

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by Chairman Robert H. Miller at _____
Chairperson

1:30 a.m./p.m. on March 18, 1987 in room 526S of the Capitol.

All members were present except:

Representative Roenbaugh-E

Committee staff present:

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

Conferees appearing before the committee:

The meeting was called to order by Chairman Miller.

Representative Walker made a motion, seconded by Representative Sprague, to approve the minutes of March 17. The motion carried.

The Chairman pointed out an error in the agenda for March 23. HB2086 is a bill prohibiting credit sales or exchange of cigarettes or tobacco products.

HB2373 - Penalties for riding with driver who is under influence of alcohol or drugs

Representative Aylward made a motion, seconded by Representative Eckert, to report HB2373 adversely. The motion carried.

HB2219 - Rabies Vaccine

Sub-committee recommended the bill be held over until next year.

HB2385 - Regulation of time-share plans

Representative Aylward explained the sub-committee amendments dealing with the approval of materials by the attorney general and that such approval does not in any way constitute an endorsement of the promotion and made a motion, seconded by Representative Hensley, to adopt these amendments. The motion carried.

Representative Hensley made a motion, seconded by Representative Aylward, to recommend HB2385 favorable as amended. The motion carried.

HB2309 - Application of open meeting law to members-elect of a body

Representative Baker explained the bill and an amendment defining "membership" and "quorum" and added a New Sec. 2 which allows a member of a governing body and a member's successor-elect to meet to discuss transitional business privately.

Representative Rolfs made a motion to adopt this amendment, seconded by Representative Sebelius. The motion carried.

Representative Barr made a motion, seconded by Representative Jenkins, to report HB2309 favorable as amended. A division was called. The motion lost on a 9-9 tie.

HB2220 - Licensure or registration of certain persons dealing with animals

Representative Barr made a motion, seconded by Representative Hensley, to adopt amendments distributed to the committee (See attachment A). The motion carried.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Federal & State Affairs

room 526S, Statehouse, at 1:30 a.m./p.m. on March 18, 1987

There was discussion on whether this bill runs a double license and how it will effect the economic impact on the pet industry in Kansas.

Representative Eckert made a conceptual motion, seconded by Representative Ramirez, to amend the bill to exempt USDA kennels. The motion lost. A division was called 9-10.

Representative Sprague made a conceptual motion, seconded by Representative Barr, to require commissioners to pay for training and inspections through fees. The motion carried.

Representative Peterson made a motion, seconded by Representative Hensley, to report HB2220 favorably as amended. The motion carried.

HB2497 - Driving while impaired

Representative Sprague made a motion, seconded by Representative Charlton, to adopt the sub-committee report to request an interim study. Attach. B.

There was discussion of whether an interim study was necessary or financially feasible. Representative Charlton withdrew her second.

HB2547 - Community Right-to-Know

Representative Walker made a motion, seconded by Representative Aylward, to adopt an amendment dealing with penalties (See attachment B). The motion carried.

Representative Walker made a motion, seconded by Representative Roper, to change the make-up of the commission - 1 representative from the business community and 2 public members. The motion carried.

Representative Walker made a motion, seconded by Representative Rolfs, to remove the Legislative members from the commission. The motion carried.

Representative Walker made a motion, seconded by Representative Peterson, which requires that fines go back to the commission rather than the state general fund.

After discussion, Representative Walker withdrew his motion.

Representative Walker made a motion, seconded by Representative Aylward, to change the effective date to the Kansas Register. The motion carried.

Representative Walker made a motion, seconded by Representative Peterson, to report HB2547 favorably as amended. The motion carried.

HB2309 - Application of open meeting law to members-elect of a body

Representative Roy made a motion, seconded by Representative Sprague, to reconsider the vote on Representative Baker's amendment to the bill. The motion carried.

Representative Roy made a motion, seconded by Representative Hensley, to strike New Sec. 2. The motion failed.

Representative Roy made a motion, seconded by Representative Hensley to redefine "membership" to include membership-elect and membership of a body.

Representative Ramirez made a substitute motion, seconded by Representative Gjerstad, to report HB2309 adversely. The motion carried. A division was called 13-10. Representative Hensley recorded as voting "no".

The meeting was adjourned.

0121 continuously accessible to each animal or supplied at intervals
0122 suitable for the animal species, not to exceed intervals of 24
0123 hours.

0124 (c) "Ambient temperature" means the temperature sur-
0125 rounding the animal.

0126 (d) "Animal" means any live dog, cat, rabbit, rodent, non-
0127 human primate, bird or other warm-blooded vertebrate but
0128 shall not include horses, cattle, sheep, goats, swine and domestic
0129 fowl.

0130 (e) "Animal auction" means any place or location where
0131 primarily cats or dogs, or both, are sold to the highest bidder or
0132 traded.

0133 (f) (1) "Animal auction manager" means any person who
0134 organizes, coordinates, holds or manages an animal auction.

0135 (2) Animal auction manager does not include an animal
0136 retailer or animal wholesaler.

0137 (g) (1) "Animal retail shop" means any premises where any
0138 animal or exotic pet animal is sold, exchanged or offered for sale
0139 or exchange, at retail and not for resale to another.

0140 (2) Animal retail shop does not include any premises where
0141 the only animals or exotic pet animals sold, exchanged or of-
0142 fered for sale or exchange during the license year are: (A) Fish;
0143 (B) dogs or cats, or both, in a quantity of fewer than 6 litters or
0144 fewer than 24 individual animals, whichever is less; or (C)
0145 animals, other than dogs or cats, which have been born and
0146 raised on residence premises or have been owned and retained
0147 on residence premises for a period of 90 days or longer, but this
0148 exclusion shall apply only if the premises where such animals
0149 are sold, exchanged or offered for sale or exchange are the
0150 residence premises where such animals were born and raised or
0151 owned and retained for a period of 90 days or longer.

0152 (h) (1) "Animal retailer" means any person who sells, ex- exclusively
0153 changes or offers to sell or exchange, at retail and not for resale
0154 to another, any animal or exotic pet animal.

0155 (2) Animal retailer does not include any person who, during
0156 the license year, sells, exchanges or offers to sell or exchange
0157 only: (A) Fish; (B) dogs or cats, or both, in a quantity of fewer

than 6 litters or fewer than 24 individual animals, whichever is less, and (C) animals, other than dogs or cats, which have been born and raised on the person's residence premises or have been owned and retained by such person on such premises for a period of 90 days or longer, but this exclusion shall apply only if the premises where such animals are sold, exchanged or offered for sale or exchange are the residence premises where such animals were born and raised or owned and retained for a period of 90 days or longer.

(i) "Animal shelter" means a facility which is used or designed for use to house or contain any animal and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organizations devoted to the welfare, protection and humane treatment of animals.

(j) (1) "Animal wholesaler" means any person who sells, exchanges or offers to sell or exchange any animal, ~~exclusively~~ at wholesale for resale to another.

(2) Animal wholesaler does not include any animal retailer or any person who, during the license year, sells, exchanges or offers to sell or exchange only: (A) Dogs or cats, or both, in a quantity of fewer than 6 litters or fewer than 24 individual animals, whichever is less; and (B) animals, other than dogs or cats, which have been born and raised on such person's residence premises or have been owned and retained by such person on such premises for a period of 90 days or longer.

(k) "Cat" means any animal which is wholly or in part of the species *Felis domesticus*.

(l) "Commissioner" means the livestock commissioner appointed by the Kansas animal health board.

(m) "Dog" means any animal which is wholly or in part of the species *Canis familiaris*.

(n) "Dog warden" means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this law, or any other law or ordinance relating to the licensing of

013 hearing, and alter (a) The commissioner shall have the authority
014 to refuse to issue or renew or may suspend or revoke any
015 certificate of registration required under K.S.A. 47-1701 et seq.
016 and amendments thereto only as follows:

017 (1) The commissioner may refuse to issue or renew or may
018 suspend or revoke such a certificate upon a determination that:
019 (A) The applicant or registrant does not hold a valid license
020 under public law 91-579 (7 U.S.C. § 2131 et seq.); or (B) the
021 housing facility or the primary enclosure is inadequate; or that
022 the feeding, watering, sanitizing, and housing practices at the
023 pound, or research facility, are not consistent with this act; or the
024 rules and regulations adopted hereunder.

025 (2) The commissioner shall refuse to issue or renew or shall
026 revoke a certificate of registration required under K.S.A. 47-
027 1701 et seq. and amendments thereto upon a finding that the
028 registrant or applicant for registration has been convicted of
029 committing any act involving cruelty to or inhumane treatment
030 of an animal.

031 (b) No person known by a registrant to have been convicted
032 of committing any act involving cruelty to or inhumane treat-
033 ment of an animal shall be an officer or employee of the
034 registrant in a position involving contact with animals. Upon a
035 finding of a violation of this subsection, the commissioner shall
036 impose on the registrant a fine of \$2,000 unless such registrant
037 promptly dismisses the officer or employee upon receipt of
038 knowledge of the conviction.

independent contractor, agent, servant, stockholder,
director,

039 Sec. 9. K.S.A. 47-1706 is hereby amended to read as follows:
040 47-1706. (a) The commissioner may refuse to issue or renew an
041 animal dealer's license or a pet shop operator's license; or he
042 may suspend or revoke an animal dealer's license or a pet shop
043 operator's license or may suspend or revoke any license required
044 under K.S.A. 47-1701 et seq. and amendments thereto for any
045 one or more of the following reasons:

046 (a) (1) Material misstatement in the application for the origi-
047 nal license, or in the application for any renewal of a license;
048 (b) (2) willful disregard of any provision of this act or any rule
049 and regulation adopted hereunder, or any willful aiding or abet-

of another in the violation of any provision of this act or of rule and regulation adopted hereunder,

(3) permitting any license issued hereunder to be used by unlicensed person, or transferred to unlicensed premises;

(4) the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty, or relating to the sale of or cruelty to ~~of~~ ^{relates to theft of} animals;

(5) substantial misrepresentation;

(6) misrepresentation or false promise, made through advertising, salesmen salespersons, agents or otherwise, in connection with the operation of business of animal dealer the use of

(7) fraudulent bill of sale;

(8) the housing facility or the primary enclosure is inadequate, or

(9) the feeding, watering, sanitizing and housing practices on dealer's licensee's premises are not consistent with this act or the rules and regulations adopted hereunder.

(10) The commissioner shall refuse to issue or renew or shall revoke a license required under K.S.A. 47-1701 et seq. and amendments thereto upon a finding that the licensee or applicant for the license has been convicted of committing any act involving cruelty to or inhumane treatment of an animal.

~~No person known by a licensee to have been convicted of committing any act involving cruelty to or inhumane treatment of an animal shall be an officer or employee of the licensee in a position involving contact with animals. Upon a finding of a violation of this subsection, the commissioner shall impose on the licensee a fine of \$2,000 unless such licensee promptly dismisses the officer or employee upon receipt of knowledge of conviction.~~

Sec. 10. K.S.A. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner's authorized representative shall make an inspection of the premises of each applicant for an original license under K.S.A. 47-1701 et seq. and amendments thereto.

(b) The commissioner or his the commissioner's authorized

; conviction of any act involving cruelty to or inhumane treatment of an animal; or conviction of any crime which

(b)

independent contractor, agent, servant, stockholder, director,

7 representative shall make regular inspections of the premises of
 8 each licensed animal dealer, registered pound, animal shelter,
 9 licensed pet shop and each research facility licensee under
 10 K.S.A. 47-1701 et seq. and amendments thereto.

11 (c) The commissioner or the commissioner's authorized rep-
 12 resentative shall make inspections of the premises of a regis-
 13 tered animal wholesaler, research facility, animal auction man-
 14 ager or hobby kennel operator upon the filing with the
 15 commissioner of a complaint alleging facts which may consti-
 16 tute grounds for suspension or revocation of the registration of
 17 such wholesaler, facility, auction manager or kennel operator
 18 and a determination by the commissioner that there are rea-
 19 sonable grounds to believe the allegations of the complaint.

20 (d) The commissioner is hereby authorized to designate and
 21 appoint the city health officer of any city or in the absence of a
 22 city health officer, the county health officer of the county, as his
 23 the commissioner's authorized representative for the purpose of
 24 making inspections within such counties and cities.

25 (e) Records of these inspections pursuant to this section shall
 26 be maintained in the office of the Kansas animal health depart-
 27 ment.

28 Sec. 11. K.S.A. 47-1714 is hereby amended to read as fol-
 29 lows: 47-1714. Nothing in this act shall require any animal
 30 dealer, who holds a current federal license issued under public
 31 law 91-579, the animal welfare act, to obtain a state animal
 32 dealer's license.

33 Nothing in this act shall require the operator of a research
 34 facility, who holds a current federal registration issued under
 35 public law 91-579, the animal welfare act, to obtain a state
 36 certificate of registration. The applicant for or holder of any
 37 animal retailer or animal wholesaler license or certificate of
 38 registration must own a controlling interest in the business for
 39 which the license or certificate of registration is sought or
 40 issued.

41 Sec. 12. K.S.A. 47-1715 is hereby amended to read as fol-
 42 lows: 47-1715. (a) Any violation of or failure to comply with any
 43 provision of this act, or any regulation adopted hereunder, shall

upon the initiative of the commissioner or
 signed, written

Any such complaint shall be confidential and shall not
 be released to any person other than employees of the
 commissioner as necessary to carry out the duties of
 their employment.

(d) Before inspecting the premises of an animal
 wholesaler or research facility which is licensed under
 public law 91-579 (7 U.S.C. § 2131 et seq.), the
 commissioner or the commissioner's authorized
 representative shall provide to the U.S. department of
 agriculture area veterinarian in charge or such
 veterinarian's authorized representative a copy of the
 complaint, if any, and all other relevant information
 concerning such wholesaler or research facility. The
 commissioner or the commissioner's authorized
 representative shall be accompanied by such
 veterinarian or veterinarian's authorized
 representative on any inspection of such animal
 wholesaler or research facility and the report and
 records of such inspection shall be made available to
 such veterinarian or veterinarian's authorized
 representative.

Before making any such inspection, such officer shall
 be trained by the commissioner in reasonable standards
 of animal care at the expense of the commissioner's
 office.

stitute a class A misdemeanor. Continued operation, after a
of guilty or a conviction, shall constitute a separate offense
each day of operation.

violating this act or rules and regulations adopted
hereunder

Animals found in the possession or custody of an unli-
censed animal dealer or unlicensed pet shop operator ~~a person
or not licensed or registered as required by this act~~ shall be
subject to immediate seizure and impoundment.

in accordance with K.S.A. 21-4311 and amendments thereto

Upon a plea of guilty or a conviction of an animal dealer a
licensed pursuant to this act for any violation of this act
by rule and regulation adopted hereunder ~~animals in his the
licensee's possession shall become subject to sale or euthanasia,
at the discretion of the commissioner.~~

the court may order the commissioner to seize and
impound any animals in the licensee's possession. Such
animals shall be returned to the person owning them if
there is satisfactory evidence that the animals will
receive adequate care by that person or such animals
may be sold or euthanized, at the discretion of the
commissioner. Costs of care of such animals while
impounded shall be paid by the licensee

13. K.S.A. 47-1716 is hereby amended to read as fol-
low: 47-1716. Failure of any person licensed as an animal dealer
or pet shop operator, or failure of an officer or employee of a
licensed municipality or a research facility, or failure of any
officer or employee operating an animal shelter as a pound or
licensed under K.S.A. 47-1701 et seq. and amendments thereto,
or any officer or employee thereof, to adequately house, feed

independent contractor, agent, servant, stockholder,
director,

and water animals in his such person's ~~officer's or employee's~~
possession or custody shall constitute a class C misdemeanor.
Such animals shall be subject to seizure and impoundment, ~~and
be sold or euthanized at the discretion of the commissioner.~~

in accordance with K.S.A. 21-4311 and amendments
thereto. Upon conviction of a violation of this
section, the court may order the commission to seize
and impound any animals in the licensee's possession.
Such animals shall be returned to the person owning
them if there is satisfactory evidence that the animals
will receive adequate care by that person or such
animals may be sold or euthanized, at the discretion of
the commissioner. Costs of care of such animals while
impounded shall be paid by the licensee.

Sec. 14. (a) Each application for issuance or renewal of
license or certificate of registration required under K.S.A.
47-1701 et seq. and amendments thereto shall be accompanied
by the fee prescribed by the commissioner under this section.
Such fees shall be as follows:

(b) The offense described by this section and the
penalty therefor shall be in addition to the crime
defined and penalty provided by K.S.A. 21-4310 and
amendments thereto and nothing in this section shall be
construed to preclude prosecution of a licensee for
cruelty to animals, as defined by K.S.A. 21-4310 and
amendments thereto, for the acts described in this
section

- (1) For a license, \$100.
- (2) For a certificate of registration, \$25.
- (3) The commissioner shall determine annually the amount
necessary to carry out and enforce K.S.A. 47-1701 et seq. and
amendments thereto for the next ensuing fiscal year and shall fix
rules and regulations the license and registration fees for such
year at the amount necessary for that purpose, subject to the
provisions of this section. In fixing such fees, the commissioner
may establish categories of licenses and registrations, based

an amount not to exceed

01 upon the type of license, size of the licensed or registered
 02 business or activity and the premises where such business or
 03 activity is conducted, and may establish different fees for each
 04 such category. The fees in effect immediately prior to the effec-
 05 tive date of this act shall continue in effect until different fees are
 06 fixed by the board as provided by this subsection.

07 (c) If, upon the inspection of the premises of a licensee,
 08 registrant or applicant for licensure or registration, the commis-
 09 sioner or the commissioner's authorized representative finds any
 10 deficiency which will require a subsequent inspection to deter-
 11 mine whether the deficiency is remedied, the licensee, regis-
 12 trant or applicant shall be assessed the cost of such subsequent
 13 inspection, as established by rules and regulations of the com-
 14 missioner.

15 (d) No fee or assessment required pursuant to this section
 16 shall be refundable.

17 (e) The commissioner shall remit all moneys received by or
 18 for the commissioner under this section to the state treasurer at
 19 least monthly. Upon receipt of each such remittance, the state
 20 treasurer shall deposit the entire amount in the state treasury and
 21 shall credit it to the animal disease control fund.

22 (f) This section shall be part of and supplemental to K.S.A.
 23 47-1701 *et seq.* and amendments thereto.

24 New Sec. 15. (a) The provisions of this act relating to licen-
 25 sure and regulation of animal retailers and animal wholesalers
 26 shall not apply to any such retailer or wholesaler until on and
 27 after January 1, 1988, if such retailer or wholesaler was not
 28 required to be licensed before the effective date of this act.

29 (b) Any certificate of registration issued to a pound or animal
 30 shelter before the effective date of this act for the fiscal year
 31 ending on June 30, 1988, shall continue to be valid, unless
 32 suspended or revoked, until January 1, 1988, and no additional
 33 license or fee shall be required hereunder until January 1, 1988.

34 (c) This section shall be part of and supplemental to K.S.A.
 35 47-1701 *et seq.* and amendments thereto.

36 Sec. 16. K.S.A. 1986 Supp. 12-4516 is hereby amended to
 37 read as follows: 12-4516. (a) Except as provided in subsection (b),

, unless the deficiency is found to have been
 corrected upon such subsequent inspection

0639 crime shall not disclose the existence of such records, except
0640 when requested by:

- 0641 (1) The person whose record was expunged;
- 0642 (2) a criminal justice agency, private detective agency or a
0643 private patrol operator, and the request is accompanied by a
0644 statement that the request is being made in conjunction with an
0645 application for employment with such agency or operator by the
0646 person whose record has been expunged;
- 0647 (3) a court, upon a showing of a subsequent conviction of the
0648 person whose record has been expunged;
- 0649 (4) the secretary of social and rehabilitation services, or a
0650 designee of the secretary, for the purpose of obtaining informa-
0651 tion relating to employment in an institution, as defined *in by*
0652 K.S.A. 76-12a01 and amendments thereto, of the department of
0653 social and rehabilitation services of any person whose record has
0654 been expunged;
- 0655 (5) a person entitled to such information pursuant to the
0656 terms of the expungement order;
- 0657 (6) a prosecuting attorney, and such request is accompanied
0658 by a statement that the request is being made in conjunction with
0659 a prosecution of an offense that requires a prior conviction as one
0660 of the elements of such offense; ~~or~~
- 0661 (7) *a veterinarian or person or entity required to be licensed*
0662 *or registered pursuant to K.S.A. 47-1701 et seq. and amendments*
0663 *thereto, and the request is accompanied by a statement that the*
0664 *request is being made in conjunction with an application for*
0665 *employment with such veterinarian, person or entity which*
0666 *involves contact with animals;*
- 0667 (8) *the state board of veterinary examiners or the livestock*
0668 *commissioner, for the purpose of registration or licensure pur-*
0669 *suant to the Kansas veterinary practice act or pursuant to K.S.A.*
0670 *47-1701 et seq. and amendments thereto; or*
- 0671 (9) the supreme court, the clerk or disciplinary administrator
0672 thereof, the state board for admission of attorneys or the state
0673 board for discipline of attorneys, and the request is accompanied
0674 by a statement that the request is being made in conjunction with
0675 an application for admission, or for an order of reinstatement, to

to determine the qualification, pursuant to K.S.A. 47-1705(b), 47-1706(c) or 47-830(c), and amendments thereto, of an independent contractor, agent, servant, stockholder, director, officer or employee of such veterinarian, person or entity

personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; with a criminal justice agency, as defined by K.S.A. 22-4701 and amendments thereto; or with an institution, as defined in by K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services; ~~or (B) in any application for licensure or registration as a veterinarian or person or entity required to be licensed or registered pursuant to K.S.A. 47-1701 et seq. and amendments thereto; (C) in any application for employment with a veterinarian or person required to be licensed or registered pursuant to K.S.A. 47-1701 et seq. and amendments thereto, if such employment involves contact with animals; or (D) in any application for admission, or for an order of reinstatement, to the practice of law in this state;~~

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(g) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime ~~or~~, is placed on parole or probation ~~or~~ ~~is given~~, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the conviction.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose conviction of a crime has been expunged under this statute may state that such person has never been convicted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to

connection with an inquiry to determine the qualification, pursuant to K.S.A. 47-1705(b), 47-1706(c) or 47-830(c), and amendments thereto, of an independent contractor, agent, servant, stockholder, director, officer or employee of

1 the use or possession of firearms by persons convicted of a
2 felony.

3 (i) Whenever the record of any conviction has been ex-
4 punged under the provisions of this section or under the provi-
5 sions of any other existing or former statute, the custodian of the
6 records of arrest, conviction and incarceration relating to that
7 crime shall not disclose the existence of such records, except
8 when requested by:

9 (1) The person whose record was expunged;

10 (2) a criminal justice agency, private detective agency or a
11 private patrol operator, and the request is accompanied by a
12 statement that the request is being made in conjunction with an
13 application for employment with such agency or operator by the
14 person whose record has been expunged;

15 (3) a court, upon a showing of a subsequent conviction of the
16 person whose record has been expunged;

17 (4) the secretary of social and rehabilitation services, or a
18 designee of the secretary, for the purpose of obtaining informa-
19 tion relating to employment in an institution, as defined in *by*
20 K.S.A. 76-12a01 and amendments thereto, of the department of
21 social and rehabilitation services of any person whose record has
22 been expunged;

23 (5) a person entitled to such information pursuant to the
24 terms of the expungement order;

25 (6) a prosecuting attorney, and such request is accompanied
26 by a statement that the request is being made in conjunction with
27 a prosecution of an offense that requires a prior conviction as one
28 of the elements of such offense; or

29 (7) *a veterinarian or person or entity required to be licensed*
30 *or registered pursuant to K.S.A. 47-1701 et seq. and amendments*
31 *thereto, and the request is accompanied by a statement that the*
32 *request is being made in conjunction with an application for*
33 *employment with such veterinarian, animal shelter, research*
34 *facility, animal dealer, pet shop operator or residential kennel*
35 *which involves contact with animals;*

36 (8) the state board of veterinary examiners or the livestock
37 commissioner, for the purpose of registration or licensure pur-

to determine the qualification, pursuant to K.S.A.
47-1705(b), 47-1706(c) or 47-830(c), and amendments
thereto, of an independent contractor, agent,
servant, stockholder, director, officer or employee
of such veterinarian, person or entity

clean and sanitary condition;

(j) (10) failure to report as required by law, or making false report of any contagious or infectious disease;

(k) (11) dishonesty or gross negligence in the inspection of foodstuffs;

(l) conviction on a charge of cruelty or inhumane treatment to animals;

(12) conviction of committing any act involving cruelty to or inhumane treatment of an animal;

(m) (12) revocation of a license to practice veterinary medicine by another state, territory or district of the United States on grounds other than nonpayment of registration fees; or (13)

(n) (13) unprofessional conduct as defined in rules and regulations adopted by the board. (14)

(b) The board, in accordance with the Kansas administrative procedure act, shall refuse to issue or renew a veterinarian's license, and shall revoke such a license, if the applicant or licensee has been convicted of committing any act involving cruelty to or inhumane treatment of an animal.]

(c) No person known by a veterinarian to have been convicted of committing any act involving cruelty to or inhumane treatment of an animal shall be employed by such veterinarian in a position involving contact with animals. The board, in accordance with the Kansas administrative procedure act, shall impose on any licensee violating this subsection a fine of \$2,000 unless such licensee promptly dismisses the employee upon receipt of knowledge of the conviction. (b)

, or an independent contractor, agent or servant of,

Sec. 19. K.S.A. 47-1701 through 47-1707, 47-1709, 47-1714, 47-1715 and 47-1716 and K.S.A. 1986 Supp. 12-4516, 21-4619, 21-4619a and 47-830 are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the statute book.

March 18, 1987

**SUBCOMMITTEE REPORT
HOUSE BILL NO. 2497**

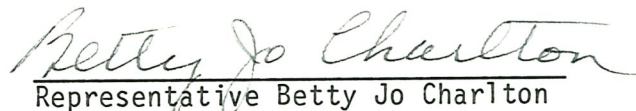
The Subcommittee chaired by Representative Sprague and including Representatives Eckert and Charlton met at 10:00 am on March 18, 1987. Three members of the Kansas Highway Patrol and a representative of the Kansas Community Alcohol Safety Action Project Coordinator's Association also attended the meeting.

The Subcommittee reviewed a 1985 Subcommittee report that recommended against a similar proposal because of the possibility that juries and prosecutors would be more inclined to use the lesser offense thus reducing the number of convictions for DUI.

After discussions with the conferees, the Subcommittee concluded that many of the concerns voiced in 1985 may continue to be valid and that the concept of creating a category of driving while impaired needs further study especially in regard to penalties and the relationship with the existing DUI law. For that reason, the Subcommittee recommends that the House Committee on Federal and State Affairs request a study of the topic by the Judiciary Committee during the 1987 interim.


Representative Dale Sprague


Representative Dick Eckert


Representative Betty Jo Charlton

Attachment B