to rabies.

Dr. Kimmell stated that Animal Health Department does not have sufficient personnel to administer this bill and will have to hire an additional field person and another clerk. Their salaries, plus equipment and mileage, would total \$48,942. He suggested a \$75 license fee would reduce the amount needed. The fiscal note is Attachment II.

Mike LaRue testified in favor of H.B. 2718.

Jerry Hazlett said his organization's concern is for the wildlife and the spread of disease and would favor this type of legislation.

Darrell Monte explained the Fish and Game Commission has a problem with administering this bill as it deals with the welfare of animals in pet shops. They do not object to the bill as written, with the exception of some of the amendments.

The hearing on H.B. 2718 was closed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS,

room 423-S, Statehouse, at 9:00 a.m./~~p.m.~~ on February 11, 1986

Representative Bryant moved to approve the minutes of January 30, February 4, February 5, and February 6. The motion was seconded by Representative Buehler. The motion passed.

The Chairman explained a draft of a bill concerning the lease of agricultural land with right of first refusal on tenancy, and recommended it be introduced as a Committee bill. Representative Solbach moved the Committee introduce this bill. Representative Eckert seconded and the motion passed.

Dr. Mike Johnson requested the Committee introduce a bill that would combine the Tribune experiment station with the Garden City experiment station. Representative Solbach made a motion the Committee introduce this bill. The motion was seconded by Representative Roenbaugh. The motion passed.

The Committee adjourned at 10:00 a.m.

The next meeting will be Wednesday, February 12, 1986 at 9:00 a.m. in Room 423-S.

STATE OF KANSAS

GINGER BARR
REPRESENTATIVE, FIFTY-FIRST DISTRICT
SHAWNEE COUNTY
P O BOX 58
AUBURN, KANSAS 66402-0058



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN GOVERNMENTAL ORGANIZATION
MEMBER ENERGY AND NATURAL RESOURCES
FEDERAL AND STATE AFFAIRS

Testimony by Representative Ginger Barr before the House
Agriculture and Small Business Committee on February 11, 1986
regarding House Bill 2718 which deals with animals and exotic
animals.

Mr. Chairman and Members of the Committee:

House Bill 2718 deals with animals and exotic pet animals which
are sold by pet shop operators who are licensed. The history of
this bill is quite interesting.

Last spring I was sitting in my office prior to the close of the
legislative session. I received a call from a Girl Scout leader
who was interested if we had any laws concerning brown bears that
were sold in pet shops. The question arose because some Girl
Scouts had seen a small, young, de-clawed, brown bear cub in a
local pet shop for sale. I investigated the statutes and called
the Kansas Fish and Game Commission to find out that really our
statutes are very weak in this particular area.

I wanted to make sure that I had the correct facts. So, I
personally visited the pet shop. There I saw the small, de-clawed
cub. I asked a lady who stood behind the counter if the bear was
truly de-clawed. Her answer was yes. I then asked her what she
would do once the bear became larger. Her comment to me was,
"Well, nobody's thought of that at this point".

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Attachment I

This summer I have worked on this particular piece of legislation with representatives of the Fish and Game Commission, representatives of the Kansas Animal Health Department, and a representative of the World Famous Topeka Zoo, and with members of the Legislative Research Staff. We had approximately five meetings throughout the summer so that we could present to the legislature a well prepared bill.

The intent of the bill is basically this: (1) It is not to restrict Kansas citizens from having exotic animals. (2) The bill is to make sure that Kansas citizens lives, as well as property, are being protected from animals or exotic animals that have a potential of being dangerous. (3) It is to make sure that animals or exotic animals are being properly maintained.

I will pass around to the committee a picture of a woman who has coyotes. This is an example of good responsible animal care. You'll notice from the pictures that the coyotes are well taken care of, as well as the safety of this particular woman's neighbors. I personally do not have any problem with this type of an arrangement in dealing with perhaps vicious or exotic animals.

During the summer I stopped in Oakley, Kansas, and visited the giant prairie dog. It was there that I realized that this establishment sells coyote pups. When I asked the cashier how many coyote pups they sell a year, she responded back that they can sell as many coyotes as they desire. In other words, there is a demand. It seems strange to me that on one hand we have people selling coyote pups and don't have the slightest idea where they are going. Then on the other hand, we have farmers and ranchers out trying to irradiate coyotes in fear of what they will do to their livestock.

Another reason for introducing this particular bill is that I have a situation in my district where next to a large livestock operation there is an establishment that has animals such as bears, and also various types of large cats that they use for motion pictures. Again, it is not my desire to prohibit people from having various animals, but again, to make sure that they are being properly maintained, as well as the public's safety is also being maintained.

This is the intent of the bill and now I will go through the bill to explain basically what it does. The "commissioner" as you will see in line 31, means the Livestock Commissioner of the Kansas Animal Health Department. On line 40, "animal" means any animal or exotic pet animal, as defined in K.S.A. 47-1701, and amendments thereto. The definition of "animal" and "exotic pet animal" has already been defined, and there is no attempt to amend those definitions.

The Commissioner of the Kansas Animal Health Department could regulate and perhaps prohibit the importation, possession, transfer, sale or gift of animals within the state which constitute a hazard to human or animal health or safety. This would basically be done by the adoptions of the Rules and Regulations. The commissioner would license persons who have been approved to import, sell, transfer, or maintain such animals, and shall impose a fee of not more than \$50.00 for such license. The commissioner shall adopt Rules and Regulations with the consultation of the Kansas Fish and Game Commission to make sure that the Rules and Regulations comply with the federal Rules and Regulations of exotic imported animals. Section 4 talks about how the act does not apply with certain organizations.

I do have several amendments to the bill to carry out the intent of the bill. I did talk with Representative Sandy Duncan who is Chairman of the Rules and Regulations Committee. He offered some suggestions that he thought would be helpful to his committee if the bill would pass through the legislative process.

The amendments are as follows: (1) In line 47, delete the word "not". Beginning in Line 48, delete the words "any animal not on such list shall be subject to regulation as provided by this act".

Then section "d" would read: The commissioner, by adoption by rules and regulations, shall list all animals which the commissioner determines to constitute a hazard to human or animal health or safety. In our discussions we thought there would be less animals, such as this, then the way it was originally written. (2) In line 66, delete the word "any". In line 67, delete the words "necessary to implement the provisions of this act". In line 66 after the word "regulations", we would add which: (a) establish minimum standards for the humane care and treatment of animals; (b) establish minimum standards for housing facilities for animals; and (c) such other rules and regulations deemed by the commissioner to be necessary to implement the provisions of this act. (3) In line 69, delete the words "the Fish and Game Commission shall ensure that". In line 70 add the words so the sentence would read: "Such rules and regulations shall comply with applicable federal regulation of exotic and imported species." This would help to give authority to the Department of Agriculture and not to the Kansas Fish and Game Commission.

I feel that this is a bill that if action is taken upon would perhaps prohibit problems for the public in dealing with dangerous and exotic animals. I was having a nice conversation with Senator Phil Martin who told me that several boa constrictors have become

lost in his legislative district. They have only found one boa constrictor.

I think that this is a thoughtful and good policy for the state of Kansas and I would urge your support of this bill.

(b) The commissioner, by adoption of rules and regulations, shall list all animals which the commissioner determines not to constitute a hazard to human or animal health or safety. ~~Any animal not on such list shall be subject to regulation as provided by this act.~~ The commissioner shall establish the conditions under which animals subject to regulation may be imported, sold, donated, transferred and possessed. Any person who desires to import, sell, transfer or possess an animal regulated pursuant to this section shall apply to the commissioner for a license. The commissioner shall license those persons who have been approved to import, sell, transfer or maintain such animals and shall impose a fee of not more than \$50 for such license. The commissioner, by adoption of rules and regulations, shall establish the terms and conditions by which a person may be granted a license. Circuses and similar commercial operations shall apply to the commissioner for special permits to be granted upon terms and conditions adopted by the commissioner.

(c) The commissioner, by adoption of rules and regulations shall list all animals which are prohibited to be imported, possessed, transferred, sold or donated.

(d) The commissioner shall adopt ~~any~~ rules and regulations ~~necessary to implement the provisions of this act.~~ All rules and regulations shall be adopted in consultation with the Kansas fish and game commission. ~~The fish and game commission shall ensure that~~ Such rules and regulations ^{shall} comply with ^{applicable} federal regulation of exotic and imported species.

New Sec. 4. This act shall not apply to the keeping of animals at a:

- (a) Zoo, as defined by the American association of zoological parks and aquariums;
- (b) museum as defined by the American association of zoological parks and aquariums;
- (c) medical institution;
- (d) institution under the jurisdiction of the state board of regents;
- (e) veterinary clinic in temporary possession of animals; or
- (f) research facility or with a person designated by the com-

0083 missioner.

0084 New Sec. 5. Any person who fails to comply with the provi-
0085 sions of this act shall be guilty of a class B misdemeanor.

0086 Sec. 6. K.S.A. 47-1713 is hereby repealed.

0087 Sec. 7. This act shall take effect and be in force from and
0088 after its publication in the statute book.

which:

- a) establish minimum standards for the humane care and treatment of animals;
- b) establish minimum standards for housing facilities for animals; and
- c) such other rules and regulations deemed by the commissioner to be necessary to implement the provisions of this act.

Fiscal Note
1986 Session
February 7, 1986

Bill No.

1701

The Honorable Lloyd Polson, Chairperson
Committee on Agriculture and Small Business
House of Representatives
Third Floor, Statehouse

Dear Representative Polson:

SUBJECT: Fiscal Note for House Bill No. 2718 by Committee
on Energy and Natural Resources

In accordance with K.S.A. 75-3715a, the following fiscal note concerning House Bill No. 2718 is respectfully submitted to your committee.

House Bill No. 2718 authorizes and requires the Livestock Commissioner of the Animal Health Department to regulate the importation, possession, transfer, sale or gift of exotic pets and certain other animals determined by the Commissioner to constitute a hazard to human or animal health or safety. Persons wishing to import, sell, donate, transfer or possess such animals must be licensed by the Commissioner, who is empowered to impose a license fee not to exceed \$50. In developing regulations to implement HB 2718, the Commissioner is to consult with the Fish and Game Commission to ensure that the regulations comply with federal laws governing exotic and imported species.

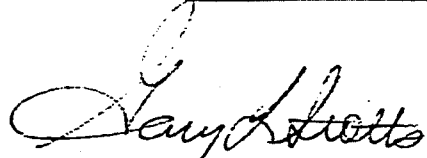
Organizations exempt from regulation under the bill would include zoos, certain museums, medical institutions, research facilities, and veterinary clinics in temporary possession of animals subject to regulation. Failure to comply with the law would constitute a class B misdemeanor.

The Livestock Commissioner estimates that implementing HB 2718 would require expenditure of \$48,942 during the first year of operation. The amount includes costs associated with two additional staff positions, including one field investigator and one clerical position. Presumably such costs would be paid with moneys generated from imposition of license fees authorized by the bill. It is not possible, however, to make a reliable estimate at this time of the amount of revenue such a fee would produce. Information is not readily available on the number of

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species likely to be regulated or the number of people who would apply for a license.

Any expenditures resulting from passage of HB 2718 would be in addition to amounts contained in the FY 1987 Governor's Budget Report.



Gary L. Stotts
Acting Director of the Budget

GLS:JJ:sr