

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRSThe meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at
Chairperson1:30 a.m./p.m. on February 9, 1988 in room 526S of the Capitol.

All members were present except:

Senators Arasmith & Erlich
Representatives Jenkins, Rolfs, & Charlton

Committee staff present:

Mary Torrence, Revisor's Office
Mary Galligan, Research Department
Lynda Hutfles, Secretary

Conferees appearing before the committee:

Senator Jeanne Hoferer
Ellen Querner, Wichita Humane Society
Dr. Kimmell
Harland Priddle, Secretary of Commerce
Dr. Domer, Kansas Veterinary Medicine Association
Millie Dold
Allan Wassom, Baxter Springs
J.R. Maicky, Alma
Patricia Deshler, Wichita
Richard Parker, Department of Health
Leroy Reeves, Central U.S. Fox & Wolf Hunters Association
Robert Loughbom
Dr. Don Nicholson, Retired Government Veterinarian

The joint meeting of the House & Senate Federal and State Affairs Committee was called to order by Chairman Miller at 1:15 in the Old Supreme Court Room.

SB563 - Puppy Mills

The Chairman announced that the proponents would be allowed 45 minutes and the opponents 30 minutes today and on Wednesday the proponents would be allowed 30 minutes and the opponents 45 minutes.

Senator Jeanne Hoferer explained the bill and her reasons for introducing it. She showed video segments showing puppy mills in Kansas and why this legislation is needed.

Ellen Querner, Kansas Humane Society of Wichita, gave testimony in support of SB563 and expressed the need to regulate commercial kennels in Kansas. Ms. Querner circulated pictures of kennels with violations that she has been involved with. The State of Kansas needs good strong legislation to change the poor image Kansas has obtained over the commercial kennel problems. See attachment A.Dr. Allan T. Kimmel, DVM, Animal Health Department, told the committee that the Animal Health Department is convinced from the amount of adverse publicity concerning puppies shipped from Kansas that a problem exists; and therefore, are in support of state licensing programs that would address this problem. See attachment B.Harland Priddle, Secretary of Commerce, gave testimony centered around the image that Kansas is portraying due to the current condition and publicity Kansas has received regarding kennels in the state. There are times when regulatory programs are needed to guarantee the quality of products coming from the state. See attachment C.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 313S, Statehouse, at 1:15 a.m./p.m. on February 9, 1988, 19

Dr. R.R. Domer, President Elect of Kansas Veterinary Medical Association, gave testimony in support of the bill. He said he recognized that there is a possibility of a problem within the industry because of a lack of funds for adequate inspection. One of the most important facets of the kennel industry is to produce healthy puppies. The Kansas Veterinary Medical Association also feels that the animal health commissioner has not had sufficient involvement in the kennel industry and that this bill will allow for more control by the commissioner. See attachment D.

D. Millie Dold, Goddard, expressed her support of the bill and said she felt it would benefit the entire kennel industry.

Allan Wassom, a USDA licensed breeder from Baxter Springs, gave testimony in support of the bill. Mr. Wassom said that the inspectors have told him there is not sufficient money or manpower to do proper inspections. He feels everyone should be licensed. He said he is not a puppy mill; he is a breeder. Brokers should not be allowed to buy dogs from anyone who is not a licensed breeder. He suggested this should be amended into the bill.

Sandra Maike, owner of Maike Enterprises of Alma, expressed their support for the concept of the bill. Mrs. Maike said that their industry is not opposed to being licensed by the State of Kansas. They want their product to be the best that can possibly be produced; but their industry cannot stand any more bad press and the image has to be improved. A list of suggested amendments were included in their statement. See attachment E

Patricia Deshler, a Wichita Hobby breeder and a member of the Wichita Kennel Club, expressed support for SB563.

Dr. Richard Parket, Director, Bureau of Epidemiology, gave testimony in support of SB563 as a means for reducing the frequency of transmitting diseases from animals suffering from poor health because of conditions under which they are raised. Minimum standards of care for puppies and kittens are essential to assuring their protection and well-being. See attachment F.

Written testimony was submitted by Attorney General Robert T. Stephan. See attachment G.

Leroy Reeves, Central U.S. Fox & Wolf Hunters Association, gave testimony in opposition to the bill. Mr. Reeves maintains and raises foxhounds. This bill will totally change this. He asked if someone could give him an accurate definition of "puppy mill". Mr. Reeves said that not very many pet shops are going to buy from a producer who is sending him sick puppies. He said he is active throughout the U.S. and is not seeing the cruelty to animals as shown by pictures and tape. When asked if he collected sales tax for the dogs he sold retail, he said he did not.

Robert Loughbom gave testimony on behalf of Dressler Dog Supply, Inc. and Vet Vax, Inc, both of which are suppliers to breeders. Mr. Loughbom said their opposition is limited and not to the bill in its entirety. It needs to be tailored to the needs and ability of the state to carry out the legislation. This bill is a duplication of effort. There are areas mentioned in the bill that need further study. It is too broad in scope. SEE ATTACH H.

Dr. Don Nicholson, Retired Government veterinarian, gave testimony in opposition to the bill. The animal world is cruel. The state needs good husbandry not more regulation. Dr. Nicholson suggested several amendments and the Chairman asked him if he would mark up a copy of the bill with his suggested amendments and give it to the committee secretary.

Hearings were concluded for the first day.

The meeting was adjourned.

Querner 4

THE KANSAS HUMANE SOCIETY OF WICHITA, KANSAS

4218 SOUTHEAST BOULEVARD . WICHITA, KANSAS 67210

Shelter Phone 683-6596

Mr. Chairman and members of the Committee:

My name is Ellen Querner, I am President of The Kansas Humane Society of Wichita, Kansas. I am here to talk about the need to regulate Commercial Kennels in our State. I want to emphasis the word "regulate" because I do not want any one to think that I am opposed to the Commercial Kennel industry as a whole.

In my job at the Humane Society I have had to inspect several commercial kennels. I have seen some that are basically good kennels, yet I have seen some and have been refused entrance to some that are deplorable. In our society, that of free enterprise, our government has seen need to regulate industries to insure that the public will not be deceived, cheated, or placed in danger. My humane society is indeed licensed by the state and inspected 4 times a year just as pet shops and feed lots. Regulation by the State keeps industries from becoming substandard. A good commercial kennel operator, just as a good humane shelter, should not be upset by licensing and inspections, for they should have nothing to hide.

I have circulated some pictures of Kennels that I have been involved with. One, Ravenwood, was a non USDA kennel that I filed cruelty charges against and another was a USDA Kennel in Sedan, Ks. that went bankrupt. The USDA kennel pictures have red stars on the pages. It is important to notice that the dogs from the USDA kennel do not look much better than those from the non USDA kennel that was found guilty of cruelty to animals.

The state of Kansas needs good strong legislation to change the poor image that our state obtained over our commercial kennel problems. Senate bill 563 is legislation that would do so. Some of the important issues in this bill are:

1. That USDA kennels not be excluded from state regulation and inspection.
2. That there not be less than 2 inspections each year on any kennel.
3. That dogs and cats sold from these places be free from disease and parasites, not just visually free. For an 8 week old puppy may look healthy yet be very infested with intestinal parasites, or soon to show signs of mange picked up from the mother or kennel conditions where it was born.

Attach. A

4. That this bill deal with people that breed and or sell dogs or cats on a basis of 6 liters or more a year or more than 24 animals a year, which ever is least.

5. That these kennels be cleaned at least once every 24 hours. As a person who runs a large humane shelter with at least 150 to 200 animals each day to take care of, I know the importance of cleaning each day to keep down disease and parasites. It is the dirty conditions that the animals are kept in which creates most of the Commercial Kennel problems.

I understand that some of you have been receiving calls from some of your constituents asking you not to vote for this bill or to make amendments to it. Most of those calls are from people who are in the business of raising dogs and cats who do not want to be inspected by the state. I know that, as an elected legislator, you must take into consideration what your constituents want, but I also know that as a legislator for the State of Kansas, you must draft laws and make decisions which are for the betterment of the State of Kansas. Unfortunately the Kansas has had its image greatly tarnished because of substandard commercial kennels, it will take a good strong bill to brighten that image.

Senate Bill 563, without any amendments, is a bill that will clean up the commercial kennels in our State. It will not ruin the industry, on the contrary, it will help it by improving the quality of its animals so that other states will buy from our breeders instead of boycott them. I urge you to vote to improve our states image by voting for this bill without amendments which might weaken it and make it an ineffective law.

Thank you for your time,



Ellen Querner
President, Bd. of Directors
The Kansas Humane Society



ANIMAL HEALTH DEPARTMENT
Landon State Office Building
900 S.W. JACKSON ST. SUITE 451
TOPEKA, KANSAS 66612-1273
(913) 296-2326

The Animal Health Department is convinced from the amount of adverse publicity concerning puppies shipped from Kansas that a problem exist.

We therefore are in support of state licensing program that would address this problem.

We must emphasize that adequate funding be made available to develop, implement, and administer a strong kennel inspection program.

If the Legislature, in their wisdom, passes such a bill requiring registration and/or licensing and if the same is signed by the Governor, then the Kansas Animal Health Department will develop rules and regulations to implement, and administer this law to the best of the Agency's ability.



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February 8, 1988

FISCAL IMPACT OF SB 563

- (1) This bill addresses the problem of licensure or registration of kennels and catteries and certain persons dealing with animals. This bill would cause licensing and inspection of all commercial kennels, all pet shops, all research centers using live animals, animals dealers and animal shelters or pounds in first class cities.

On and after January 1, 1989, provides for registration of all hobby breeders as defined in this bill.

- (2) This bill, if becoming law, would cause the Animal Health Department to formulate rules and regulations for the administration of a program.
- (3) The expenditures and receipts is explained on the enclosed summary of estimated fiscal impact.
- (4)
- (5)
- (6) Premise of cost estimates, increase staffing, etc. is explained in supplement on "Thoughts and Cost of a State-Wide Kennel Inspection."



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February 8, 1988

THOUGHTS AND COSTS OF A STATE-WIDE KENNEL INSPECTION

The number of kennels in Kansas is unknown. It is known that 550 kennels are presently licensed by USDA. In addition they have a list of 1800 names that either have an expired USDA license or have operated without a license.

We are assuming that in addition to the known 550 kennels it is possible to have another 1200 kennels that would qualify under the proposed state program.

We are presently inspecting 112 pet shops and 24 pounds or animal shelters in 1st class cities. Thus, our total facilities that would be licensed and inspected could number 1886 establishments.

In addition to our present staff we feel we must have a Veterinarian to implement, develop and supervise this important program. He would occupy an office space in our department. This Veterinarian would have qualifications that would make him very knowledgeable in the companion animal field. His salary range would be similar to our presently employed Veterinarian II. Thus his salary, fringe benefits, travel, per diem, etc. should approach \$40,000. per annum.

An Office Assistant III would be needed to implement and maintain all registrations, licensing, applications and inspection reports. This position would also be responsible for seeing that fees were properly received and accounted for.

The inspectors in the field would need to be well trained and have knowledge concerning sanitation and cleanliness. They need to understand good kennel construction and animal space requirements. They also need be knowledgeable in animal diseases and disease prevention. These people would be of high caliber and would serve to improve the quality of raising the standards of this industry. While they need not be veterinarians, they should have broad knowledge and be able to communicate with both professional people and workers in the kennel industry. We hope these people could be employed in Range 19 or Range 21.

INSPECTION DUTIES

The number of inspections per year should not be spelled out but should average two (2). Some kennels would need more, some less.

Assuming 1886 establishments were inspected 2 times annually, they would total 3,772 inspections and assuming that each inspector would make 4 inspections per day and in a 200 working day year, he/she would make 800 inspections. Thus five inspectors would be necessary to carry out the duties.

In addition to the kennels being inspected, a registration fee of \$25.00 would be required by all hobby breeders. Hobby breeder will be defined in the statute. These breeders will not be inspected unless a valid complaint was filed. We assume that approximately 2,000 of these establishments exist in Kansas. Kansas is shipping approximately 150,000 puppies annually in interstate commerce.

The puppy industry in Kansas must change to correct the bad image that has been generated. A strong inspection program with adequate funding can correct this problem, and the cost would be less than \$2.00 per puppy. However, to accomplish an effective program, money must be available from sources other than fees for a long enough period of time to structure a workable program.

If our guesstimate is accurate for number of kennels, hobby breeders and the number of personnel needed for any effective bill, a cost of \$235,000 is not unrealistic.

ATK:lms

SUMMARY OF ESTIMATED FISCAL IMPACT

	1989 (1/2 Year)	1990	1991
Revenue Impact by Fund			
1886 Licenses @ \$100.00	\$ 188,600.	\$ 188,600.	\$ 188,600.
2000 Registrations @ \$25.00	50,000.	50,000.	50,000.
Total Revenue	\$ 238,600.	\$ 238,600.	\$ 238,600.
Expenditure Impact by Fund			
Total operative expenditures	\$ 116,329.	\$ 235,010.	\$ 238,999.
Administration expense (10%)	16,329.	23,501.	23,899.
Total Expenditures	\$ 132,658	\$ 258,511.	\$ 262,898.
Expenditure Impact by Object			
Salaries and Wages	\$ 82,029.	\$ 170,510.	\$ 174,499.
Contractual Services	\$	\$	\$
200 - Communications	1,000.	2,000.	2,000.
220 - Printing	10,000.	-	-
250 Travel & Subsistance	31,000.	62,000.	62,000.
369 Commodities Printing	\$	\$ 500.	\$ 500.
Capital Outlay 371 - Supplies	\$ 13,000.	\$	\$
Total Operating Expenditures	\$ 116,329.	\$ 235,010.	\$ 238,999.

Salaries and wages Summary

Classification	Salary Range	No.	Amount	No.	Amount	No.	Amount
Veterinarian II	R27(c)	1	\$15,612.	1(3)	\$32,004.	1(D)	\$32,796.
Agricultural Inspector II	R19(A)	5	\$47,940.	5(B)	99,480.	5(B)	101,940.
Office Assistant II	R11(A)	1	6,486.	1(B)	13,458.	1(B)	13,788.
Total Benefits			11,991.		25,568.		25,975.
Total Salaries and Wages		7	\$82,029.	7	\$170,510.	7	\$174,499.

Capital Outlay

Item	No.	Unit Cost			
(Kodak Sureshooter Cameras Telephoto Lens)	5	40.	\$ 200.00	\$	\$
Protective Footwear	10	10.	100.00		
Cloth Coveralls	50	20.	1,000.00		
			\$ 1,300.00	\$	\$

TESTIMONY FOR SB 563

Scheduled for February 9, 1988

BY: Harland E. Priddle

Mr. Chairman, members of the committee, today as you address SB 563 there are many issues to be reviewed and resolved. My discussions today will not be centered around the inspection requirements or the details and procedures involved in such a program in the event it is implemented but rather around the image we are portraying due to the current condition and publicity we have received regarding kennels in Kansas. Image projection is extremely important to Kansas at this particular time. As we promote our State, we are often faced with the challenge of establishing a positive image for Kansas. Publicity surrounding the subject under discussion today has obviously brought a perception of Kansas to people who have never visited and may never visit our State. As you deliberate on this important subject, it is important to realize that there are times when we need to establish regulatory programs which guarantee the quality of product coming from Kansas. I don't think it's the intent of you the committee or anyone to stop commercial breeding in Kansas. This is an industry that adapts well to our economy and we should do everything possible to continue it in the highest possible standards. As you continue your discussion of this important

Attach C

subject I urge you to be understanding and to realize the purpose of the legislation as improved Kansas image and work towards maintaining and even improving an industry which has been beneficial to Kansas and will continue to be in the future if it is properly perceived as producing a quality product.



Kansas Veterinary Medical Association, Inc.

227 South Wind Place, Manhattan, Kansas 66502

RR DOMER, DVM

President
2136 N.W. 39th
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FRANK SOLOMON, JR., DVM

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HOMER K. CALEY, DVM

Executive Director
227 South Wind Place
Manhattan, Kansas 66502

TO: JOINT HOUSE AND SENATE COMMITTEE
ON FEDERAL AND STATE AFFAIRS

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

RE: SENATE BILL NO. 563

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 K.V.M.A. 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 SENATE BILL NO. 563.

THANK YOU.

Attach D.

E

February 9, 1988

TESTIMONY GIVEN BY SANDRA R. MAIKE ON SENATE BILL #563

Ladies and Gentlemen: My name is Sandra Maike. My husband and I are owners of Maike Enterprises, Inc. of Alma and CEO's of PRAIRIE WIND KENNELS, a commercial brokerage which ships puppies and kittens worldwide.

My husband and I along with a good portion of the commercial industry support the concept of Senate Bill #563. We have proven that by having House Bill #2747 introduced by the Agriculture Committee of the House of Representatives.

After negotiations with Rep. Barr we would offer the following amendments to this bill that can easily be lived with by the commercial industry.

1. Page 3---Line 0116 Adequate watering means a supply of clean, fresh potable water, supplied in a sanitary manner and either continuously accessible to each animal or supplied at intervals suitable for the animal species, not to exceed intervals of 12 hours. The word "Constant" should be stricken.

2. Page 5--- The term or concept of Hobby Breeder should be clarified.

3. Page 6---Line 0215 thru line 0217. "Sanitize" means to make physically clean and to remove and destroy to a practical minimum, agents injurious to health at intervals as necessary. The term "24 Hours" to be left out.

Inside structures are cleaned with a lot more regularity than 24 hour intervals and it is impossible from the dogs standpoint to sanitize outside facilities during cold weather that often. You would have a lot of very sick dogs in short order if their surroundings were kept constantly wet which is necessary to sanitize the surroundings.

4. Page 10---Line 0375. We feel the civil fine should not exceed 1,000 dollars for each offense.

5. Page 11 We feel that USDA licensed kennels should be inspected initially to receive their State license and then at least once yearly preferably but not necessarily at the time of license renewal. If the kennel is not USDA licensed, but just State licensed must be inspected at least twice yearly and more if deemed necessary by the State livestock commissioner.

6. Page 12---Line 0422 to Line 0430. The industry feels that inspectors should have a minimum of five years background in animal husbandry or the equivalent of a degree in animal science. We feel

Attach E

that this has been part of the problem with the USDA inspectors is the fact that they for the most part do not have this background they simply have completed a training program which at best is lacking. USDA inspectors policies and interpretations of the rules and regulations are partly the cause of the inadequacies of their inspections. Ladies and Gentlemen, all USDA licensed kennels are not treated equally even by the same inspector. What is fine at one kennel is not fine and even constitutes a violation at another kennel. We certainly want this to not happen with the State licensing inspectors.

Line 0422 thru 0430 should be stricken completely.

7. Page 12---Line 0441 should be changed to read "Conflict of Interest" on the part of the inspectors.

8. Page 12---Line -451 should read "Reasonable treatment of animals in possession, custody or care of a licensee or registrant or being transported to or from a licensed or registered premises.

9. Page 13---Line 0458 should read---"Free from visible signs of communicable disease". This is the way the Kansas State Health Certificate reads now.

10. Page 15 Strike all of sections A and B.

Section A should read---- State licensed kennels should be required to keep minimal records as now required by all USDA licensed kennels.

Any further record keeping will add at least 20% to the cost of production of these puppies and will price the commercial kennels in Kansas out of the market. Even though this bill will and can be used as a marketing tool, the bottom line for the pet shops on the East and West Coast always has been and always will be the price of the puppies. The Commercial industry in the state of Kansas is a large viable industry which cannot afford not to have some sort of legislation, but thru negotiation a solution can be reached which will not regulate us out of our market.

In talking to many members of our industry over the past several days we are making this addition to the bill which will allow the State of Kansas to have complete control over all segments of this industry and hopefully clean up the image that our State has gained thru the media attention this bill has brought.

1. We ask that all 20,000 (approximately) people who sell puppies and kittens thru the newspaper or wholesale (one to five litters) be registered at a cost of \$15.00 each. This would bring in approximately \$300,000 to the coffers of this bill without any hardship on the Livestock Commissioner. We are suggesting that these people not be inspected unless there is a consumer complaint. We would have it made an offense punishable by a \$50 fine if they are caught advertising or selling without the use of their registration number.

We would also make it a fine of \$50 for any wholesaler that buys a puppy or a litter of puppies without the breeder having a registration number.

We feel that this would be easy to police, as if they didn't advertise their number with their ad in the paper, they would be subject to a fine.

These people are taking the market of the commercial people and should be treated the same. Even though they only have one or two females, they are indeed affecting commerce and this should be registered.

2. There are 1600 (Approximately) kennels with six or more females that are breeding age. These should be licensed at a cost of \$100 each per year with them being inspected by the State at least two times per year. This would raise \$160,000 dollars for this program.
3. There are at least 550 (Approximately) USDA licensed kennels which would be licensed at \$50.00 per year and subject to at least one inspection per year. This will bring in \$27,500.00.

In all three categories the State of Kansas could realize at least \$475,000 per year with which to service this Bill. Therefore, it most certainly would be self-supporting.

In summation, our industry IS NOT OPPOSED to being licensed by the State of KANSAS. We want our product (Puppies and Kittens) to be the best that can possibly be produced, however our industry cannot stand any more bad press and the image has to be improved. This is the reason that House Bill 2747 was introduced. It is my utmost hope that the good part of both bills can and will be compromised to give industry the best bill possible for our protection and self-preservation.



DEPARTMENT OF HEALTH AND ENVIRONMENT

Forbes Field
Topeka, Kansas 66620-0001
Phone (913) 296-1500

Mike Hayden, *Governor*

Stanley C. Grant, Ph.D., *Secretary*
Gary K. Hulett, Ph.D., *Under Secretary*

Testimony Presented to
Federal and State Affairs
Joint House and Senate Hearings

by

Kansas Department of Health and Environment

Senate Bill 563

Kansas and other midwestern states have suffered poor reputations among humane societies, pet owners and veterinarians as exporters of pets of so called "puppy mills" that are often diseased and in poor health as a result of the conditions under which they are raised. There are several diseases such as roundworms and ringworm of the animals that are transmittable to human beings, especially young children, which exacerbates the problem and brings it into the realm of public health.

The bill would establish some control over the breeding of such animals through inspections and licensing or registration. Provision is made for the development of rules and regulations by the livestock commissioner.

The bill authorizes the livestock commissioner to appoint the city or county health officer as his designee under some circumstances for the purpose of making inspections -- this should be amended to permit the health officer's designated inspector to receive training and make inspections (Sec. 9(e), lines 0427-0430).

We support Senate Bill 563 as a means for reducing the frequency of transmitting diseases from animals to children and adults. Moreover, minimum standards of care for puppies and kittens are essential to assuring their protection and well-being.

Presented by:

Richard L. Parker, D.V.M., M.P.H.
Director, Bureau of Epidemiology
February 9, 1988



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612-1597

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
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Testimony of Robert T. Stephan
Attorney General

Before the Joint Meeting of the Senate and House
Federal and State Affairs Committees on S.B. 563

February 9, 1988

I support S.B. 563. Bringing home a family pet should be a joyful loving occasion. Unfortunately, that is not always the case. So called "puppy mills" raise animals in deplorable conditions. The animals are inadequately housed, fed and watered. Too often they are sick when delivered to the buyer.

While federal regulations do allow for licensing and inspection, the federal inspectors are often too overworked to adequately police the industry.

S.B. 563 would create an effective enforcement system under the Kansas Livestock Commissioner. The Commissioner would license animal dealers. "Dealers" would not include pounds or animal shelters nor "hobby kennels" as defined in the bill.

The Commissioner would have the authority to make inspections before licensing, before renewal, on the basis of

Attach 6

a confidential complaint or if there are reasonable grounds to believe there are violations. In addition, the dealer's premises will be inspected twice yearly after licensing. The Commissioner will have the power to seize or impound animals if there is reasonable belief that the animals' health, safety or welfare is endangered.

The Commissioner may impose a civil fine not exceeding \$2,000 for each violation. Violations would include operating without a required license. S.B. 563 also includes criminal penalties. Violation is a class A misdemeanor.

The dealer's rights are protected by requiring the Commissioner to follow the Kansas Administrative Procedure Act.

By licensing and monitoring these dealers on a state wide basis, the abuses can be checked. Rightly or wrongly, Kansas has gained nationwide notoriety for its "puppy mills." It is time to put a stop to this outrageous conduct. Kansas should be known as a state which treats "man's best friend" in a humane manner.

Thank you for your consideration.

HOLBROOK, ELLIS & HEAVEN, P.A.

REID F. HOLBROOK*
JEFFREY O. ELLIS
LEWIS A. HEAVEN, JR.
ROBERT L. KENNEDY
RONALD D. GARRISON
JANET M. SIMPSON
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STATEMENT
ON BEHALF OF
DRESSLER DOG SUPPLY, INC.
AND
VET VAX, INC.
IN OPPOSITION TO PORTIONS OF
SENATE BILL NO. 563

PRESENTED TO
THE JOINT SENATE AND HOUSE COMMITTEE
ON FEDERAL AND STATE AFFAIRS

SENATOR EDWARD F. REILLY, JR.
REPRESENTATIVE ROBERT H. MILLER
CO-CHAIRMEN

STATE HOUSE
TOPEKA, KANSAS
FEBRUARY 9, 1988

I am Robert D. Loughbom, an attorney from Kansas City, Kansas, registered with the Secretary of State to appear on behalf of my clients, Dressler Dog Supply, Inc. and Vet Vax, Inc., also a supplier of dog products. Opposition is limited to the portions to be discussed.

1. The addition of the "Hobby Kennel" designation, its definition and certificate of registration requirements are confusing at best. The enforcement of the hobby kennel registration portion of the act would be cumbersome and expensive, if not impossible.
2. Present statute K.S.A. 47-1702 grants an exemption to any animal dealer who holds a current federal license issued under public law 91-579. The proposed bill would reverse that situation and require any such animal dealer to obtain an animal dealer license for each animal dealer premises.

This area of need is adequately handled by the federal government and Kansas participation is a duplication of services at unnecessary additional costs to the dealers and to the taxpayers.

Attach H

3. The inspections of the premises of a person required to be licensed or registered would be considerably expanded under the proposed legislation. Opponents believe the present law is adequate in this regard.

4. As a general objection to the foregoing enumerated specific objections the opponents believe there is unnecessary duplication of effort between federal and state authorities.

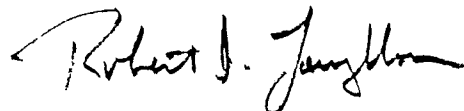
Those controlled or possibly controlled by the proposed changes will be subject to further rules and regulations which, coupled with federal law, will add to the confusion and costs of compliance and enforcement.

We submit that in the areas mentioned there is a need for further study to avoid these potential problems and the act as now proposed is too broad and cumbersome.

Thank you for permitting us time to voice our objections.

Respectfully submitted,

DRESSLER DOG SUPPLY, INC.
VET VAX, INC.



By: ROBERT D. LOUGHBOM

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