

Approved _____

Date

4/9/88

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Senator Edward F. Reilly, Jr. at _____
Chairperson

11:00 a.m. ~~xxx~~ on February 26, 1988 in room 254-E of the Capitol.

All members were present except:

Senators Anderson, Daniels and Vidricksen were excused.

Committee staff present:

Mary Galligan, Legislative Research
Mary Torrence, Assistant Revisor of Statutes
June Windscheffel, Committee Secretary

Conferees appearing before the committee:

Mr. Allan Kimmell, Livestock Commissioner

The Chairman stated that the Committee would continue with its hearing on SB563, concerning licensure and regulation of sellers of dogs and cats. A fiscal note was before the Committee. (Attachment #1)

The copy of the testimony given by Sandra R. Maike on SB563, at the Joint Meeting, on February 9, 1988, was before the Committee. (Attachment #2) Mr. and Mrs. Maike were present to assist in answering questions from Members. The Committee went through the proposed amendments. Dr. Allan Kimmell, Livestock Commissioner, was present to assist in answering questions from the Committee. Senator Martin moved on p. 3, line 116, of the bill, to strike the word "constant". The motion was seconded by Senator Morris. The motion carried.

Dr. Kimmell was asked in his review of the bill if the phrase, "hobby Kennel" is in need of clarification. Dr. Kimmell answered that this was a term used to differentiate between what was commercial and a backyard raiser of a few dogs. The word "sale" needs work. "Exchange" is a better word. Senator Bond moved to redefine the term "sales" as previously in the law. The motion was seconded by Senator Morris. The motion carried.

Senator Strick moved to strike on line 217, "at intervals not exceeding 24 hours". The motion was seconded by Senator Martin. The motion carried.

Senator Bond moved on p. 10, line 0375, that the civil fine be limited "not to exceed \$1,000". The motion was seconded by Senator Morris. The motion carried.

Senator Hoferer asked if someone could come before the Committee to explain how the Administrative Procedures Act applies to this bill. The Chairman directed staff to invite someone to explain this at Monday's meeting.

On p. 11, there was discussion concerning inspections and cooperation with the federal people. Dr. Kimmell said they as civil servants are to serve these people who have the kennels, and he thinks the State of Kansas and the USDA can resolve whatever problems would arise.

On p. 12, the Chairman said to refer back to the fiscal note. Dr. Kimmell said they want very knowledgeable people to do this program. On line 425 Senator Hoferer moved to take out the reference to the city and county health officers and put in local veterinarians and use the word "assisting" rather than "inspecting" and leave in the language about training. The motion was seconded by Senator Bond. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRS,
room 254-E, Statehouse, at 11:00 a.m./~~p.m.~~ on February 26, 1988

On p. 12, line 451, Senator Martin moved to accept the language as in the amendment proposed by Ms. Maike. The amendment would replace "humane" treatment with "reasonable" treatment. The motion was seconded by Senator Strick. The motion carried.

On p. 13, line 0458, there was discussion, and Dr. Kimmell said it meant apparently free from any symptoms. Senator Martin moved that it read as interpreted by Dr. Kimmell. The motion was seconded by Senator Bond. The motion carried.

There was discussion about striking all of New Section 13 on p. 15, and Dr. Kimmell said that could be put in the regulations. Senator Martin moved to strike New Section 13. The motion was seconded by Senator Strick. The motion carried.

The meeting was adjourned at noon.

The Honorable Edward F. Reilly, Chairperson
Committee on Federal and State Affairs
Senate Chamber
Third Floor, Statehouse

Dear Senator Miller:

SUBJECT: Fiscal Note for Senate Bill No. 563 by Committee on Federal
and State Affairs

In accordance with K.S.A. 75-3715a, the following fiscal note concerning Senate Bill No. 563 is respectfully submitted to your committee.

Senate Bill No. 563 would further regulate the animal breeding and selling industry in Kansas. The bill would regulate animal dealers, animal shelter operators, hobby kennel operators, pound operators and pet shop operators.

Under current law (K.S.A. 74-1701 et seq), 112 pet shop operators and no animal dealers are licensed by the Livestock Commissioner. Each pet shop is inspected an average of four times a year. A licensure fee of \$100 per year is charged, generating \$11,200 to the Animal Health Department. In addition, the Livestock Commissioner registers and inspects animal pound operators in the first class cities of Kansas. No charge is made for the four inspections per year currently conducted on these pounds. Approximately 544 inspections are conducted with existing staff.

Under the provisions of Senate Bill No. 563, the Livestock Commissioner would expand his licensure and inspection activities to include approximately 550 animal dealers who are currently licensed under P.L. 91-579 and approximately 1,300 animal dealers exempted under current law because their businesses are operated out of their residences. In addition, approximately 2,000 "hobby kennels" would be registered under Senate Bill No. 563.


Senate Bill No. 563 is expected to generate \$198,600 in licensure fees and \$50,000 in registration fees, for a total of \$248,600, \$237,400 more than under current law.

To administer the new licensure, registration and inspection requirements of SB 563, it is estimated that a Veterinarian II, four Agricultural Inspector II's, and an Office Assistant II would be added to the staff of the Animal Health Department. During FY 1989, it is anticipated that staff costs would be approximately 50 percent of a regular year's operation. Based on these assumptions, it is estimated that expenditures to administer the new provisions of SB 563 would be \$109,357 in FY 1989 and \$220,384 in FY 1990.

*Senate FSA
2/26/88
Attachment #1*

	FY 1989	FY 1990
Beginning Balance	\$ 0	\$128,043
Receipts	237,400	237,400
Expenditures	109,357	220,384
Ending Balance	128,043	145,059

Any receipts or expenditures resulting from passage of this bill would be adjustments to the amounts contained in the FY 1989 Governor's Report on the Budget.


Michael F. O'Keefe
Director of the Budget

MFO:RS:sr
cc: Animal Health Department

2389

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.

motion
* 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.

motion
* 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.

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

motion
* 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.

Hoyerer 425
* 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

Senate FSA
2/26/88
Attachment #2

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 bitches) 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.

no
Motion
Current language in statute

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.