

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by CHAIRMAN MILLER at \_\_\_\_\_  
Chairperson1:30 a.m./p.m. on March 5, 1987 in room 526S of the Capitol.

All members were present except:

## Committee staff present:

Lynda Hutfles, Secretary  
 Mary Galligan, Research  
 Mary Torrance, Revisor  
 Raney Gilliland, Research

## Conferees appearing before the committee:

Dr. Kimmel, Kansas Livestock Commission  
 Dr. Stumpffs, USDA  
 Linda Meredith  
 Don Jones, Jones Kennels, Inc.  
 Ken Jossaurand  
 Ellen Querner  
 Su Bacon, Riley Co. Humane Society  
 Joyce Shillings  
 Dr. Caley, KSU  
 Fred Allen, Kansas Association of Counties  
 Phyllis Evans, Arduus Kennels  
 Jo Meister  
 Paul Decelles  
 Audrey McCaig, Shawnee County Humane Society  
 Mrs. Mirando, Seafoam Kennels, Topeka  
 Judith Schreff  
 Carol J. Brandert, Kansas Federation of Humane Societies  
 Dr. R.R. Domer, Ks. Veterinary Medical Association  
 Wendell E. Maddox, U.S. Humane Society  
 Arnold Gideon, Paxico  
 Sandra Maike, Maike Enterprises  
 Ralph Karr, WeeValley Kennels  
 Kenny Keagan, County Commissioner, Nemaha Co.  
 H.D. Wullschleger, Home  
 Kathleen Ross  
 Lorealea Grosnickel, Corning  
 Al Rush, Governor's Liason  
 Michael Barbara

The meeting was called to order by Chairman Miller.

Representative Roenbaugh made a motion, seconded by Representative Sughrue, to approve the minutes of the March 4 meeting. The motion carried.Representative Roe made a motion, seconded by Representative Eckert, to introduce, as a committee bill, a bill concerning missing children. The motion carried.HB2220 - Licensure and regulation of retailers and wholesalers of pet animals

The Chairman announde baccuse of time restraints, there would be 30 minutes for the proponents and 30 minutes for the opponents.

Dr. Kimmel, Kansas Livestock Commission, gave testimony in support of the bill that is patterned after the Iowa and Illinois bill. He told the committee that if this bill becomes law, the Kansas Animan Health Department is both willing and able to administer the registration, licensing and inspection. See attachment A.

Dr. Stumpffs, the veterinarian in charge in Kansas for USDA, encouraged committee support and assistance to ensure humane care of animals. Many

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal & State Affairs,  
room 526S, Statehouse, at 1:30 a.m./p.m. on March 5, 1987.

animal operations are not covered by federal regulation. A state law would reinforce federal regulations. Infrequent inspections are not adequate. He said they do the best job they can with the resources they have.

Linda Meredith explained why this bill is need by the people of Kansas. She expressed her concerns about Kansas being critized by an NBC broadcast and a national publication for not having good breeders, and running puppy mills. Proponents of this bill believe that dogs and cats should be property maintained no matter if they are in a federally licensed kennel or in a state licensed kennel. See attachment B.

Don Jones, President of Jones Kennels, Inc., gave testimony in support of the general intent of this legislation. Anyone who deals with dogs or cats within the State that is not federally licensed should be licensed by the state subject to the limitations that are set out in this proposed legislation. In almost every case the bad publicity that is brought out concerning an animal dealer within the State is either a person that is not USDA licensed or was licensed and has surrendered their license due to non-compliance with the USDA regulations. See attachmen C and Attachment D which includes some suggested amendments.

Ken Jossaurand, Joplin, Missouri, told the committee that the USDA needs help in something that is a failure in Kansas. They need all the help they can get statewide. Mr. Jossaurand expressed his concern with kennels whose license has been taken away and they stay in business. This legislation can do nothing but help the image of Kansas.

Joyce Shillings, Aide to Congressman Slattery, gave testimony in support of the bill. It is incumbent upon the State to do whatever it can to assure that quality control, consumer protection, and humane treatment become the hallmarks of Kansas commercial enterprises and private and public entities that deal with pet animal stock. See attachment E.

With time running out, the Chairman asked that the following state their name and who they were with:

Ellen Querner, Wichita - See attachment F.  
Su Bacon, Riley County Humane Society -See attachment G.  
Dr. Caley, Extension Vet Medicine, Kansas State University  
Fred Allen, Kansas Association of Counties - See attachment H.  
Phyllis Evans, Arduus Kennels  
Jo Meister, Wichita Hobby Breeder - See Attachment I.  
Paul Decelles, Hobby Breeder, Lawrence  
Audrey McCaig, Shawnee County Humane Society - See Attachment J.  
Mrs. Mirando, Seafoam Kennels, Topeka  
Judith Schreff, Topeka (Was unable to attend and asked Representative Sebelius to have testimony distributed) - See attachment K.

The following testimony was distributed at the February 26 meeting which was cancelled:

Carol J. Brandert, Kansas Federation of Humane Societies- See Attachment L.  
Dr. R.R. Domer, President-Elect of Kansas Veterinary Medical Association  
See attachment M.  
Wendell E. Maddox, Jr., U.S. Humane Society - See attachment N.

Opponents:

Arnold Gideon, Paxico Cattery, gave testimony in opposition to the bill expressing to the committee that his experience shows that kennels or catteries which are inadequately financed, are those who are not knowledgable about kennel or cattery operation. Most of these do not raise litters for profit, but rather collect strays. He recommended a \$250 complaint filing fee with the Livestock Commissioner to finance the cost of inspection and subsequent prosecutions. See attachment O.

Sandra Maike, Maike Enterprises, Alma, gave testimony in opposition to the

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON Federal & State Affairs,  
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bill. She explained why she felt this bill was unnecessary. See attachment P.

Representative Barr asked Mrs. Maike questions about 18-8's which had been filed against her and also asked about complaints to the Health and Environment Department about dead dogs on her premise.

Ralph Karr, WeeValley Kennel of Tonganoxie, gave testimony in opposition to the bill. He said that if the state wishes to upgrade the quality of care that dogs are given, they need to start with kennels that have no guidelines, regulations and inspections to contend with. See attachment Q.

Kenny Keagan, County Commissioner in Nemaha, told the committee that his wife has kennels and they have problems with the bill. Many kennels which are not USDA licensed will avoid compliance. The bill exempts small retail sellers and makes no mention of kennels that do not sell puppies. If animal welfare is the main issue, why not include all retail sellers, boarding kennels and kennels which have hunting or racing dogs, but do not sell puppies. See attachment R & S.

H.D. Wullschleger, Home, gave testimony in opposition to this legislation. There is no way to legislate moral ethics. He told the committee he had four pages of names from Washington and Marshal Counties of people opposed to this bill and he had given these to his Representative.

Kathleen Ross, Kennel owner and breeder, told the committee that this bill, if passed, would be duplicating what they are doing with USDA. They now have to submit a yearly veterinary care program with their veterinarian.

Loralea Grosnickel, Corning, gave testimony in opposition to the bill. She expressed concerns with the complaints not being signed. She said she wants to know who is complaining about her kennel. She also expressed concern that the \$25 fee could go up and up.

Written testimony submitted:

Brett Kerr, Manager Kerr Kennels - See attachment T.

Hearings were concluded on HB2220.

HB2546 - Secretary of Corrections qualifications

Al Rush, Governor's Liason, gave testimony in support of the bill explaining that the Governor had reviewed all state agencies and the Department of Corrections was the only agency with such qualifications. The Governor would like some latitude in making these agency appointments.

When asked about public safety being of concern in the Department of Corrections, Mr. Rush said that the Highway Patrol deals with public safety and the qualifications for them are not dealt with in statute. The general philosophy is that the Governor is going to be held responsible for the people he appoints.

Michael Barbara gave testimony in opposition to the bill. He said the morale of corrections and staff is the highest its been in years. The state owes it to them to choose a qualified Secretary. See attachment U.

When asked what qualifications for Secretary he had when he was appointed, Mr. Barbara said that he was a superior judge dealing with corrections, worked in the work-release center, was field judge and taught criminal law. He said he had no penal institution experience.

Hearings were concluded on HB2546.

Representative Rolfs made a motion, seconded by Representative Eckert, to report HB2546 favorable for passage. The motion carried.

The meeting was adjourned.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 3/15/87

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Nena O Shea	Maryetta	
Frank Koch	Antell	
Gregory Kott	Lincoln	
John Kullback		
Kenny & Diane Keegan		913-895-6545
Roger & Marlene Lambert		913-245-3383
Erma Jean Witt	Wamego, Kans	913-456-7580
J.R. & Sandra Maize	Alma, Ks	913-965-3796
Rose Mary Robinson	Sedan K	316-725-5420
Pessie Mumford	Topeka	Humane Society 235-3652
Dianne Dick	Reynolds, Ks.	913-584-6626
Anita Steinberger	Wamego	913-456-7215
Erma Jean Witt	Wamego	913-456-7580
Ruby Boyd	Beatrice	913-353-2367
Helen D. Wulfschlegel	Home, Ks.	913-799-3392
Wesley Black	Frankfort Ks	913-382-6264
Kew & Carol Josseland	R2 Box 386 Joplin Mo	417-781-9514
Richard & Paula Cooper	Waverly Ks.	913 733 2748
Phyllis Riley Evans	15318 Highway D, Goddard Ks.	APNIES Kennel
J.L. Meister	Box 343, Garden Plain Ks.	67050 me
Allen Querner	4218 S.E. Blvd, Wichita, Ks.	Kansas Humane Society
Audrey G. McCoy	2625 NW Rochester, Helping Hands Humane Soc, Topeka	
Sandra Gonyale	2625 NW Rochester H.H. Humane Society	TOP
Frances Tuttle	RR1 Box 106 Hays, Ks	66440
Raymond Wash	Louisville Ks	
Charles Roundbush	Louisville Ks	456-2521



THE PRIMARY DUTIES OF THE ANIMAL HEALTH DEPARTMENT HAS TO DO WITH DISEASES OF LIVESTOCK. SEVERAL OF THESE ARE OF A COOPERATIVE NATURE WITH VETERINARY SERVICES OF USDA. THE MOST NOTABLE TODAY IS OUR JOINT BRUCELLOSIS ERADICATION PROGRAM. THIS IS A TRUE SYMBOLIC RELATIONSHIP. WE ALSO ARE INVOLVED IN OTHER DISEASE CONTROLS SUCH AS TUBERCULOSIS, SCRAPIE, SALAMENELLA, SCABIES AND PIROPLASMOSIS WITH OUR FELLOW VETERINARIANS OF VETERINARY SERVICES.

SINCE 1972 THE ANIMAL HEALTH DEPARTMENT HAS ALSO BEEN INVOLVED IN THE ADMINISTRATION OF THE ANIMAL DEALERS LAW. UNDER THESE STATUTES WE LICENSE AND INSPECT ALL PET SHOPS IN KANSAS. WE ALSO REGISTER AND INSPECT CITY POUNDS OR SHELTERS IN FIRST CLASS CITIES. THE POUNDS OR SHELTERS AT THE PRESENT TIME PAY NO FEES BUT THE PET SHOPS PAY A \$100.00 FEE. INSPECTION OCCURS 3 OR 4 TIMES DURING THE YEAR.

SINCE LAST SUMMER A GROUP OF INTERESTED PERSONS HAVE CAME TOGETHER TO FORMULATE A STATE PLAN TO SUPPLEMENT A PROGRAM NOW ADMINISTERED BY THE USDA ANIMAL WELFARE ACT. MEMBERS OF THIS GROUP INCLUDE:

MIKE BEAM, K.L.A.

DR. BOB DOMER, K.V.M.A.

DR. CHARLES STUMPF, A.V.I.C. V.S.

AUDRY MC CAIG OF TOPEKA HELPING HANDS HUMANE SOCIETY

ELLEN QUINTER OF WICHITA SEDGEWICK HUMANE SOCIETY

LINDA MERIDETH, CONCERNED CITIZEN OF TOPEKA

REP. GINGER BARR

AND MYSELF.

ALSO ATTENDING SOME OF THE MEETINGS WERE REPRESENTATIVES OF PUPPIES RAISED AND MARKETED IN KANSAS.

THIS GROUP STUDIED THE LAW OF PRIMARILY 2 STATES: IOWA AND ILLINOIS, THAT HAVE LAWS THAT THE CURRENT BILL IS PATTERNED AFTER. I WOULD LIKE TO STRESS THAT THESE STATES FEEL THAT THEIR LAW SUPPLEMENTS THE USDA ANIMAL WELFARE ACT AND IN NO WAY IS USED TO SUPERCEDE THE FEDERAL INVOLVEMENT IN THEIR DUTIES OF INSPECTING THOSE THAT COMPLY WITH THE PROVISIONS OF THIS FEDERAL LAW.

AT THE PRESENT TIME 600 KENNELS, ANIMAL DEALERS, BROKERS OR RESEARCH CENTERS ARE LICENSED BY USDA IN KANSAS. HOWEVER, RECORDS KEPT BY THESE STATE THAT AS MANY AS 1800 BREEDERS ARE NOT LICENSED BY OR INSPECTED BY VETERINARY SERVICES. SOME OF THESE MAY BE HOBBY BREEDERS THAT UNDER THE PROVISIONS OF THIS BILL WOULD BE REGISTERED BY US BUT ONLY INSPECTED IF A VALID COMPLAINT WAS FILED.

IF A PROBLEM EXISTS IN KANSAS IN RAISING OR SELLING HEALTHY PUPPIES OR KITTENS, WE SHOULD BE INVOLVED IN SEEING THAT THESE PEOPLE SHOULD BE REGISTERED, LICENSED AND INSPECTED BY QUALIFIED PEOPLE FROM OUR DEPARTMENT. WE STRESS THAT THE PROGRAM BE SELF-SUPPORTING.

THE INITIAL COSTS TO SET UP THE PROGRAM WOULD INCLUDE THE FOLLOWING EXPENSES:

OFFICE ASSISTANT	\$12,720.00
VETERINARIAN II	29,892.00
MILEAGE PER DIEM	14,000.00
PRINTING, MAILING, MISC.	5,000.00
<u>TOTAL</u>	<u>\$61,612.00</u>

TO REITERATE, IF THIS BILL BECOMES LAW, THE KANSAS ANIMAL HEALTH DEPARTMENT IS BOTH WILLING AND ABLE TO ADMINISTER THE REGISTRATION, LICENSING AND INSPECTION OF HOUSE BILL 2220.

Testimony of House Bill 2220 by Mrs. Linda Meredith

Mr. Chairman and Members of the Committee:

My name is Linda Meredith and I'm a resident in Shawnee County. Last year I contacted Rep. Ginger Barr of a concern of mine. Your committee heard House Bill 2956 concerning people convicted of cruelty to animals not being allowed to work with animals again. Much like our child abuse laws. As the bill went through the legislative process, it was necessary to make additional requirements. The bill passed the House and Senate, but was vetoed by the Governor. This summer Dr. Kimmell contacted concerned persons to form a committee to work getting these issues resolved. I served as a member of the committee representing no special interest group. I feel that the bill as introduced was a compromise between all interested parties.

The problem is real out there. Today we discuss economic development as important to our state, however, I hold in front of you a tape that was done by television station WCBS in New York, KCBS in Los Angeles and NBC Nightly News. In these broadcasts, Kansas was highly critized for not having good breeders, but running of puppy mills. The tape is correct there are people out there who are unscrupulous in giving Kansas a bad name.

I also have knowledge of a national publication that is going to expose Kansas again. Rep. Barr has confirmed with a



national magazine, which is not the "National Enquirer", that the first week of June, an article will be done on dog abuse in Kansas. I hope that when this is published, we can say Kansas has taken action, just as the states of Iowa and Illinois have, regarding these deplorable conditions. Kansas does have national reputation of having puppy mills.

For example, my neighbor who moved here four years ago from Wisconsin, when her husband went to work for Kansas Farmer Magazine, was telling me that she wanted to buy another Sheltie when she went back to Wisconsin for a visit. I asked her why she didn't want to buy one in Kansas. She said the woman that she had bought her dog from in Wisconsin had told her to never buy a dog from Kansas because of the conditions and the puppy mills here. I didn't understand the remark about puppy mills...I do now. I have worked with Rep. Barr for the past year on this particular concern. I do not want to put words in her mouth, but I think she's feels the same way I do that it is necessary for the industry to clean up its problems. As I have worked on this bill, the only people that I can see to be fearful of the bill are unscrupulous operators. Good operators that are USDA licensed will only be charged a registration fee of \$25 yearly, which could be taken off of income tax as operating expense. I have been told by former dealers that the dealers do not always disclose this income. Maybe this is another reason for opposition to the bill. Rep. Barr has printed a summary of the bill to help explain what the bill does. One of the major

complaints last year from USDA breeders were that they did not like the double inspection. Under H.B. 2220 the only time that they would be inspected would be upon a complaint that the livestock commissioner felt was valid. My understanding of this is that Rules and Regulations would cover this process. Another complaint that we heard from the USDA operators are that some people are out there in competition with them selling puppies that are not licensed by the federal government; or that there are breeders who were originally licensed by the federal government and then dropped their license. The big question comes in - what happens to these dogs? The USDA has no control and neither does the state. Therefore, the bills calls for a license of \$100 to animal dealers and animal wholesalers. The definition would mean that if they sell 6 or more litters or more than 24 dogs and cats yearly, retail or wholesale, then they would be charged this license fee and be inspected regularly by the livestock commissioner and staff.

In our investigations we also realized that there are people who may not be in the breeding business on a large scale, but are truly in the business of breeding dogs and cats. We have a definition in the bill known as "hobby kennels". Now they would be registered if they sell 3, 4, or 5 litters or less than 24 dogs and cats yearly. Again, they would only have a registration fee of \$25; and again, only be inspected upon a valid complaint.

I also want to bring to the committee's attention that in our deliberation that we have done nothing to change the Kansas

Rules and Regulations that deal with housing, feeding, watering and sanitation of animals. Again, we have tried to pattern this bill after the law that deals with abuse to children. I see no reason for anyone convicted of abuse to children or animals, being allowed to work with them again.

We must also realize that people who are dealing in a business have the responsibility of making sure that the product that is sold to the public is a good product. One thing about dogs and cats being used as a product, is that many times this particular product is brought into a person's home. In fact, he may be sleeping at the end of somebody's bed!! Therefore, the consumer has the right to know and to expect that dogs and cats that are bred in Kansas will have the highest of quality and that they should not have any fear of bringing them into their home.

In my packet I have three letters that Rep. Barr wrote to state officials that deal in animal care in Iowa and Illinois.  
(Explain)

There has been comments made that proponents are only interested in USDA kennels. This is not true. Proponents of the bill believe that dog and cats should be properly maintained no matter if they are in a federally licensed kennel or in a state licensed kennel.

I feel that the USDA kennels have problems and I would think Dr. Stumpff would appreciate help from the state when necessary. For example: 18-8's.

I hope you have been convinced of the need that exists with

the federal government inspection reports. However, it's been said a picture is worth a thousand words. I show a picture, as well as a notarized statement of a dog that was taken the week of February 16, 1987, of this year.

Rep. Barr continues to tell me that legislation is the art of compromise. Due to this bill, she has had the occasion of talking with kennel operators. Therefore, I would like to offer several proposed amendments to the bill.

I certainly appreciate your time on this particular matter. It is an issue that needs to be corrected, and I feel that this bill is a step in that right direction. Therefore, I urge your support on H.B. 2220.

Testimony: Before Committee on Federal & State Affairs

H.B. No. 2220

Don Jones

Netawaka, Ks. 66516

I am Don Jones, President of Jones Kennels, Inc., Netawaka, Ks.. I am a Federally Licensed Kennel. I am also a former President of National Pet Dealers & Breeders Assn. We are an Association of mainly USDA Licsenced Pet Dealers who are concerned about the Pet Industry. I am also on the Board of Directors of The Pet Industry Joint Advisory Council. PIJAC is a Federation of the leading Pet Industry, Retailers, Importers, Manufacturers & Trade Associations. It's membership consists of 32 Pet Trade Associations & approximately 1000 individual & company memberships.

I was asked by Representative Barr to sit on a committee last summer to help formulate a Bill to license the livestock dealers in the State. The Industry is glad to have the chance to put our input into this proposed legislation.

I agree with the general intent of this Legislation. I feel that anyone who deals with dogs or cats within the State that is not Federally licensed should be licensed by the State subject to the limitations that are set out in this proposed Legislation. In almost every case the bad publicity that is brought out concerning an animal dealer within the State is either a person that is not USDA licensed or was licensed and has surrendered his or her license due to non compliance with the USDA Regulations.

I do have some concerns about certain sections of this proposed Bill. My first concern is with the cruelty to animals section. Under

Attachment C

Sec. 8 it states the Commissioner shall refuse to issue or renew a License or Certificate of Registration if the person has been convicted of cruelty or inhumane treatment of animals. We as an industry do not want people that are cruel or inhumane to animals to work with animals but we feel that some discretion should be left to the Livestock Commissioner to determine if that person is fit to be in contact with animals.

For example, say that we have a young person within the State who has a drug problem. Someday when influenced by drugs that person goes out and mutilates some animals. That person would probably be convicted of cruelty to animals. Say that now that person is 35 years old and has been rehabilitated for 10 years. Under this proposed Legislation that person could never either obtain a license, work for a Veterinarian or Livestock Dealer the rest of their life. It is our feeling that the Livestock Commissioner should have some freedom to look at each individual case to determine if a person should or should not be licensed, registered or work for someone licensed or registered under this Act.

Another section that I have some concern is Sec. 10 dealing with when the Commissioner can make an inspection of a registered Animal Wholesaler, Research facility, Animal Auction or Hobby Kennel. It states that there will be a determination by the Commissioner that there are reasonable grounds to believe the allegations of the complaint.

We feel that to help the Commissioner to determine that it is a valid complaint it should be a signed written complaint. If someone feels that it is a valid complaint they should be willing to sign a written complaint.

*Don Jones* 0

Proposed Amendment to Sec. 10 K.S.A. 47-1709 (c)

(c) The commissioner or the commissioner's authorized representative shall make inspections of the premises of a registered animal wholesaler, research facility, animal auctioneer or hobby kennel operator upon the filing with the commissioner of a signed, written complaint alleging facts which may constitute grounds for suspension or revocation of the registration of such wholesaler, facility, auctioneer or kennel operator and a determination by the commissioner that there are reasonable grounds to believe the allegations of the complaint.

(1) Prior to inspecting the premises of a registered animal wholesaler or research facility licensed under public law 91-579 (7 USC sec. 2131 et seq.), the commissioner or the commissioner's authorized representative shall provide the Area Veterinarian in Charge, USDA, APHIS, VS, or his authorized representative a copy of the complaint and other relevant information concerning such wholesaler or research facility.

(2) The commissioner or the commissioner's authorized representative shall be accompanied on any inspection of a registered animal wholesalers or research facility by the Area Veterinarian in Charge or his authorized representative. Inspection reports and records shall be made available to the Area Veterinarian in Charge or his authorized representative.

*Don Jones* 0



**Congress of the United States**  
**House of Representatives**

**JIM SLATTERY**  
**SECOND DISTRICT, KANSAS**

TESTIMONY OF JOYCE STILLINGS  
BEFORE THE FEDERAL AND STATE AFFAIRS COMMITTEE  
OF THE KANSAS HOUSE OF REPRESENTATIVES  
FEBRUARY 26, 1987  
The Honorable Robert Miller, Chairman

Mr. Chairman and Members of the Committee:

My name is Joyce Stillings, and I am a District Aide in the Kansas office of 2nd District Congressman Jim Slattery.

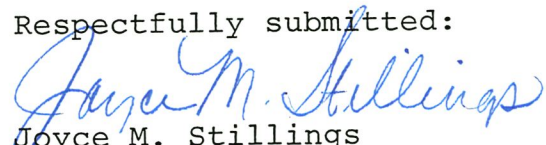
The Congressman's office has been asked to provide you with information concerning the possibility that the Federal Government could devote additional resources to supplement the regulatory and enforcement procedures detailed in House Bill 2220.

I don't have to tell you that the federal deficit dictates cuts, not increases, in federal spending. It is the opinion of our office that the federal government is unlikely to dedicate additional funds in support of these efforts at this time.

As concerned citizens of the State of Kansas, and on a more personal level, the Congressman and I applaud your willingness to devote your time and energy to careful consideration of this bill. It is incumbent upon the State to do whatever it can to assure that quality control, consumer protection, and humane treatment become the hallmarks of Kansas commercial enterprises and private and public entities that deal with pet animal stock.

Thank you for the opportunity to appear before you today.

Respectfully submitted:

  
Joyce M. Stillings  
District Aide  
Kansas Office  
United States Congressman  
Jim Slattery

jms

Attachment E



**THE KANSAS HUMANE SOCIETY OF WICHITA, KANSAS**

4218 SOUTHEAST BOULEVARD • WICHITA, KANSAS 67210

Shelter Phone 683-6596

Ravenwood Kennels was operated by Paul and Treva Reams. It was closed down December 9, 1981. The Kansas Humane Society picked up 147 dogs and 1 cat. All were turned over to us when the Reams pleaded guilty in the Sedgwick County District Court. They were put on 2 years probation. Approximately 2 months later the Reams pulled up all kennels and cages and moved to southeast Kansas where they reopened their kennels. Before we took the 147 dogs, the Reams moved over 50 dogs to another commercial kennel as they knew they were being investigated. We were unable to locate those dogs.

All the dogs taken to the Humane Society were infested with coccidia, whip and hook worms, demodex and/or sarcoptic mange. One dog had part of his foot missing with the bone protruding from the wound. Two Westies and one St. Bernard died before we got the search warrant. One cocker had damage to its spinal cord and could not move its hind legs. The dog had been that way for some time as evidenced by the sores on its hips from dragging its hind legs. The dogs in cages above the ground had NO solid floor to step or sleep on. They were over-crowded and NEVER let out for exercise. The building had no heat and no ventilation. Sanitation was deplorable and as you entered the building your eyes would water due to the ammonia caused by the urine build-up.

Ravenwood Kennel was not USDA licensed. They sold wholesale but started to do some retail sales in our area. That is why we were called to investigate as a customer saw the conditions and made a complaint with our office. Most of the commercial kennels only wholesale their puppies to a dealer and as the puppies are shipped out of state few people other than the kennel owners see the conditions under which the dogs are kept. We can not do inspections of these kennels unless they allow us on the property, most will not allow us to see the facilities.

*Ellen Durr*

*attachment F*



Federal Deposit Insurance Corporation

P. O. Box 8192

Wichita, Kansas 67208

(316) 683-6551

February 18, 1987

Ellen Querner  
President  
Kansas Humane Society  
4218 Southeast Blvd.  
Wichita, KS 67210

SUBJECT: Sedan State Bank  
Sedan, Kansas SR-612  
Abandonment of Dogs

Dear Ms. Querner:

This letter will serve as the Federal Deposit Insurance Corporation's official thanks to your organization and employees for the compassion and concern shown the mistreated, malnourished and ailing canines, which were abandoned to your agency through the Bankruptcy Court in October of 1986.

In this day and age, it is rare to find people who will extend themselves to care for other living beings without benefit of financial gain. Your organization is truly an example of such generosity and kindness at work.

Our heartfelt thanks is extended for your care and nurturing of the animals which were abandoned to your care. They are all surely more peaceful and truly well cared for as a result of your consideration.

Very truly yours,

James Webb  
Assistant Bank Liquidation Specialist  
In-Charge

EMD/tr

To Whom it May Concern

I was the veterinarian leasing the Southeast Boulevard Animal Hospital next to the Kansas Humane Society at the time when the dogs from the Sedan Kennel were brought in.

The following is a list of the problems that I and my staff dealt with in these dogs.

A Schnauzer with chronic ear infection. The ears were swollen and crusty shut.

Three Pekes with fist sized inguinal hernias. One of these, when doing ovariohysterectomy, was found to have the uterus in the hernia. The uterus was swollen and misshapen.

Three Pekes with a congenital eye problem. The eyes were shudeled and nonfunctional.

Two Foodles with ulcerated eyes that had leaded to the point of blindness.

Severe entropion on all the Chows. It was to the point of blindness on one male Chow.

Sarcoptic mange on the Chows also. These dogs had no hair up the back of the thighs and in the perianal region. Terriers, Chihuahuas and Boxers were also affected.

We saw three Pugs with pigmentary keratitis. One was blind from it and the others had very limited vision.

The Lhasas all had severe <sup>ear</sup> mite infection and three had hernias like the Pekes.

With all the dogs that came to us for their checkup ~~to~~ at adoption, we noted severe gum diseases.

Often there was as much as  $\frac{1}{8}$ " thick scale on the teeth, other teeth were missing and broken.

Jennifer Fullerton

THOMAS A. WILLIAMS, D.V.M.  
EAST CENTRAL VETERINARY CLINIC  
5301 EAST CENTRAL  
WICHITA, KANSAS 67208

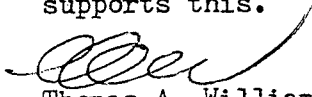
TELEPHONE { 316-686-7418 OFFICE

Information concerning 2 Old English Sheepdogs owned by Paula Marler and adopted from the Kansas Humane Society in Nov., 1986. These 2 dogs were from a dog breeding farm.

Nov. 21, 1986: Mature adult female. Unknown age. Physical findings indicated an old scar on the left eye with nuclear sclerosis of both lenses. The teeth showed severe wear with a tremendous build up of tartar and secondary gingivitis. Pain could be elicited upon palpation of the hips and especially the left side. Hip dysplasia was suspected. At surgery for ovariohysterectomy, numerous adhesions between the peritoneum of the mid-line and also to the urinary bladder. These were probably as a result of past surgeries involving C-Sections to deliver puppies. There was a large cyst (8cm) involving the left uterine horn and body near the cervical region. There whipworm parasite eggs on fecal exam. This dog appeared to be fairly old and apparently had prior surgeries.

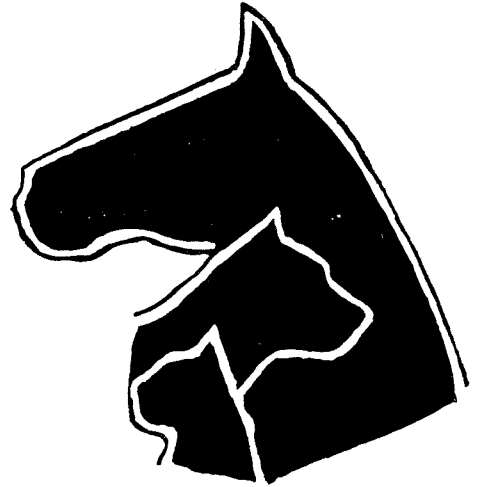
Mature adult male. Unknown age. Physical findings showed nuclear sclerosis of the eyes common in older dogs. There was a 6cm mass attached to the skin and subcutis of the right chest. This turned out to be some type of cyst. The teeth showed severe tartar build up with abscessation of the left upper 2nd premolar. The teeth were in bad condition and had extensive wear. The right ear had an old healed hematoma that had not been drained. Usually these are a result of infection in the ear although no evidence of infection was present at this time. Fecal exam was positive for whipworms.

I would estimate both of these dogs to be old adults that have had minimal veterinary care from the looks of their appearance and physical findings. The female undoubtedly may have had more than 1 abdominal surgery for C-Sections. All of the scar tissue in the skin and adhesions of the uterus supports this.

  
Thomas A. Williams, D.V.M.

*Riley County  
Humane Society, Inc.*

Box 1202  
Manhattan, Kansas 66502



February 25, 1987

Hon. Robert H. Miller, Chairman  
and members of the Committee on Federal & State Affairs  
Kansas House of Representatives  
State Capitol  
Topeka, KS 66612

Re: House Bill #2220  
An Act Concerning Animals

The Riley County Humane Society strongly supports the intent of this legislation: to protect the health and welfare of companion animals and to prevent cruelty and abuse.

The intent is noble: it is stewardship. Companion animals have only us and the laws we make to protect them. We have an obligation to their health and welfare to protect them from cruelty and abuse.

The intent of this legislation is one that the citizens of Kansas could be proud to support.

We recommend, however, two improvements to strengthen this legislation.

1. Rather than the livestock commission, we suggest the Kansas Department of Health and Environment be asked to handle the responsibility for companion animals. If consideration is soon to be given for restructuring the department, we feel there is considerable merit in placing this responsibility there.

Such responsibility is already in their jurisdiction to some extent and in their expertise because they are responsible for the Kansas Statutes and Regulations Regarding Communicable Disease Control. With a minimum of rewriting and strengthening, this legislation could easily be incorporated into the communicable disease control statutes already on the books.

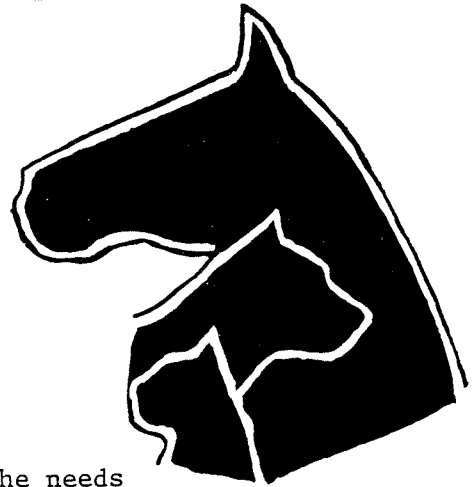
This bill gives the livestock commissioner the responsibility for enforcing the inspection of kennels. The livestock commissioner is accountable only to the Board of Animal Health. Not to the legislature. Not to the consumers.

The Board of Animal Health is comprised of representatives from the dairy industry, salesbarns, the swine industry, the Kansas Livestock Association, the Purebred Council, and the Kansas Veterinary Medicine Association (KVMA). With the possible exception of the KVMA, all the representatives are livestock people -- not companion animal representatives.

Meeting the health needs of livestock in the state of Kansas is the priority of this group. Understanding the health and welfare of pets is not a significant concern for these people nor should it be. They have enough work to do with the livestock.

*Riley County  
Humane Society, Inc.*

Box 1202  
Manhattan, Kansas 66502



House Bill #2220

page two

Companion animals differ significantly from livestock. The needs of animals bred for food are not like those of pets.

People trained and familiar with the health needs of livestock are not the people who should enforce the health and welfare of small animals.

2. The burden of proof in this legislation is written in such a way that it falls on the enforcing agency. The law requires that the enforcing agency must prove that a kennel operator is doing business in such a way that the inspection agency can enforce the legislation.

We have a kennel operator in Manhattan, Kansas, who is living proof that this bill will not work. The owner, whose kennel has been the source of many complaints from citizens in our community, maintains that he does not fall within the guidelines:

" (B) dogs or cats, or both, in a quantity of fewer than 6 litters or fewer than 24 individual animals, whichever is less, . . . ."

And therefore he cannot be inspected.

State inspectors have tried to investigate his kennel and have been turned away by him.

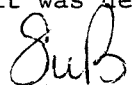
It was this very language that allowed him to refuse to be inspected two years ago. And this same language is in the legislation before us. The burden of proof should not rest with the agency attempting to enforce. It should rest with the kennel operator. The present wording requires enough evidence for conviction before inspection.

The bill also makes no provision for penalizing a kennel operator who refuses to be inspected.

A September 12, 1986, newspaper story about this kennel is attached.

We strongly support the original intent of this bill. Because of the way in which this legislation is written, enforceability and accountability are major obstacles that seriously undermine this legislation.

We urge careful consideration be given to our concerns for improvement. Legislation that cannot be enforced properly serves neither the citizens of Kansas nor the animals it was designed to protect.

  
Su Bacon  
President, Riley County Humane Society

# Animal society official files report accusing local kennel of violations

By PAT HUND  
Staff Writer

A Manhattan kennel might be violating state statutes and not meeting minimum U.S. Department of Agriculture requirements dealing with dog care, said Ann Gonnerman, president of the National Society for the Protection of Animals.

Gonnerman visited the H & W Kennel, 2200 Fort Riley Blvd., Wednesday and said she saw possible conditions there that might not be in compliance with state and federal animal regulations.

However, H & W Kennel is not governed by USDA because John White, owner of the kennel, said he

does not sell dogs across state lines.

"I am talking about minimum federal standards that most kennels and animal research facilities go by," Gonnerman said.

Although White's kennel is not subject to USDA inspection, he might be in violation of state statutes regarding animal cruelty, Gonnerman said.

A report was filed Wednesday night by Gonnerman at the Riley County Police Department describing the conditions at the kennel.

"I saw conditions that are conducive to disease," Gonnerman said.

"The kennel did not appear to be sanitized according to USDA regulations on a regular basis, either."

Gonnerman said she saw other potential problems at the kennel.

Some undesirable conditions she noted were cobwebs hanging from the cages, little artificial lighting with no windows in some of the rooms, animal cages stacked on top of each other with no solid partition between the cages, no American Kennel Club identification of the animals, debris outside the kennel area, cracked and improperly treated concrete, and insufficient help at the clinic.

"I think the cobwebs showed that the kennel is not properly sanitized," she said.

See KENNEL, Page 10

## Kennel

Continued from Page 1

Dog urine and feces could fall from the top cage to the cage below it when the stacked cages are separated with wire and not a solid partition, Gonnerman said.

"This seems to be an unhealthy situation," she said.

Gonnerman said proper AKC identification of the dogs is important because the consumer should know from where the animal came.

The cracked concrete in the outside kennel pens could easily spread diseases from one pen to another, she said. Gonnerman also said the concrete may not have been treated properly to ward off any communicable diseases.

The debris outside the kennel could attract rodents and insects, Gonnerman said.

Gonnerman said the dogs might not be getting enough exercise and other behavioral-need requirements.

White was not present at the time of Gonnerman's visit and was unhappy that she did not notify him before touring the facilities.

"She could have scheduled a time with me and I would have taken her through the kennel," he said. "I have nothing to hide."

White said he does not think there have been any disease or sanitary problems at the kennel.

"I don't think there are any disease problems, and I feed the dogs good enough," he said.

White said he uses chlorine bleach to clean the concrete floors at the kennel and he feels the kennel is "more sanitized than ever."

"As far as the USDA regulations are concerned, I don't know if I have any problems at the kennel," he said.

White said he sees no problem with the cobwebs and the cracks in the

concrete at the kennel.

"I have cracks in my concrete driveway at home," he said.

White said he does not abuse or mistreat his dogs and cats at the kennel.

"I love the animals here," he said. Gonnerman said, "Love is not enough."

"This place is a possible disease haven for the animals," she said. "Something needs to be done."

Gonnerman said she hopes the situation at the kennel will prompt an inspection by a local veterinarian and public health officials.

Two former volunteers who no longer work at the kennel also said they saw sanitation problems there, even though White appeared to show a sincere interest in the animals' care and well-being.

At the urging of community members, the Riley County Humane Society notified Gonnerman of potential problems at the kennel.

Gonnerman also visited the Ogden animal shelter and the home of Pet Hotline operator, Bev Hashagen, said Su Bacon, president of the Riley County Humane Society.

"Local situations warranted the humane society's call to Ann Gonnerman in a consulting capacity," Bacon said.

Gonnerman said she has been making visits to other animal facilities and kennels across the country since she founded NSPA in 1983 as its president.

"I check to see if such places are meeting the minimum USDA standards for the care and regulations of the animals," she said.

In the early '70s, Gonnerman said, she inspected health conditions at zoos across the country, including a visit to the Sunset Zoo.

Gonnerman spoke to community members at the Cotton Club restaurant at 7:30 Wednesday night.



14

# Kansas Association of Counties

*Serving Kansas Counties*

212 S.W. SEVENTH STREET, TOPEKA, KANSAS 66603      PHONE 913 233-2271

February 26, 1987

To:      House Federal and State Affairs Committee  
From:     Kansas Association of Counties  
Re:      House Bill 2220

It is not our intent to support or oppose the concepts of this measure as many of the functions required by this bill may well be needed. Nevertheless, we note that there is existing statutory authority for the commissioner to call for assistance from the county or the city health officer.

The 1987 County Platform in Section B of the Policy Statements reads as follows:

STATE MANDATES - Mandates created by the state have the force and effect of law on counties that have to fund and/or administer programs. The fair play concept should apply to rules and legislation. Mandates that cost money must be paid for. The legislature shall make the decision as to whether these costs will be paid from the revenue resources available to the state or if the state will require counties to pay these costs through property taxes.

We would request that if you take favorable action on this measure that you give consideration to a provision for a contractual arrangement wherein counties required to assist in the functions outlined be compensated.

Attachment H

The following quotes come from the book THE PET PROFITEERS The Exploitation of Pet Owners-and Pets-in America, by Lee Edwards Benning, Copyright 1976, Quadrangle, The New York Times Books Co.

This book explains the whole story on Commercial Breeders. I would ask that members of the Committee on Federal and State Affairs obtain a copy of this book to gain a better understanding of the Pet and Pet related industries.

"Unfortunately, it is hard to tell the serious breeder from the commercial breeder. In fact, it's almost as difficult to tell the puppy-milling backyard breeder from the others. Especially since the puppy millers have gotten wise and started to improve their front. For example, an organization of out-and-out, grind-'em out puppy millers could, according to an informed Kansan, "pass for any regular dog club in the country. Even its name, Pet Producers of America, sounds good. Its members have regular 'socials' with respected guest speakers and educational films. In their newsletters, they encourage members to actually show some of their dogs, even if only at matches, so they can advertise them as 'show stock' [to] get into legitimate clubs and [to] generally assimilate themselves as thoroughly as possible to blur the distinction between commercial (as puppy millers like to call themselves) and private breeders."

"and the vast majority aren't even kennels. Instead, they're businesses run by farmwives who have five or more bitches where they used to house a flock of chickens. Instead of gathering eggs daily, they breed their bitches twice yearly and sell the pups to get the modern-day version of egg money. Many of these women are well meaning.....  
Only it's like the proverbial city slicker going into chicken farming-it doesn't work. Dogs aren't chicks, and pups aren't eggs, and the two don't mix."

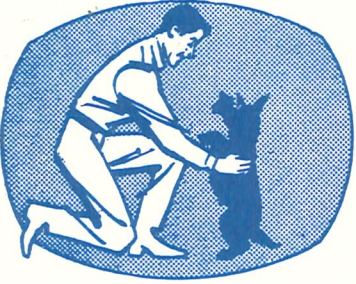
Please vote yes to this bill. Even if you aren't interested in the cruelty aspects of Commerical Kennels, you should at least be concerned about the injustice done to consumers who are continually being victimized by unscrupulous breeders. Pets are big business in Kansas, the watchword in this large market should be "let the buyer and animal" beware.

Thank you,

*Jo L. Meister*

Jo L. Meister  
Box 343  
Garden Plain, Ks. 67050

*Attachment I*



## *Helping Hands Humane Society, Inc.*

OFFICE AND ANIMAL SHELTER  
2625 Rochester Road  
Topeka, Kansas 66617  
Telephone 233-7325

Testimony by: Miss Audrey B. McCaig, Executive Director, Helping Hands Humane Society

Re: H.B. 2220

Committee: House Federal and State Affairs

Date: February 26, 1987

Mr. Chairman and Members of the Committee:

I appreciate the time to appear before you today concerning H.B. 2220, which deals with the abuse of animals and licensing.

I will be brief because I know there are others who wish to speak on this Bill.

We as a Humane Society have no problem with H.B. 2220. In fact, we very much want to see it passed.

We feel that everyone covered in this Bill as dealing with animals should be licensed and inspected should there be a legitimate complaint made against them. In fact, we are already inspected quarterly. Also, if convicted of cruelty to animals they should lose their license to work with animals. Also, if they do not comply with corrective orders when given, they should lose their license for an animal care facility. We as a Humane Society have no fear of being inspected and feel that if you are legitimate, you have nothing to fear either.

House Federal and State Affairs Committee  
Re: H.B. 2220, February 26, 1987

Page 2

We do not object to paying a \$100.00 per year licensing fee, even though we are a non-profit organization, and feel that the others listed in this Bill should not object to paying a licensing fee or registration fee because after all they are in it for profit and this being the case, why should they object because after all, they are making their money in the State of Kansas and should be willing to support this bill.

Thank you for your time in this matter, and I will be happy to answer any questions.

Sincerely,

A handwritten signature in cursive script that reads "Audrey B. McCaig".

Miss Audrey B. McCaig,  
Executive Director

904 Randolph  
Topeka, KS 66606  
19 February 1987

Honorable Kathleen Sebelius  
House of Representatives  
State House  
Topeka, KS 66612

COPY

Dear Kathleen,

I cannot be at the hearing scheduled for Thursday, 26 February, and am therefore writing in regard to H.B. 2220, or that bill known as the "puppy mill" legislation. I sincerely hope that the Federal and State Affairs Committee will not only pass the bill out of the Committee, but give it substantial support before the whole House.

As you know, the good wisdom of the legislature in the last session did indeed pass such a bill, only to have it vetoed by the Governor in what amounted to personal patronage. Such is politics, but that does not achieve a better world.

I have visited puppy mills and am aware of the pathetic conditions under which some dogs and their litters are forced to live. There are some very conscientious dog breeders in the state who produce fine animals, and it is these legitimate breeders who will welcome this legislation. The opposition, however, is going to come from individuals who create the problems because they are not willing to take responsibility for their actions. They are the black side of this very important industry and it is they who will fight this bill because they are not willing to give the basic care and attention these animals require.

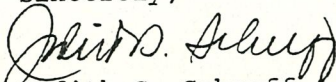
I suggest that if dog breeding is not lucrative enough to warrant proper sanitary conditions and medical treatment, the breeders should give up raising dogs and invest their money in something that will bring them greater return. If, on the other hand, breeders are earning a reasonable income, they should reinvest their profits by taking good care of their canine stock.

Individuals should retire from the breeding business if they refuse to give all that is required to the effort of placing on the market healthy and well kept companion animals - a very real asset to the State of Kansas, and a very important part of life to many appreciative individuals.

I sincerely believe that some day, each of us will answer for that which we do or fail to do. But that is not for you or me or the Legislature to handle. What we can do now is pass legislation requiring adequate care and treatment of canine breeding in Kansas, and assure the whole nation that Kansas produces some of the finest pets in the world.

I will greatly appreciate your support of H.B. 2220.

Sincerely,

  
Judith S. Scherff

Attachment K

KFHS



P.O. BOX 515 - SALINA, KANSAS 67402-0515

1201 Indian Rock Lane  
Salina, Kansas 67401  
February 24, 1987

Committee Members  
House Federal and State Affairs Committee  
State Capital  
Topeka, Kansas 66600

Dear Committee Member:

The Kansas Federation of Humane Societies, an organization comprised of humane societies throughout this state, urges your support of HB 2220. The intent of the bill--to disallow persons judged guilty of animal cruelty from continuing in animal care work and to improve animal care among commercial breeders through licensure and inspection--is certainly worthy if we take at all seriously human responsibility as stewards of this earth.

Those of our members who have worked on the bill and will testify before you deal regularly with complaints about conditions in Kansas "puppy mills." They have witnessed first-hand the deplorable treatment of animals in such establishments.

Locally, the Saline County Humane Association receives frequent calls from angry and tearful owners who have purchased a pet at a nearby kennel only to spend several hundred dollars on veterinary care because the new pet is seriously ill. A colleague with whom I work was one victim of an unscrupulous dealer. The puppy her family adopted died after a week with them despite efforts to save it. The loss of the pet was a family tragedy, an avoidable one if Kansas were to monitor breeders more closely. Surely we owe our citizens, as well as those in other states who may buy from commercial breeders in Kansas, a reasonable guarantee of quality.

We urge your support of this bill in committee and on the House floor.

Sincerely yours,

Carol J. Brandert  
President

CJB/bp

Attachment 2

Kansas Federation of Humane Societies



# Kansas Veterinary Medical Association, Inc.

227 South Wind Place, Manhattan, Kansas 66502

RICHARD A. ADAMS, D.V.M.  
President  
Box 247  
Patwin, Kansas 67123

R.R. DOMER, D.V.M.  
President-Elect  
2130 N.W. 39th  
Topeka, Kansas 66618

FRANK SOLOMON, JR., D.V.M.  
Vice President  
7810 E. Funston  
Wichita, Kansas 67207

MARK A. SCHWARM, D.V.M.  
Trustee-At-Large  
123 Carlton  
Hutchinson, Kansas 67505

RUSSELL A. FREY, D.V.M.  
Treasurer  
2431 Tuttle Creek Blvd.  
Manhattan, Kansas 66502

HOMER K. CALEY, D.V.M.  
Executive Director  
227 South Wind Place  
Manhattan, Kansas 66502

TO: COMMITTEE ON FEDERAL AND STATE AFFAIRS

FROM: DR. R.R. DOMER, PRESIDENT ELECT OF KANSAS VETERINARY MEDICAL ASSOCIATION.

RE: HOUSE BILL No. 2220

AS A VETERINARIAN; REPRESENTING THE KANSAS VETERINARY MEDICAL ASSOCIATION, MY COLLEAGUES AND I HAVE BEEN INVOLVED IN THE FORMULATION OF THIS BILL SINCE ITS INFANCY.

WE KNOW THERE IS THE POSSIBILITY OF A PROBLEM WITHIN THE INDUSTRY BECAUSE OF LACK OF FUNDS FOR ADEQUATE INSPECTION. ONE OF THE FUNDAMENTALS OF THE VETERINARY MEDICAL ASSOCIATION IS THE PROMOTION OF THE HEALTH AND WELL-BEING OF ANIMALS.

ONE OF THE MOST IMPORTANT FACETS OF THE KENNEL INDUSTRY IS TO PRODUCE HEALTHY PUPPIES TO FILL THE DEMANDS OF THE CONSUMER.

THE KVMA FEELS THAT THE ANIMAL HEALTH COMMISSIONER HAS NOT HAD SUFFICIENT INVOLVEMENT IN THE KENNEL INDUSTRY IN THE PAST. PASSAGE OF THIS BILL WILL ALLOW FOR MORE CONTROL BY THE ANIMAL HEALTH COMMISSIONER, AND WILL HELP THE INDUSTRY TO GROW IN A POSITIVE DIRECTION.

THE KANSAS VETERINARY MEDICAL ASSOCIATION RECOMMENDS PASSAGE OF HOUSE BILL No. 2220.

THANK YOU.

Attachment m



Midwest Regional Office  
Argyle Building  
306 East 12th Street  
Kansas City, Missouri 64106  
(816) 474-0888

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Wildlife and Environment*

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TESTIMONY PREPARED FOR  
THE KANSAS STATE HOUSE OF REPRESENTATIVES  
COMMITTEE ON FEDERAL AND STATE AFFAIRS

House Bill No. 2220

Licensure and Regulation of  
Retailers and Wholesalers  
of Pet Animals

The Humane Society of The United States

Wendell E. Maddox, Jr.  
Regional Director  
Midwest Regional Office

February 26, 1987  
Topeka, Kansas

**National Headquarters:**

The Humane Society  
of the United States  
2100 L Street, NW  
Washington, DC 20037

*Attachment N*



My name is Wendell Maddox. I am Regional Director for the Humane Society of The United States (HSUS), based in our regional office in Kansas City, Missouri. The HSUS is a national non-profit organization dedicated to the prevention and elimination of cruelty to animals. The HSUS is the largest national humane organization in the country with a constituency of more than 500,000 persons, including over 2,600 residents of Kansas.

I am representing The HSUS here today in support of House Bill No. 2220 since this bill will provide for State licensing, regulation and inspection of commercial breeding kennels which raise dogs for resale in pet shops. We feel that state regulation of this industry is necessary due to the large number of wholesale commercial dog breeders in Kansas. It is a well known fact that Kansas is the largest pet dog producer in our nation.

Abuses in commercial dog breeding kennels have long been of concern to the HSUS. Kennels which mass produce puppies for pet shops are often referred to as "puppy mills." The HSUS has long been aware that dogs at many of these mills are victims of filth, inadequate shelter, insufficient food and water, overcrowding, disease, excessive breeding, lack of veterinary care, and general neglect.

In 1970, the HSUS was instrumental in amending the Laboratory Animal Welfare Act of 1966 to require commercial breeders wholesaling dogs to the pet industry to be licensed and regulated

by the United States Department of Agriculture. It was hoped that this legislation would require wholesale breeders to meet humane standards of care for their dogs and thus eliminate the substandard puppy mill breeders.

In spite of this legislation, however, the HSUS has continued to receive complaints from hundreds of consumers throughout the nation who have traced the origin of a sick or diseased pet purchased from a pet shop to a wholesale breeder in Kansas. We have also continued to receive complaints from concerned citizens who are disturbed about the atrocities that exist in the wholesale dog breeding industry.

Because of these widespread complaints, the HSUS has conducted at least twelve different investigations over a twenty year period of more than 300 wholesale breeders in Kansas. Our most recent investigation was conducted between Feb. 5th and 17th, 1987. This investigation revealed unsatisfactory conditions are still prevalent on the breeding grounds of wholesale kennels.

The single most distinguishing characteristics of puppy mills is the owners desire to produce puppies at minimum cost with minimum effort, regardless of what is best for the animals. The only apparent concern affecting the dogs' welfare is a desire for high enough survival rate to ensure a profit.

Housing problems were the most obvious example of puppy mill

owners' desire to spend as little money as possible on overhead. Many dogs are living in decrepit barns, wooden rabbit hutches and old chicken coops. Dogs are being housed in rusty barrels old washing machines, empty fuel tanks and even junked trucks. Many places are so dilapidated that they are unable to provide sufficient shelter from the extremes of weather. Some of the dogs observed were shivering from the cold since they had only wooden boxes for shelter with no bedding to keep them warm. Cages are often crowded and there is little room for exercise. Many dogs spend their entire lives in cages half the size of a bathtub.

Lack of proper sanitation is one of the worst problems, and one of the most common. The majority of the facilities observed were filthy and the odor was horrible. Several owners admitted that they never groom or clean any of their animals. Some kennels have fecal material piled several feet high in runs. Many breeders keep their dogs on wire-bottom cages, so that the dog's waste will fall through the bottom of the cages and eliminate the need for daily cage cleaning. Wire-bottom cages, however, still present a health hazard as dogs become contaminated with their own waste as they push it through the wire mesh. At most puppy mills, piles of feces and puddles of urine are allowed to accumulate underneath the cages which is a potential source of serious disease. These wire-bottom cages often create hardship for the breeding animals, many which stand on this uncomfortable wire flooring their entire lives.

Insufficient food and water are chronic problems at puppy mills.

Feeding and watering occurs on a rather haphazard basis. Most breeders expect a minimal amount of food and water to satisfy the nutritional needs of their dogs. At several puppy mills, carcasses of dead animals which had died on the farm were the only source of food for the dogs.

Veterinary care is usually performed by the breeder themselves and is administered in a cursory fashion and on an irregular basis. Puppy mill breeders are especially reluctant to seek veterinary care for puppies because they expect a certain number to die. They consider it uneconomical to pay veterinary bills for a puppy that might die in spite of treatment.

It is vitally important that Kansas establish and maintain by regulation, humane standards of care for dogs housed in commercial kennels. Kansas must follow the example of such states as Iowa which has established state regulations and standards that have proved to be very successful. House Bill No. 2220 would serve this purpose and would provide the necessary authority to the Kansas Livestock Commission to enforce humane standards of care for the animals.

There is no more pressing need for this legislation than at the present time. Recent proposed budget cuts for enforcement of the Federal Animal Welfare Act will result in the suspension of all routine inspections of commercial dog dealers by the United States Department of Agriculture. The office of Management and

budget has stated every year it intends to "turn the primary enforcement of animal welfare activities over to the states." House Bill No. 2220 would thus provide the mechanism for the State of Kansas to assume this important function and to assure humane treatment of dogs in commercial kennels.

I thank you for granting our organization the opportunity to testify here today and for giving this important humane matter your thoughtful consideration.

TESTIMONY IN OPPOSITION TO  
HOUSE BILL 2220

as presented by  
Shawn R. Gideon

March 5, 1987

Who is promoting House Bill 2220? They are animal rights groups, or humane groups. A name commonly applied by knowledgeable individuals is "humaniacs". *These groups* have millions of dollars in their coffers just waiting to use to pounce on unsuspecting prey, but *do not believe in profit from animals*. "Humaniacs" are opposed to eating meat or wearing animal furs or pelts. If everyone had the same opposition, we would surely have gone barefoot until the development of synthetics. Members of the group routinely use illegal methods to obtain pictures and information to further their cause. These "humaniacs" will go to any extreme to remove dogs and cats from the status of "animal" or "farm animal" and to elevate them to a level of living better than most humans. These people are not interested in any financial gain, but only in changing the very definition of "animals" and their status to something of a god. If you will note, line 126 has defined "animal" as only part of the animal kingdom, the non-agricultural part.

The promoters of House Bill 2220 are known to have financial resources beyond imagination. *They are suggesting licensing or certification fees for everyone who sells more than two litters per year, but have not suggested a tax, certification or licensing fee to protect their own personal, small caches.* The simple fact is, the humaniacs wish to license every litter before conception. What action will the passive breeders and brokers whom testify for the bill take if this goal is achieved?? Let the "humaniacs" rest, and let us talk about something more objective such as facts and ideas.

I will grant anyone that there are dogs and cats which are improperly housed and fed in the state of Kansas. My experience shows that these are kennels or catteries which are inadequately financed, or are operated by those who are not knowledgeable about kennel or cattery operation. Most of these undesirable kennels or catteries do not raise litters for profit, but rather collect strays. I therefore recommend a \$250 complaint filing fee with the livestock commissioner to finance the cost of inspection and subsequent prosecutions.

House Bill 2220 wishes to repeal 47-1707. The initial part of it reads: "Before refusing to issue or renew an animal dealer's license, the commissioner shall conduct a hearing and shall determine whether the applicant or the person holding such a license is qualified and privileged to be licensed." The right to an immediate, fair hearing should be the right and privilege of everyone.

Attachment 0

In 1985 there were 49 million dogs in the U.S.; in 1986 the number increased to 51.6 million dogs in 34.2 million homes for an average of over 1.5 dogs per home in 38.7% of the American homes. This figures to a 5.3% increase in the number of dogs kept as household pets last year. While the number of dogs increased by 5.3%, the number of cats as household pets increased from 50 million in 1985 to 56.2 million cats in 1986. These 56.2 million cats are found in 26 million homes, or 29.4% of the homes in the United States had 2 cats per household. The increase from 50 million cats in 1985 up to 56.2 million cats in 1986 represents a 12.8% increase in the last year.

*The state's annual income from dogs, cats, and their related products and services has increased 8.8% annually, to a present grand total of \$580 million, or in excess of one-half billion dollars annually. Who generates this one-half billion dollars? Show breeders, who whelp one or more litters per year; convention centers; motels; hotels; restaurants and other services financially benefit from dog and cat shows.*

The next classification is hobby or small income breeders. This group would include anyone from young 4-H members with one or more bitches or queens, to elderly senior citizens who may supplement their income by as much as \$2500 annually, or depressed farmers who are trying to supplement their incomes by applying their knowledge of animals in the raising of cats and dogs. *While the agricultural community undisputedly dies at an alarming rate, dogs and cats are growing in number and profitability at a rate of 8.8% annually. Others who help generate this one-half billion dollars are the wholesalers or brokers, pet shops and pet suppliers, veterinarians, transportation facilities including airlines, and yes, dog and cat food manufacturers; all benefitting from agriculturally oriented dogs and cats.*

Just think, in excess of 25,000,000 lbs. of grain and animal by-product are consumed daily in the form of dog and cat foods. Fourteen cities in the state of Kansas have 17 manufacturing corporations of dog and cat foods, one of which employs more than 250 people. Isn't it time for the state of Kansas to realize that a one-half billion dollar business growing at the rate of 8.8% per year is worth having and encouraging? *Perhaps the state should offer tax incentives, instead of attempting to bury a budding young enterprise in certification and licensing, by amending K.S.A. 44-703 to include dogs and cats as agricultural animals.*

My position is that a dog or cat is an agricultural animal until such time as someone takes possession of it and declares it something else. To declare it "god" or whatever, is their prerogative so long as they do not force their ideas unto myself or the state of Kansas.

It is a well known fact that all phases of animal production move to areas and reside where laws and regulations favor animal possession and production. The proponents of this bill, other than the pacifists, have no monetary gains in view, but only the perpetuation of non-reproductive ideas. Those who oppose House Bill 2220 are promoting a growing, prosperous Kansas as a result of supporting an industry which is growing at a rate of 8.8% annually. Let us look past the schizophrenic fantasies and falacies of animal abuse and overpopulation, and instead allow dogs and cats to remain animals and allow House Bill 2220 to die for a more prosperous Kansas.



House Bill #2220

March 5, 1987

Ladies and Gentlemen of the Committee:

My name is Sandra MAike. I am Secretary-Treasurer of Maiké Enterprises of Alma, Kansas. We are active in the business of raising and selling purebred dogs to pet stores.

Before you today, you have photocopies of a Wichita newspaper article which according to Representative Barr and the media is one of the main reasons for the re-introduction of this bill after its veto of last session.

I am here today to give you the true story behind the scenes.

The lady, who this article describes as a commercial "PUPPY MILL" breeder, is and always has been one of the most ethical and responsible breeders that I have ever known. She is a fine human being, who has always put the good of her animals ahead of her own needs.

In 1976 Rose Mary and Warren Robinson came to work for us at our kennel and learned the business from the ground up. She worked very closely with me and with the vets which our kennel employed. More than one of my infamous competitors tried to hire her away from me.

In 1981, one of the breeders in the Sedan, Kansas area, offered his kennel to them so that he could retire. After much consideration they decided to move to Sedan to build their own business for their retirement, but after only six months tragedy struck. Warren was diagnosed as having terminal cancer. After a devastating two year battle, he passed away leaving Rose Mary as the sole support of their three children and the owner of a kennel that was deeply in debt.

In 1985, as a result of the sagging farm economy that we're all aware of, the Sedan State Bank was declared insolvent and the unpaid notes and collateral became the property of the Federal Deposit Insurance Co. More than one farmer or small businessman has found himself or herself in this position over the last few years.

*Attachment P*

After careful, deliberate negotiations with the FDIC, and their refusal of all offers made she was given no choice, but to file for bankruptcy. SHE DID NOT WANT to give up her dogs, but the FDIC gave her no choice. Even after she filed for bankruptcy, she agreed to take care of the animals until buyers could be obtained. She did this to make sure the animals would receive the best care possible. However, FDIC being what it is, they have no knowledge of how to take care of or market the animals to regain some sort of financial consideration for their collateral. THEY took the easy way out and abandoned them to the Wichita Humane Society, NOT MRS. ROBINSON, but the FDIC.

Then came the day of the seizing. The Humane Society came in open pickup trucks and open horse trailers with cages in them to confiscate this HORRIBLE woman's dogs. It was very cold and drizzling rain, however, the dogs got no protection from the cold or the elements. Not, a very humane way to transport them. Certainly not complying with USDA rules that we would have to follow. It took over seven hours to load 100 dogs, a job that any one of us could do by ourselves in a much shorter time. It would have taken much longer if a sheriff deputy had not been called in as a last resort to speed things up. It is a terrible thing to see your life dream being taken from you while three humaniacs continually jeered at the situation. Mrs. Robinson let them come on her property, even though they did not bring a court order to pick up the dogs. It arrived some four days later.

Mrs. Robinson co-operated with these women in everyway possible and was repaid by the Wichita Humane Society making her look like a villain when in fact she was the victim. All of the maladies the dogs were supposed to be suffering were greatly exaggerated by the Humane Society and the media as can be proven by Dr. Carolyn Sutton, who is Mrs. Robinson's vet. She examined all of the dogs several days prior to their seizure for FDIC.

However, the true story wouldn't have made such a good ploy for financial aid for the Humane Society and wouldn't have gotten the media attention.

Ladies and Gentlemen, I ask you how would House Bill Number 2220 have prevented this situation? Would it have prevented Warren Robinson from dying of cancer? Would it have prevented the bank from being declared insolvent? Would it have prevented the FDIC from demanding it's money or collateral AND most of all, Would it have made the dogs any happier to leave their nice, safe, clean, USDA approved home to be put to sleep by supposedly well meaning Humane Society people. DEATH has to be a dastardly alternative.

This bill is supposed to be for the animals, but how can we believe that this is the real reason when their supposed reason for needing this bill so desperately is based on untruths and innuendos that are outright lies?

We agree that everyone who raises puppies and kittens to be sold or even given away should be licensed. USDA licenses let the show people, hobby kennel people and others who merely sell out-the-door slide thru as they are exempt from federal regulation. We have all heard and read and seen thru the media about the sick little puppy that was sold thru a "PUPPY MILL". I'm sure there isn't a commercial breeder in this room thwt hasn't spent many dollars purchasing the best in brood stock from a show kennel and had that puppy come in sickly and not always the best or even a good representation of the breed. SO MUCH FOR ETHICS' If, in all truthfulness the State of Kansas thinks they can regulate where the USDA leaves off, MORE POWER TO THEM, BUT if all they're going to do is take the USDA list and register and inspect them, we don't need it.

As a USDA kennel we feel that anyone who is currently or needs to be licensed by USDA should be just that NOT State licensed or State registered. There is no reason to pay double fees or be doubly inspected. Anyone not falling under USDA regulations should be licensed and inspected by the stqte. However, the state should do this because it needs to be done, not on the whim of any Humane Society Groups. Also any state inspectors need to be professionally trained and employed by the state, not merely members of a Humane Group who

have graciously volunteered their time and energy.

The economic side of rural Kansas as well as rural America needs the income from commercial kennels and catteries. We are a business the same as the local grocery store. NOT A BLIGHT ON AMERICA !!!  
We are providing puppies and kittens that are companion animals to children and adults alike thruout the world. People that purchase a puppy or kitten from a pet store have a financial investment as well as an emotional investment and will go to any lenghts to provide a proper and caring home for their family member.

USDA cannot adequately fund their budget, so with all the budget cutbacks in the state of Kansas, I fail to see how we can justify funding this bill while we take funds away from schools, needy children and aged people. I am a firm believer that the SUPREME BEING dictates that our priorities be set straight so that the homeless, hungry and needy people of the great state of Kansas be taken care of before any bill is funded for the harassment of people trying to make an honest living.

TAKE THE HUMANE WAY OUT-----KILL HOUSE BILL NUMBER 2220

# SEDAN VETERINARY SERVICE

COCO SUTTON, D.V.M.

Box 357

Sedan, Kansas 67361

March 5, 1987

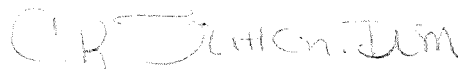
TO WHOM IT MAY CONCERN:

I have been Rosemary Robinson's veterinary for 6 years. I have found her to be a very conscientious kennel owner who maintains a clean environment, feeds her dogs well, practices preventive medicine (by vaccinating for diseases, worming, dipping and clipping) and provides prompt medical attention when needed.

I had examined the dogs in question, who belonged to FDIC, not Mrs. Robinson, and found them to be mostly old dogs who were showing conditions related to geriatric patients, such as seborrhea and mammary tumors. These are the same conditions that I see in a high percentage of my pet geriatric patients. These dogs were slightly overdue for their annual vaccinations and did need to be clipped and dipped, but since FDIC had already claimed ownership of these dogs it was not up to Mrs. Robinson to provide this.

If I can be of any further assistance, please feel free to call me.

Sincerely,



C.R. Sutton, DVM

In reference to House Bill No. 2220.

March 5, 1987

We see newspaper articles that have been written about kennels, and of course, they only report about the ones that have not been run properly, or where the animals have not been taken care of like they should be. You very seldom hear about the large number of well run kennels, in which the animals are usually cared for as well as most peoples pets.

In section 11 Lines 439-442 Inclusive

These lines have been deleted. I feel that these lines should definitely be reinstated. Since the USDA licensed kennels are already regulated and inspected and have a set of guide lines to follow.

USDA licensed kennels are generally active in the interstate shipment of animals, and as such should continue to be exempt from such state regulations, as it had been previously stated in this section, before the changes were made.

If the state wishes to upgrade the quality of care that dogs are given, they need to start with kennels that have no guidelines, no regulations, and no inspections to contend with.

In new section 14 starting on line 477.

Here there is stated an annual fee. It basically says that annually, the fees will be changed to cover expenses. I see no mention of any limits being set to place a maximum amount of increase. The sky's the limit.

And again the USDA licensed, and other reputable kennels will have to afford the brunt of this expense, while others will never be found out about, unless someone in these offices determines a better way to do it.

In this section, I see no specifications or guidelines with which to follow or abide by. We have no idea of what the state wants us to comply to. It could vary greatly from federal regulations.

But when they inspect our facilities the first time and find that we are not complying with their regulations, which we know nothing of, then they will make us pay for the next visit, to see if we have made changes to comply to the invisible regulations.

In concluding, as I see it, this House Bill No. 2220 is nothing more than a vehicle, that is being used to bring hardships on people that are trying their best to be honest and above board by reporting their kennel and securing a USDA license. Now that gives the state a list of kennels that they can concentrate on, when these people are already regulated.

I do agree that something does need to be done with the increasing number of dogs in the state. But the place to start, is with unlicensed, unregulated kennels and not with the USDA licensed, and other reputable kennels, which are already complying to regulations.

If this committee would confer with some reputable kennel owners and work with them, together they could comprise a bill for the wellbeing of all concerned. Instead of following the advice of dogooders, who have not been introduced to the real world.

On February 19, we were all here to discuss housebill 2220. after waiting for two hours, a lady comes out and tells us that it was cancelled and that every person that had put their name and address on the paper that was passed around, would be notified, when this meeting was to be rescheduled. I don't know of anybody, that is against this bill, that was notified of the new schedule. I for one, would like to know what the reason was for this.

Ralph B Karr *attachment Q*  
Wee Valley Kennel

The concept of this bill is well intentioned, but I have reservations about certain provisions.

My first objection is that many kennels which are not now USDA licensed will avoid compliance (e.g. selling puppies in other family members names).

There is no part of this bill that will correct this current loophole; it will only force more people to take that route to avoid compliance.

Second, this bill exempts small retail sellers and makes no mention of kennels that do not sell puppies. If animal welfare is the main issue, why not include all retail sellers, boarding kennels, and kennels which have hunting or racing dogs but do not sell puppies. Also, there is nothing in this bill to better enforce laws which make dog fighting illegal.

My third objection is lines 0462-0465 "any violation of this act or any rule or regulation adopted hereunder, animals in the licensee's possession shall become subject to sale or euthanasia, at the discretion of the commissioner."

Note that it reads "any violation". Does this include such things as fly specks on the ceiling?

My final objection is the cost and funding of this bill. Who pays the cost of inspections due to complaints? I feel that to have the Licensee pay this cost would be unfair especially if there were no serious faults found. Also, I think the complaint should be signed to prevent harassment.

USDA already does a good job of inspecting kennels and if there is a deficiency found, they are very prompt in follow up inspections. The funds have already been allocated for this purpose. I feel that the cost of this program

will be expanding rapidly in the first few years and the license and certificate fees will increase to cover "the amount necessary for that purpose".

Since the USDA Licensed Kennels are already paying from \$5 to \$500 license fees, there will be a tendency to assess an unfair share of the cost on

them. Can the persons affected by this bill afford this additional expense?

*Attachment R*

This bill, although it contains some provisions that no one could discredit, contains nothing pertaining to animal care and treatment that is not already covered in Public Law 91-579 (USDA Animal Welfare Act) or K.S.A. 21-4310 (see attached copy - clause 1-c). These two laws cover the conditions under which dogs and cats can legally be raised. For violations, K.S.A. 21-4311 provides that animals can be confiscated where evidence of cruelty to animals is evident. While other agencies are avoiding duplication, your bill will authorize a third agency to do the same thing as the other two.

Lines 430-434 of HB 2220 gives the commissioner authority to appoint the city health officer or county health officer as the commissioner's authorized representative. No other mention is made of anyone else that can be designated for this inspectors position.

In Nemaha County, we have about thirty kennel owners that fall under the "animal wholesaler" provision of this bill and probably another 20-30 who fit the hobby kennel and animal retailer guidelines. If you manage to enforce this bill on the hobby kennels, most will go out of business rather than conform to the requirements of the law. Most of this group are retired or semiretired and use the several hundred dollars per year from their dogs, often unregistered rat terriers, to supplement their Social Security checks.

Of the thirty who would qualify as animal wholesalers, I estimate one half would quit. Those people, probably all farm wives, have been using their "puppy money" to pay for family clothes, groceries, and school expenses for their children much the same as "egg money" was spent 30 years ago. This money supplements farm incomes when farmers are too proud to accept welfare checks. I would guess that Nemaha county has few, if any, kennel owners on welfare now, but I question if that would remain so if this bill becomes law.



Finally with Economic Development on everyone's mind, I wonder if the members of this committee have any idea of the amount of "puppy money" that comes into Kansas each year. One estimate I received was that Nemaha County alone receives over \$500,000, mostly from the east coast and west coast areas. If this money ends, Nemaha County would probably lose at least two veterinarians due to lost kennel business, and we might even lose the Bern dog food plant. This locally owned business employs 50 people in a town with a population of 220 and last year paid almost \$10,000 in property taxes to Nemaha County.

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**21-4310. Cruelty to animals.** (1) Cruelty to animals is:  
 (a) Intentionally killing, injuring, maiming, torturing or mutilating any animal;  
 (b) abandoning or leaving any animal in any place without making provisions for its proper care; or  
 (c) having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal.  
 (2) The provisions of this section shall not apply to:  
 (a) Normal or accepted veterinary practices;  
 (b) bona fide experiments carried on by commonly recognized research facilities;  
 (c) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;  
 (d) rodeo practices accepted by the rodeo cowboys' association;  
 (e) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, local or state health officer or licensed veterinarian three (3) business days following the receipt of any such animal at such society, shelter or pound;  
 (f) with respect to farm animals, normal or accepted practices of animal husbandry;  
 (g) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property; or  
 (h) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.

(3) Cruelty to animals is a class B misdemeanor.  
**History:** L. 1969, ch. 180, § 21-4310; L. 1974, ch. 148, § 1; L. 1975, ch. 198, § 1; L. 1977, ch. 116, § 2; L. 1980, ch. 182, § 4; L. 1980, ch. 157, § 1; July 1.  
**Source or prior law:**  
 21-1201, 21-1202, 21-1203.  
**Judicial Council, 1968:** Subsection (1) is substantially the Model Penal Code, 250.11. It is suggested in lieu of the former law which covered the same substance but was somewhat more complex. Subsection (2), in part, follows former K.S.A. 21-1203. There are no specific provisions in the section for appraisal and liability to the owner. However, it is assumed that the owner would be able to recover for the wrongful destruction of his animal, even in the absence of express provisions.  
**Cross References to Related Sections:**  
 Damages for cruelty to domestic animals, see 29-409.  
**CASE ANNOTATIONS**  
 1. Cockfighting does not fall within the prohibitions of this section. *State, ex rel., v. Claiborne*, 211 K. 264, 253, 266, 268, 269, 505 P.2d 732.  
 2. Upon question reserved, it is held that exception in 21-4310(2)(g) does not apply to prosecutions under 21-3727. *State v. Jones*, 229 K. 528, 529, 530, 625 P.2d 301.  
**21-4311. Same; custody of animal; disposition; damages for killing, when; expenses of care assessed owner, when.** (1) Any public health officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, for humane killing.  
 (2) The owner or custodian of an animal killed pursuant to subsection (1) of this section shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.  
 (3) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (1) of this

section, pending prosecution, shall be the responsibility of the custodian of such animal, and not of the owner of such animal, unless the owner is found guilty of such crime.  
 (4) If a person is convicted of the crime of cruelty to animals, K.S.A. 21-4310 and amendments thereto, and the court having jurisdiction finds that an animal owned by such person would be injured by such crime, such animal may be turned to or remain in the custody of an animal shelter or humane society, or be sold to a veterinarian for sale or other use.  
**History:** L. 1977.  
**21-4312. Unlawful display of animals.** (1) Unlawful display of animals, including raffling, giving as a prize, or using as an advertisement, for the purpose of displaying living ducklings or goslings, or the giving of such animals as a prize in agricultural projects or in the promotion of commonly known organizations.  
 (2) Unlawful display of animals is a class C misdemeanor.  
**History:** L. 1977.  
**21-4313. Definition of "Animal."** (1) "Animal" means any mammal, bird, reptile, amphibian or fish, but does not include a human being.  
 (2) "Farm animal" means any animal raised on a farm or in a household and intended for use as food or for other purposes.  
 (3) "Retailer" means any person engaged in the business of selling personal property, or any person for use or consumption.  
 (4) "Wild animal" means any animal in the wild state, but does not include a domestic animal.  
 (5) "Domestic animal" means any animal which is kept for utility rather than utility.  
**History:** L. 1977.  
 \* "This act," see also 21-4314. Sec

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**21-4310. Cruelty to animals. (1) Cruelty to animals is:**

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(c) having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal.

(2) The provisions of this section shall not apply to:

(a) Normal or accepted veterinary practices;

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(c) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;

(d) rodeo practices accepted by the rodeo cowboys' association;

(e) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, local or state health officer or licensed veterinarian three (3) business days following the receipt of any such animal at such society, shelter or pound;

(f) with respect to farm animals, normal or accepted practices of animal husbandry;

(g) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property; or

(h) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods.

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1. Cockfighting does not fall within the prohibitions of this section. *State, ex rel., v. Claiborne*, 211 K. 264, 265, 266, 268, 269, 505 P.2d 732.

2. Upon question reserved, it is held that exception in 21-4310(2)(g) does not apply to prosecutions under 21-3727. *State v. Jones*, 229 K. 528, 529, 530, 625 P.2d 303.

**21-4311. Same; custody of animal; disposition; damages for killing, when; expenses of care assessed owner, when. (1)** Any public health officer, law enforcement officer or licensed veterinarian, or any officer or agent of any duly incorporated humane society, animal shelter or other appropriate facility, may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or other care or, if it appears, as determined by an officer of such humane society or by such veterinarian, that the animal is diseased or disabled beyond recovery for any useful purpose, for humane killing.

(2) The owner or custodian of an animal killed pursuant to subsection (1) of this section shall not be entitled to recover damages for the killing of such animal unless the owner proves that such killing was unwarranted.

(3) Expenses incurred for the care, treatment or boarding of any animal, taken into custody pursuant to subsection (1) of this

section, pending prosecution, shall be the responsibility of such custodian of such animal, as defined in K.S.A. 21-4310 and amendments thereto, unless the owner proves to the contrary in the case if the owner is found guilty of such offense.

(4) If a person is convicted of the crime of cruelty to animals, K.S.A. 21-4310 and amendments thereto, and the court having jurisdiction determines that an animal owned by such person would be injured by such crime, such animal may be turned to or remain in the custody of the humane society or veterinarian for sale or other disposition.

**History:** L. 1977

**21-4312. Unlawful display of animals. (1)** Unlawful display of animals, including raffling, giving as prizes, or using as an advertisement for the display of living ducklings or goslings, or the giving of such animals in agricultural projects or in agricultural projects of commonly known organizations.

(2) Unlawful display of animals is a class C misdemeanor.

**History:** L. 1977

**21-4313. Definition of animal. (1)** "Animal" means any animal, unless the context requires;

(2) "Farm animal" means any animal raised on a farm or in a household intended for use as food or for the production of food;

(3) "Retailer" means any person engaged in the business of selling personal property, or any person for use or consumption;

(4) "Wild animal" means any animal in the wild state, but not a domestic animal;

(5) "Domestic animal" means any animal which is kept for utility rather than utility.

**History:** L. 1977

• "This act," see also

**21-4314. Sec**

Vote no on Bill 2220

First let me outline my statement. The first half contains a number of questions which need to be answered. The second half contains answers to questions which you might have.

Question #1: Why is there a bill currently being discussed that would allow commercial hog breeders into Kansas because it would be good for the economy, and another (bill 2220) that will hurt an industry that brings over a half billion dollars into Kansas annually?

Question #2: An amendment to the pari-mutual betting bill was just passed to allow the use of live lures in the training of greyhounds. Here we have an exclusion of the definition of the word "animal" in line (0126). If rabbits are excluded why not dogs or cats? It seems here we find some large scale discrimination. If bill 2220 becomes law which bill will take precedence? If not bill 2220 then I definitely see some discrimination lawsuits lurking in the future.

Question #3: In line 0232 the definition of "research facility" exempts colleges and universities. Why, perhaps you should see the cattle at Kansas State University that have sections of their abdominal areas removed so that scientists could see if they use all of their stomachs at the same time.

Question #4: Lines 0451-0465 discuss penalties for a conviction of a violation of this bill. Here there are too many things left unanswered. Will it be a single person, or will it be a trial by a number of people which will decide your guilt or innocence. If you are convicted why don't you get to sell your own breeding stock rather than having them impounded or put to sleep? Suppose your building is inadequate, just because you can't house them does not mean that the right of resale should not be yours. After all, the money to buy the stock came from the breeders pocket not the states and that is where it should be returned to.

Question #5: How does the state intend to police all the "hobby kennels"? In order to do this the amount of man power that is needed is unfeasible. The bill can in no way be self supporting. If they are not policed then here again I would see a problem with discrimination.

Now for some answers to your questions. I believe the biggest and only question that needs to be clarified for you is; Of what significance are the facts that the uneducated supporters are using to promote this bill. I'm sure they have examples of poor living conditions in some kennels in the state, and will most definitely use the Wichita area kennel for an undesirable example. The people that are gathering facts to support this bill have found approximately six kennels that have not met their personal approval. In the state of Kansas there are 570 USDA breeders. By dividing 6 by 570 we see that only 1.05% do not meet the guidelines

*Attachment T*

of this bill. Even if they have found 20 examples of poor kennels that is still only 3.5%. As you can clearly see poor kennels are a very small minority.

The job of the supporters of this bill is much like that of a plaintiff in the courtroom. They have to prove that a bill like this is necessary. By looking at even inflated statistics we find that there is very little need for this bill. I urge, along with many others, that this case be decided for the defendant and laid to rest. Why should the majority pay for what the minority is doing? USDA can and is dealing with these minorities.



Bret Kerr  
Mgr. Kerr Kennels

Testimony of Michael A. Barbara

Before Committee on Federal and State Affairs

HB 2546 - 3-5-87

I note with much concern and distress that there is pending in the Committee on Federal and State Affairs House Bill 2546 which, if enacted, will repeal all professional qualifications requirements for the position of secretary of corrections.

The proposed legislation would allow the governor to appoint a person who will have had no experience, no training, no education in corrections or penal institutions or in related fields.

As you all very well know, these are most critical and crucial times for the Kansas prison system. I visited the state penitentiary, the medium security prison and the women's institution at Lansing last week. Double celling has been accomplished in the new medium prison and the women's institution. The prison population is beyond maximum capacity. Presently there is, and has been for approximately seven years, a federal court order under a consent decree. The U.S. Department of Justice is presently investigating conditions of the state penitentiary. These are just a few of the problems including future housing, staffing and conditions.

The state will need an administrator with experience, a professional, in corrections, who will be able to cope with these problems and who can advise the governor and the legislature on future direction and resolutions.

I beseech you to kill this bill.

*Attachment U*