

Approved Gary Blumenthal Date MAR 25 1991

MINUTES OF THE House COMMITTEE ON Governmental Organization

The meeting was called to order by Rep. Gary Blumenthal at  
Chairperson

9:00 a.m./~~pm~~ on March 4, 1991 in room 522-S of the Capitol.

All members were present except:

Committee staff present:

Carolyn Rampey, Research Dept.  
Avis Swartzman, Revisor of Statutes  
Nita Shively, Committee Secretary

Conferees appearing before the committee:

Rep. Nancy Brown  
Kathy McKee, President, Companion Animal Assoc.  
Pam. Olmsted, Lawrence Humane Society  
Susan Snider, Miami County Humane Soc.  
Sheila Ancone, Johnson County Humane Soc.  
Mike Beam, Executive Secretary KLA  
Shawn Gideon, Cat breeder  
Pinkie Lewis, animal breeder

-----  
Chair called meeting to order when quorum was present.

HB 2283 - Discussion and action

A motion was made by Rep. Watson to report HB 2283 favorably, seconded by Rep. Lawrence. Discussion followed. A substitute motion was made by Rep. Bowden to amend Section 2; change advisory committee members shall be appointed by Governor to 4 members appointed by House and Senate leadership and 3 appointed by Governor. Motion seconded by Rep. Hamilton, motion carried. On bill as a whole, motion to report HB 2283 favorably as amended made by Rep. Watson, seconded by Rep. Lawrence, motion carried. Rep. Ramirez recorded as NO vote.

HB 2159 - Discussion and action

Chair drew attention to 2 amendments intended to clarify this bill. The first amendment, to be inserted at Revisor's discretion, states that no member of the Patrol shall receive compensation or employment in any alcohol related industry, provide security which requires the wearing of Highway Patrol uniform or use of any state equipment. Motion by Rep. Ramirez, seconded by Rep. McClure, motion carried.

The second amendment specifies that the position of Assistant Superintendent be unclassified--discussion followed. Motion in favor of amendment was made by Rep. Weimer, seconded by Rep. Watson, motion failed. Motion was made by Rep. Bowden to amend line 29--changing it from: publication in the statute book to publication in the Kansas Register. Motion seconded by Rep Ramirez motion carried. Rep. Weimer made a motion to prohibit any employment involved with pari-mutual racing, motion seconded by Rep. Brown, motion carried.

On the bill as a whole, motion was made by Rep. Hamilton to report HB 2159 favorably as amended. Motion seconded by Rep. Lawrence, motion carried.

HB 2213 - Discussion and action

Motion was made by Rep. Brown to pass out HB 2213 favorably, seconded by Rep. Lahti,--discussion followed. Motion to strike line 27-28-29 made by

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,  
room 522-S, Statehouse, at 9:00 a.m./~~p.m.~~ on March 4, 1991

Rep. Bowden, seconded by Rep. Lawrence, division called, motion failed. A substitute motion was made by Rep. Benlon to change part of lines 27 and 28 to read, subsection (a) constitutes grounds for a quo warranto action and delete the rest of lines 28 and 29, seconded by Rep. Hamilton, motion carried. On bill as a whole, motion by Rep. Brown to pass out HB 2213 favorably as amended, seconded by Rep. Lahti, motion carried.

HCR 5014

Chair drew attention to HCR 5014 designating March, 1991 as Developmental Disabilities Awareness Month in Kansas, requesting a motion to place on Consent Calendar. Motion was made by Rep. Lawrence, seconded by Rep. Samuelson, motion carried.

HB 2514 - AN ACT concerning certain animals; relating to licensure and regulation of certain persons dealing in animals; creating the Kansas animal dealers commission; amending K.S.A. 47-1713 and K.S.A. 1991 Supp. 47-1701, 1702, 1703, 1704, 1706, 1707, 1709, 1712, 1715, 1719m 1720 & 1721 & K.S.A 1990 Supp. 47-1707a & 1722.

Chair recognized Rep. Brown, who testified and presented written testimony, which included an article entitled "What Is a Puppy Mill?", (Attachment 1) One of the provision of the bill mandates removal from the jurisdiction of the Livestock Commissioner--creating a separate Commission. In addition, Rep. Brown's testimony included several suggestions regarding financing this Commission.

Kathy McKee testified and furnished written testimony, including Performance Audit Report, in favor of HB 2514, (Attachment 2). She gave a brief history of the puppy mill problem in Kansas; the failure under the current system to license all facilities was mentioned, along with deplorable conditions. Ms. McKee felt that the Commission could be financed by charging additional fees and by levying fines against offenders.

Chair recognized Pam Olmsted who testified and presented written testimony (Attachment 3) supporting HB 2514. She spoke of the failure of the Animal Health Board to respond adequately to the many complaints it receives from humane workers. Ms. Olmsted stated that sub-standard conditions, that are now prevalent, can be alleviated by moving the Companion Animal Program into a separate agency.

Susan Snyder testified and presented written testimony in support of HB 2514, (Attachment 4). She stated that the failure of the Companion Animal Program is the direct result of placing it under the jurisdiction of the Livestock Commissioner. Since both programs have vastly different goals and objectives, they will always be at cross purposes to one another.

Chair recognized Sheila Ancona who testified and presented written testimony in support of HB 2514, (Attachment 5). She stated she is active in humane education with children and the need to set an example of caring and compassion.

Mike Beam testified and presented written testimony in support of HB 2514, (Attachment 6), stating that the primary function of his agency is eradicating diseases in livestock. In addition, they do not have the time or funds to properly administer the Companion Animal Program and feels that it would be better served to separate it.

Questions and discussion followed after each conferee testified.

Shawn Gideon testified and presented written testimony in opposition to HB 2514, furnishing written testimony, (Attachment 7). Mr. Gideon stated his conviction that the proposed legislation, regarding seizure of animals,

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Governmental Organization,  
room 522-S Statehouse, at 9:00 a.m./~~p.m.~~ on March 4, 1991

is unconstitutional. He feels that the revised U.S.D.A. Rules and Regulations are both fair and constitutional.

Pinkie Lewis testified and presented written testimony in opposition to HB 2514, (Attachment 8). She stated that the present Companion Pet Program has been greatly improved due to the efforts of concerned kennel owners throughout the state. Mrs. Lewis reiterated her contention that HB 2514 would have an adverse effect on individual breeders and the industry as a whole.

Chair announced that the hearing on HB 2514 would continue tomorrow with 2 more conferees scheduled to testify.

Meeting adjourned at 10:20 a.m.

GUEST LIST

COMMITTEE: g.o

DATE: 3-4-91

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
H. P. Burns	LYNDON	KVMA
Mike Beam	Topeka	Ks. Livestk. Assn.
Pamela Olmsted	Lawrence	Lawrence Humane Society
Susan Snyder	Paola	Humane Society of miami County
KATHY McKEE	OLATHE	KANSAS COMPANION ANIMAL ASSOCIATION
PATRICIA MEANS	LEAWOOD	INDIVIDUAL
TISH GURIN	MANHATTAN	INTERN REP DAWSON HUMAN SOCIETY
Ryan Goughan	MISSION HILLS	JOHNSON COUNTY HUMANE SOCIETY
LUCY THEODORA	ROELAND PARK KS	JOHNSON COUNTY HUMANE SOCIETY
PETER THEODORA	ROELAND PARK KS	JOHNSON COUNTY HUMANE SOCIETY
GAIL SWANSON	STILWELL	NATIONAL SOCIETY FOR THE PROTECTION OF ANIMALS
Mary Murbane	Topeka	ASSOC PRGR
Sheila Arcana	Leawood, Ks.	Johnson County Humane Society
Arthur Solis	Olathe	AGIF-KS
Lt. BILL JACOBS	TOPEKA	KS HIGHWAY PATROL
LINDA MCGILL	TOPEKA	KS-TA
Shawn & Arnold Gideon	Paxico	Pota Gold Catter
Catherine Champre	Mission	To. Co. Humane Society
Fran Stuetke	Leawood	Johnson County Humane Society
Ann Kulaet	Topeka	Cap-Journal
Kenda Bartlett	FT. LEAVENWORTH	Concerned Women for <sup>OF KS</sup> Animals
Marilyn Bender	Shawnee Ks.	To City Humane Society
Mari Kuboi	R#7 Chanute, Ks	Worthold Kennel
Pinky Dennis	R#4 Independence, Ks	Dennis Kennel
Wilma Westhoff	R#1 Chanute, Ks	Westhoff Kennel





TOPEKA

HOUSE OF  
REPRESENTATIVES

NANCY BROWN  
REPRESENTATIVE, 27TH DISTRICT  
15429 OVERBROOK LANE  
STANLEY, KANSAS 66224-9744  
TOPEKA: (913) 296-7696  
STANLEY: (913) 897-3186

COMMITTEE ASSIGNMENTS  
RANKING REPUBLICAN:  
LOCAL GOVERNMENT  
MEMBER: GOVERNMENTAL ORGANIZATION  
ECONOMIC DEVELOPMENT  
MEMBER, STATE EMERGENCY  
RESPONSE COMMISSION  
CHAIRMAN, COMMUNITY DEVELOPMENT  
BLOCK GRANT ADVISORY COMMITTEE  
CHAIRMAN, STATE EMERGENCY RESPONSE  
COMMISSION

## TESTIMONY BEFORE GOVERNMENT ORGANIZATION

MARCH 4, 1991

*HB - 2514*  
Senate Bill 24 is "an act concerning animals; relating to licensure and regulation of certain persons dealing in animals; creating the Kansas animal dealers commission." This bill is a result of some problems and concerns currently occurring with the legislation passed by the legislature last year.

As you can see by the bill, the majority of the legislation is current law. The changes until you get to page 11, new section 15, are mainly technical changes, most being requested by the attorney general's office as a result of problems he encountered in trying to enact the law since its inception last year.

The major change in this bill is the creation of the Kansas Animal Commission, which removes the current authority from the Livestock Commissioner and sets up a separate commission. (The commission is similar to the Racing Commission.)

Obviously the first question in a tight budget year is how will the commission be funded. This was addressed in the bill through an increase in fees (page 10). However, there currently is talk of raising monies through health certificates or a per head tax.

I am sure you must also have other questions, particularly those who are new legislators. However, there are several individuals who wish to speak and who might answer those questions, so I will not take time to go through the bill now, but will be available to answer questions along with the other conferees after their testimony.

*g.o 3-4-91  
attachment 1*

## WHAT IS A PUPPY MILL?

A puppy mill is a substandard commercial breeding facility, where dogs (and often cats) are raised in inadequate, often inhumane, conditions with little or no regard for their health or well-being. The concern for profit at these places far outweighs concern for the animals, who often are not fed adequately or properly, are not provided water daily, are never bathed or groomed, and receive no socialization, exercise, or affection. These pathetic animals are often kept in small cages on chicken wire their entire lives. They are bred every heat, until they stop producing full litters, at which time their faithful service as non-stop breeders is rewarded with a bullet in the head--often at age 5 or 6. Legal requirements to remove waste are seldom met, so heavy rodent, flea, fly, and parasite infestations are common. Animals are often stacked in cages on top of other cages, so that when the top animals go to the bathroom, it falls on the animals below. Their urine- and feces-saturated fur gives way to severe skin diseases, which are rarely treated. Eye, ear and teeth infections must also be endured by the animals.

Parents with genetic defects such as blindness, renal problems, skin diseases, epilepsy, dislocating kneecaps, etc., are still bred over and over again, which has led to the flap over the quality of Kansas-bred puppies.

Puppy mills prevail in the Midwest, mainly because the industry adapts well to agricultural facilities, because it is a good second income for cyclical farm revenues, and largely because of lax cruelty laws which are poorly enforced. In other words, puppy mills exist here because animal lovers allow them to.

The United States Department of Agriculture (USDA) has had jurisdiction under the Animal Welfare Act to inspect brokers and large commercial breeders since 1970, but has failed miserably to eliminate, or even decrease, the suffering going on in puppy mills. Photographs of USDA-approved facilities have revealed feces accumulations 18-24 inches deep, animals so crippled or ill they could not walk, animals with literally no hair left, animals with no food or water. Consequently, in 1987 the State of Kansas passed its own "Animal Dealers Act", creating a "Companion Animal Program", commonly called the "Puppy Mill Program," to inspect and license commercial breeding facilities.

USDA estimated there should be approximately 2200 commercial breeders licensed in Kansas. In early 1990, the WICHITA EAGLE-BEACON set the estimate at nearly 3900. To date, the State has licensed about 1000, but many of those who are licensed do not necessarily meet minimum standards.

Approximately 200,000 puppies and 100,000 kittens are exported out of Kansas each year. Chances are they were born in conditions so horrible a civilized person could not imagine it, and they were nursed by mothers who never escape their cruel prisons.

News casts have titled their segments on puppy mills "Puppy Prisons", "Kennels of Shame", and the like. That's what puppy mills are.

*g.o. 3-4-91  
attachment 1-2*



**KANSAS COMPANION ANIMAL ASSOCIATION**  
P. O. Box 3197 • Olathe, Kansas 66062  
913-829-0102

---

**TESTIMONY IN SUPPORT OF H.B. 2514**

MARCH 4, 1991

The Kansas Companion Animal Association supports every word, on every line, on every page, of H.B. 2514. If ever there were an obvious solution to an obvious problem, this bill is the solution to this state's puppy mill problems. Since some of you may not be personally interested in this issue, or may be unaware of it, I'd like to give you a brief historical background on the puppy mill problem.

The United States Department of Agriculture (USDA) has had jurisdiction under the Animal Welfare Act over certain breeders, brokers, and research labs for 21 years. A GAO audit in mid-1980 and subsequent records of USDA itself, pronounced this program a failure, with particular note to lack of regulation and enforcement in Kansas. With national negative publicity and local concern mounting, the State of Kansas enacted its own pet industry regulation program in 1987, known as the Companion Animal Program. Unfortunately, the program was not funded, enforcement of it was not funded, the program was placed with livestock interests under the Livestock Commissioner and Animal Health Board, and in general, our State program was modeled after the USDA's flop. Negative publicity and local concern increased more than ever, and in 1990 the Legislative Post Audit Committee audited the Companion Animal Program. A copy of that report is attached to this testimony. I urge you to read it, because it gives an excellent picture of the problem, offers some realistic solutions, and confirms what animal advocates in this State have been saying for years.

When the puppy mill statute was passed, USDA gave the Livestock Commissioner a list of approximately 2300 names and addresses of entities USDA believed either had a USDA license or should be licensed. Because animal shelters, city/county dog pounds, pet shops, and many "mom-and-pop" type breeders never had to be licensed with USDA, in March of 1990 THE WICHITA EAGLE-BEACON estimated there to be approximately 3900 individuals and facilities which should be licensed. While the Chief Investigator for the Humane Society of the U.S., Bob Baker, has testified numerous times that 80% of the 600+ kennels he's visited in Kansas were so deplorable they needed to be closed down, a State Inspector testified last year that about 1/3 of what she'd seen were in that class (while 1/3 could be rated as very good to excellent). So, no matter which statistics one goes by, the State has licensed fewer

*g.o. 3-4-91  
attachment 2*



than half, and possibly as few as a fourth, of all facilities currently required to have licenses. Even worse, there are still hundreds and hundreds of dumps out there that need to be closed down.

As the Post Audit Report confirms, more staff is needed. We believe a minimum of 5 inspectors are needed, as is some office staff so the inspectors are out inspecting instead of doing paperwork at the office. At least 1-2 investigators are needed to ferret out the hundreds of breeders and brokers who are not rushing forward to volunteer for a license, and certainly a couple assistant attorney generals are needed to pursue enforcement and prosecute. The State Auditors found numerous exhibitors at just one dog show who should have been licensed, but weren't. The State Auditors made other suggestions for locating unlicensed individuals. The Audit Report also confirmed one shocking statistic about the program--that in 4 years, not one fine had been levied against violators of this law . . . despite the statute's clear provision for a \$1000 fine for each violation. Since the Audit Report, a couple fines have been levied. Still, if even a \$500-\$1000 fine were levied for each unlicensed facility, not to mention for each noncompliance with standards, the fines alone would pay for this program in its entirety!

H.B. 2514 has doubled the fees from current levels. Since the state's largest breeder/broker group, APPDI, embarked on a well-publicized \$100,000 P.R. campaign last year, it's obvious the industry can easily withstand increased fees. We would suggest that an income tax check-off, like the Chick-a-Dee Check-off, might be an excellent source of additional revenue for the program.

The economic impact on Kansas as a whole by the ruination of its pet breeding industry should not be overlooked. I believe there are many breeders here raising dogs and cats in clean, sanitary, humane environments. However, the marketplace is avoiding those breeders to the same degree as the puppy mills, simply because consumers in states where the markets exist cannot be sure who's a good breeder and who's a puppy miller. The breeders who the State has raided all said they were good breeders and loved their dogs. And realistically, who's going to come out and say, "Oh, yes, I'm one of the worst puppy millers in Kansas!" No, whether Kansas breeders will admit it or not, or know it or not, the only thing that's going to get them back to an unquestioned position in the marketplace is a Kansas license that means something. Goodness knows a USDA license isn't worth the paper it's written on--not in the marketplace and not with animal welfare advocates. And unfortunately, a Kansas license has not surpassed that value by much yet. H.B. 2514, if passed, funded, and enforced, will give Kansas breeders and brokers a license worth its weight in gold!

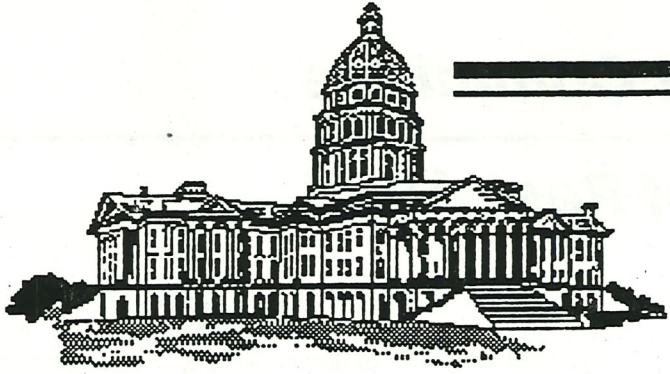
Tragically, the Legislature seems to spend more time studying legislation filled with loopholes than legislation that would possibly provide a solution to this decades-old problem. Every year, there are attempts to exempt USDA facilities from the State's inspection program. This year, your Committee has H.B. 2281, and today, even as we speak, the Agriculture Committee is conducting hearings on H.B. 2522--both designed to gut a program that needs strengthening, not loopholes. The KANSAS COMPANION ANIMAL ASSOCIATION applauds you for looking at a truly state-of-the-art bill and allowing me to speak on its behalf today.

Whether you love animals or not, or even understand those of us who do, the cruelty going in Kansas puppy mills is enough to turn the stomach of any civilized person. Please pass H.B. 2514, as drafted, at your earliest opportunity.

Sincerely,



KATHY McKEE, President



# PERFORMANCE AUDIT REPORT

## Reviewing State Regulation Over Animal Breeders and Sellers In Kansas

A Report to the Legislative Post Audit Committee  
By the Legislative Division of Post Audit  
State of Kansas  
August 1990

90-50

*g.o. 3-4-91  
attachment 2-4*

# **Legislative Post Audit Committee**

---

## **Legislative Division of Post Audit**

THE LEGISLATIVE POST Audit Committee and its audit agency, the Legislative Division of Post Audit, are the audit arm of Kansas government. The programs and activities of State government now cost about \$5 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by Legislative Post Audit helps provide that information.

We conduct our audit work in accordance with applicable government auditing standards set forth by the U.S. General Accounting Office. These standards pertain to the auditor's professional qualifications, the quality of the audit work, and the characteristics of professional and meaningful reports. The standards also have been endorsed by the American Institute of Certified Public Accountants and adopted by the Legislative Post Audit Committee.

The Legislative Post Audit Committee is a bipartisan committee comprising five senators and five representatives. Of the Senate members, three are appointed by the President of the Senate and two are appointed by the Senate Minority Leader. Of the Representatives, three are appointed by the Speaker of the House and two are appointed by the Minority Leader.

Audits are performed at the direction of the Legislative Post Audit Committee. Legislators or

committees should make their requests for performance audits through the Chairman or any other member of the Committee. Copies of all completed performance audits are available from the Division's office.

### **LEGISLATIVE POST AUDIT COMMITTEE**

Senator August "Gus" Bogina, Jr., P.E., Chairman  
Senator Norma L. Daniels  
Senator Nancy Parrish  
Senator Ben E. Vidricksen  
Senator Eric R. Yost

Representative David G. Miller, Vice-Chairman  
Representative William R. Brady  
Representative Duane A. Goossen  
Representative Max W. Moomaw  
Representative Bill Wisdom

### **LEGISLATIVE DIVISION OF POST AUDIT**

Suite 301, Mills Building  
Topeka, Kansas 66612-1285  
(913) 296-3792

*g.O. 3-4-91  
attachment 2-5*

# PERFORMANCE AUDIT REPORT

## REVIEWING STATE REGULATION OVER ANIMAL BREEDERS AND SELLERS IN KANSAS

---

### OBTAINING AUDIT INFORMATION

This audit was conducted by Cindy Lash, Senior Auditor, and Jim Davis, Murlene Priest, and Tom Vittitow, Auditors, of the Division's staff. If you need any additional information about the audit's findings, please contact Ms. Lash at the Division's offices.

---

J.O. 3-4-91  
Attachment 2-6

## TABLE OF CONTENTS

### SUMMARY OF AUDIT FINDINGS

#### REVIEWING STATE REGULATION OVER ANIMAL BREEDERS AND SELLERS IN KANSAS

Overview of the Companion Animal Program .....	3
Has the Animal Health Department Adequately Implemented The Program Regulating the Animal Breeding and Selling Industry in Kansas? .....	7
Conclusion .....	25
Does the Regulatory Program Appear To Be Funded and Staffed To Efficiently and Effectively Carry Out Its Responsibilities? .....	27
Conclusion .....	34
Recommendations .....	34
APPENDIX A: Guidelines For U.S. Department of Agriculture Licensed Kennels and Catteries.....	39
APPENDIX B: Survey of Purchasers of Animals .....	47
APPENDIX C: Survey of Animal Breeders and Dealers .....	51
APPENDIX D: Agency Response .....	57

g.o. 3-4-91  
attachment 2-7

# REVIEWING STATE REGULATION OVER ANIMAL BREEDERS AND SELLERS IN KANSAS

## Summary of Legislative Post Audit's Findings

**Has the Animal Health Department adequately implemented the program regulating the animal breeding and selling industry in Kansas?** The Department has not adequately implemented the Companion Animal Program. It has not developed and adopted procedures for operating the Program, and has provided no oversight of the staff responsible for implementing the Program. The Department only recently adopted standards relating to the care and treatment of animals and the conditions of facilities. The Department has not done an adequate job of identifying the people it should be regulating, and has not inspected all regulated animal breeders and dealers as required by law and its own policy. In addition, Department inspectors may not be checking for compliance with all applicable standards. The Department has not taken appropriate enforcement actions when problems were identified, and its response to complaints has frequently been inadequate. The Department has not compiled any data showing how well the animal breeding and selling industry has complied with program regulations. In spite of these findings, more than three-quarters of the out-of-State purchasers we surveyed reported that most or all of the animals they purchased from Kansas were healthy.

**Does the regulatory program appear to be funded and staffed to efficiently and effectively carry out its responsibilities?** The Companion Animal Program has not been administered, managed, funded or staffed to the extent needed to efficiently and effectively carry out its responsibilities. Fees were not sufficient to support the Program in fiscal years 1989 and 1990 because the Department significantly overestimated the number of facilities it would license or register. Fee revenues are not likely to be sufficient to operate the Program in fiscal year 1991, even at very reduced staffing levels. With reduced staffing levels in 1990, the Department did not conduct the required number of inspections. Federal and state regulation of the animal breeding and selling industry overlap somewhat, and many animal breeders and dealers we surveyed thought it unnecessary to have dual regulation.

The report makes numerous recommendations to the Animal Health Department and to the Animal Health Board in the areas of overall Program planning and management, standards for the health and humane treatment of animals, licensing and

*J. O. 3-4-91  
Attachment 2-8*

fee payment, facility inspections, complaint handling, and Program enforcement. We would be happy to discuss the recommendations or any other items in the report with any legislative committee, individual legislators, or other State officials.



Meredith Williams  
Legislative Post Auditor

g.c 3-4-91  
attachment 2-9



## Overview of the Companion Animal Program

Following several earlier attempts to regulate companion animal breeders and dealers in Kansas, the Legislature passed and the Governor signed a bill amending the Animal Dealers Act in 1988. The Animal Health Department created the Companion Animal Program to implement that Act. Although the law became effective July 1988, the Program was not fully staffed until January 1989. Initially, the Program had six authorized positions: a director, four inspectors, and a full-time office assistant. (The Department subsequently reduced the staff size to two inspectors and a half-time assistant; question two will cover staffing and funding issues in detail.)

The Companion Animal Program was intended to improve the conditions under which companion animals were raised and sold, and in doing so, to rid the State of its image as one of the nation's leading "puppy mill" states. State regulation in Kansas was started, at least in part, because federal inspection and enforcement practices were thought to be inadequate. The Program has been funded through license and registration fees, the State General Fund, and transfers from other fee funds within the Animal Health Department.

According to provisions of the law, the Department is required to license animal dealers who sell at least six litters or 30 animals per year, whichever is less. Animal dealers who sell three to five litters—so-called "hobby breeders"—are registered by the Department. Those who sell fewer than three litters per year do not meet the minimum threshold for regulation under the Program.

The Act requires the Department to conduct regular inspections of regulated facilities. By law, a facility must be inspected before receiving its original license and on a regular basis thereafter. In addition, the Department is authorized to inspect any facility if it has reasonable grounds to believe that the Act is being violated. Hobby breeders are not required to be inspected unless there are concerns about their operations.

The following table lists the types of facilities regulated, the annual license or registration fee, and the number of inspections required annually.

**Facilities Regulated, Annual Fees, and Inspection Requirements  
Under the Companion Animal Program**

<u>Type of Facility</u>	<u>Annual Fee</u>	<u>Inspections Required</u>
Federal and State Licensees	\$ 75	one per year
State-Only Licensees (a)	150	two per year
Pet Shops	150	two per year
Pounds and Shelters	150	two per year
Research Facilities	150	two per year
Hobby Breeders	25	none (b)

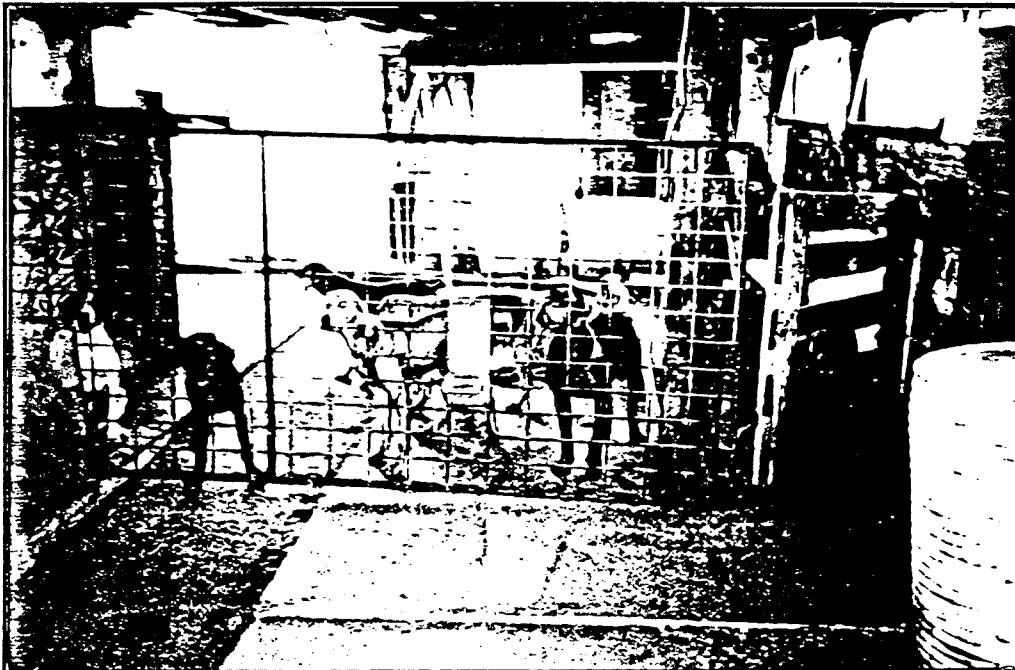
(a) Dealers licensed by the State, but not by the U.S. Department of Agriculture.

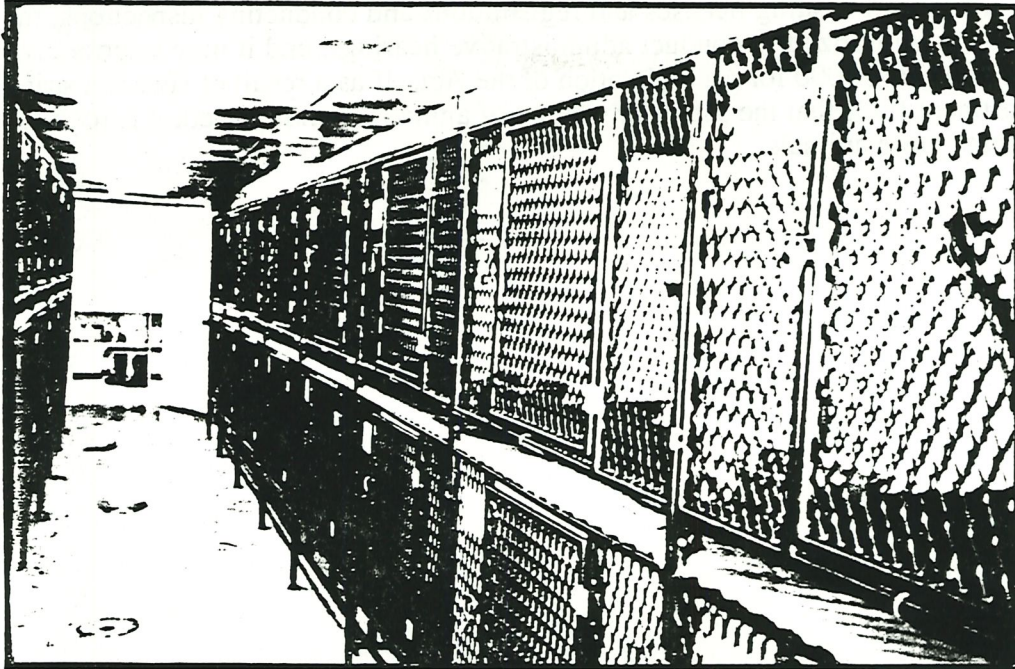
(b) Hobby breeders are not subject to regular inspections under the law, but like any other animal dealer, they may be inspected if the Department has reason to believe they are not complying with the Act.

*g.o. 3-4-91  
attachment 2-10*

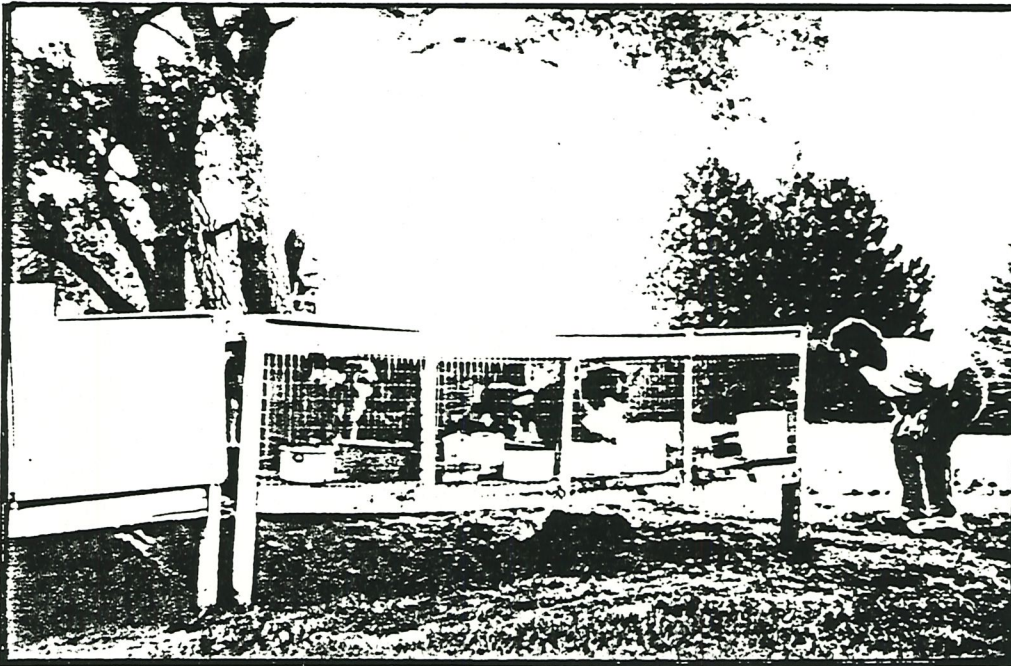


We saw a variety of different types of facilities during our time spent with Department inspectors. Regardless of the conditions in which they were kept, most of the animals we saw appeared to be clean and well-cared for. The photographs on this page and the next show examples of what we saw. The facility above used several different types of makeshift cages of various sizes to house its breed stock. Many of the cages were raised above the ground on concrete blocks. The hunting dogs at the facility below were housed in a shed, but had access to a large outdoor exercise yard.





This photograph was taken at a research facility. The stacked cages shown were large and clean and the building was air conditioned and did not have a bad odor. While the facility had both cats and dogs, these cages housed cats. The wire mesh of these cages had a vinyl-type coating to help protect the animals' feet.



The cages at this facility were showing wear and needed paint, but were relatively clean. One of the Program's inspectors is shown observing the condition of the animals.

In addition to issuing licenses and registrations and conducting inspections, the Department is authorized to conduct administrative hearings, and it may impose civil penalties of up to \$1,000 for each violation of the Act. If as a result of such a hearing the Department finds that the safety or welfare of animals is endangered, it is required to confiscate those animals.

## Has the Animal Health Department Adequately Implemented the Program Regulating the Animal Breeding and Selling Industry in Kansas?

The Department has not adequately implemented this Program. In general, no formal or written policies and procedures have been developed, and management and oversight of the Program and staff hired to implement it have been virtually nonexistent. Partly because of these shortcomings and partly because of insufficient funding and staffing, which will be discussed under question two, the Department has not effectively regulated the animal breeding and selling industry. Effective regulation would include establishing or adopting adequate standards, identifying the facilities that should be regulated, inspecting these facilities and handling complaints, and taking appropriate actions when problems are identified. The Department also must meet specific statutory requirements in several of these areas. We found that the Department has performed poorly in almost all of these areas.

Despite such problems, most individuals and pet store owners who responded to our surveys rated all or most of the animals they bought from Kansas breeders or dealers as generally healthy. These and other findings are presented in the sections that follow.

### The Department Has Not Developed and Adopted Procedures For Operating the Program, and Has Provided No Oversight Of the Staff Responsible for Implementing the Program

Virtually no written procedures for operating the Program have ever been developed. Department officials told us that minimal resources and a lack of time have prevented them from doing so. According to those officials, the companion animal veterinarian hired to direct the Program in mid-October 1988 spent most of his time in the field working with inspectors and licensees. When he left the Program in mid-January 1990, his position was not filled.

The Livestock Commissioner, as head of the Department, was left in charge of the Program. A "food animal" veterinarian, the Commissioner acknowledged he had little experience with small animals. He indicated that he considered the primary focus of his job to be in dealing with the livestock programs administered by the Department. (In response to concerns about the operation of the Program, the Animal Health Board recently relieved the Commissioner of his position, and an Acting Commissioner was named.)

The absence of procedures for operating the Program can result in wasted time, inconsistent handling of facilities, and ineffective regulation. For example, when predictable situations arise out of such activities as inspecting and licensing facilities, handling complaints, and seizing animals from substandard facilities, Department inspectors must decide how to handle each situation on a case-by-case basis. In addition, inspectors are located in different parts of the State; without written procedures,

the Department has no formal way of communicating the regulatory activities they are responsible for carrying out.

A lack of procedures makes strong and effective oversight even more necessary to ensure that all regulatory activities are carried out in a way that will accomplish the purposes of the Program. However, the Department exercised almost no management oversight of the Program's activities. Each inspector was made responsible for regulating the facilities in his or her area, including keeping track of licensed and unlicensed facilities, determining when facilities needed to be inspected, scheduling and conducting inspections or reinspections, handling complaints, and initiating or recommending enforcement action. No one within the Department checked to see that these activities were carried out as they should have been, or that they were carried out at all.

We also found that inspectors were allowed to set their own priorities in conducting inspections. For example, one inspector emphasized reinspections and problem facilities, while another emphasized initial inspections and locating unlicensed facilities. Good management practices would call for such priorities to be set by Program management, not by individual inspectors.

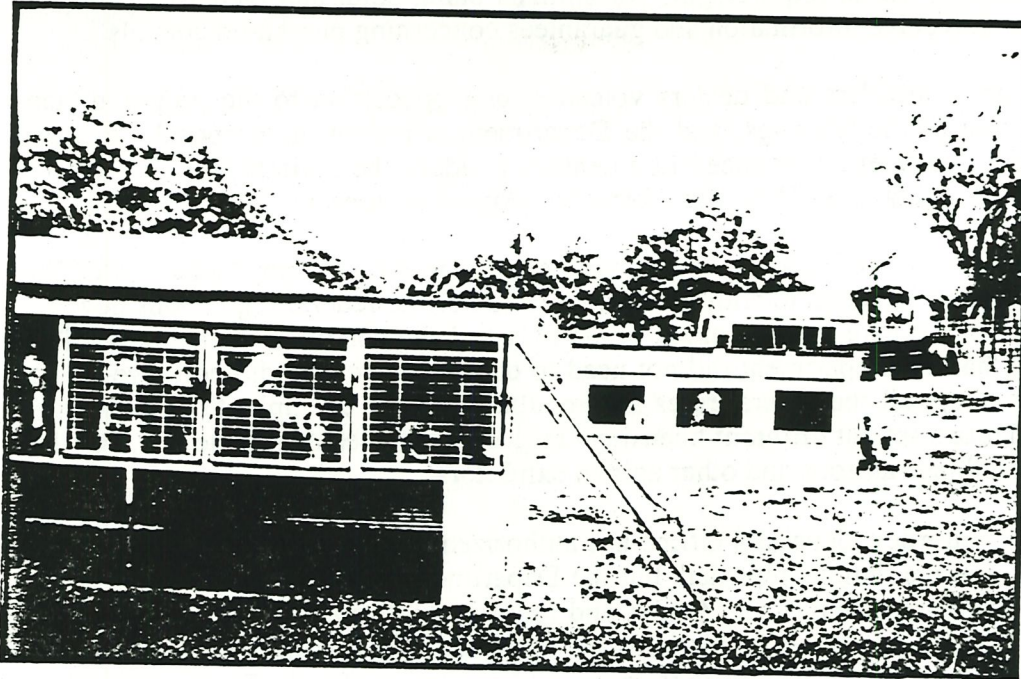
#### **The Department Only Recently Adopted Standards That the Companion Animal Industry In Kansas Had To Meet**

The Animal Health Department has inspected pet stores, pounds, and animal shelters since 1972. Regulations adopted in 1974 broadly defined standards for those facilities, including the type of housing allowed, animal health and husbandry practices, and recordkeeping.

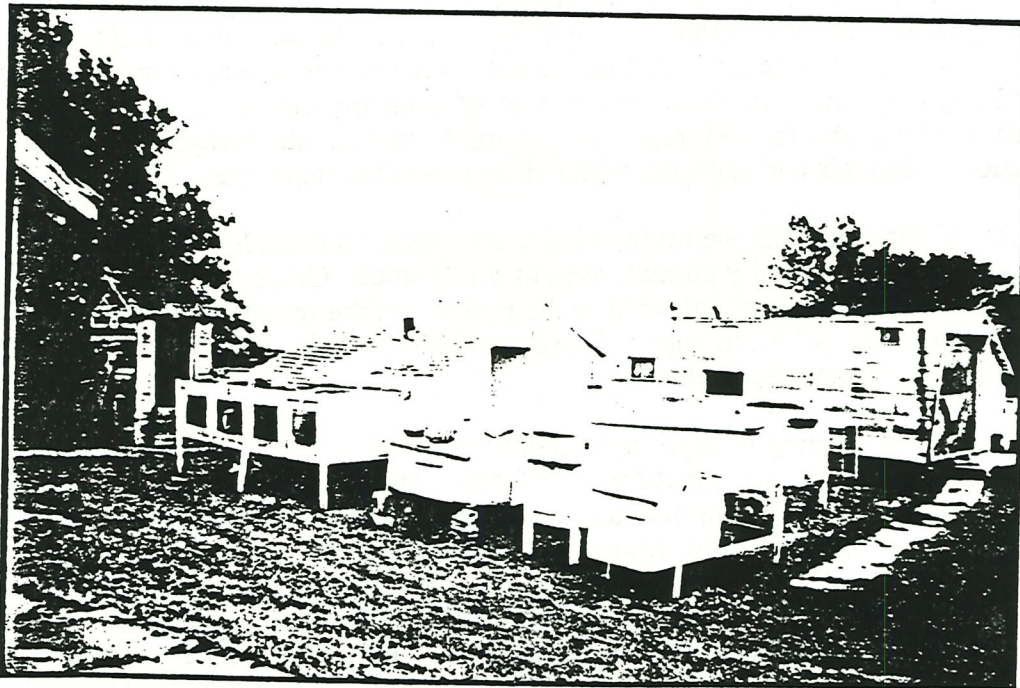
The Animal Dealers Act authorized the Department to adopt regulations necessary for the administration of the Act, and listed 16 specific areas the regulations should cover, including the care and treatment of animals, the condition of facilities, inspections of facilities, investigation of complaints, and seizing of animals. The law further stated that the Department could adopt, in whole or in part, the rules and regulations of the federal Animal Welfare Act.

Department officials told us they relied on the standards set out in federal regulations for the first year of the program, but did not formally adopt those regulations at the time because they wanted to determine whether any different regulations may be needed.

In the fall of 1989, the Department proposed standards that were less comprehensive than the federal regulations in some aspects, but were more stringent in others. For example, the proposed standards would have gone further than federal standards in the following areas: requiring licensees to have a veterinarian examine their premises at least annually, disallowing dirt floors in buildings housing animals, requiring that licensees surface animal runs with concrete in new or remodeled facili-



This photograph shows dogs housed in cages that appear to be relatively small compared to the size of the dogs. Breed stock are commonly kept in these types of cages for their entire lives without opportunity to get out on the ground for exercise.



This kennel has many things in common with other facilities we saw. The photograph shows a variety of cage constructions, including a converted mobile home. The facility had a general appearance of being somewhat run down.

ties, increasing health requirements for animals being sold, and increasing the public's right to receive information and guarantees concerning purchased animals.

Animal breeders and dealers voiced strong opposition to the proposed standards during public hearings, and the Department withdrew its proposal. In April 1990, the Department announced its intention to adopt the Animal Welfare Act and its rules and regulations. They were formally adopted on June 11, 1990.

According to officials in the Department and in the Attorney General's Office, the Department intended to adopt only the portion of the federal regulations covering standards for the care and treatment of animals and the condition of facilities. They indicated that the Department did not need to or, in some cases, did not have the authority to adopt all the federal rules and regulations. For example, the federal rules and regulations set out different licensing categories and fees than State law, and they cover such things as zoos and other animal exhibitors.

The Attorney General's Office has authorized the Department to have the federal rules and regulations repealed, but the Department has not yet done so. As a result, the Department has a set of rules and regulations that are not fully enforceable. Once the federal rules and regulations are repealed, the Department will need to develop or adopt appropriate standards, rules, and regulations for the Program.

The federal standards the Department adopted generally appear to be adequate for the humane treatment of animals, but there are some exceptions. We reviewed the standards outlined in the federal regulations relating to the care and treatment of animals and the condition of facilities, and concluded that most appeared to be adequate. For instance, the standards address such issues as temperature limits and ventilation requirements, shade, soundness of housing structures, flooring requirements, feeding, and food storage. Appendix A presents the federal guidelines for inspection of kennels and catteries, which discusses these requirements in detail.

A few of the standards we reviewed did not appear to provide for the humane treatment of animals, especially animals used as breed stock. Other standards relating to the health and quality of animals sold to the public and the requirements for licensees did not appear to go far enough. These standards and the problems we identified with them are summarized below:

- The standard relating to cage size states that animal pens only need to provide "adequate space to turn about freely and easily stand, sit, and lie in a comfortable position." Under this standard, breed stock can be confined for their entire lives in a space only big enough to turn around in.
- The standard relating to the availability of water requires that it must be available a minimum of twice a day for at least an hour each time. This standard would appear to be inadequate during warm weather. In addition, the standard is virtually impossible for inspectors to enforce.



- The standards require removal of feces from animal pens on a daily basis, but it appears that removal of feces from below raised pens would have to be done only twice a month. In a facility with a lot of animals, the amount of feces that could accumulate in several weeks' time would create a significant odor, serve as a breeding ground for parasites, and attract flies.
- The standards address general health requirements for animals maintained in facilities inspected by the State, but they do not address the specific health of the animals at the time of sale. Health certificates are required for animals sold to out-of-State purchasers, but veterinarians are only required to certify that the animals appear to be free from infectious disease; the regulations do not require that animals be free of such common problems as ear mites or worms. The standards do not require health certificates for animals sold within the State. In addition, they do not prohibit breeders from breeding and selling animals known to have such genetic defects as hip dysplasia.
- The only reference to qualifications of licensees in the standards is that they have the knowledge to provide proper care for their animals. We think it would be beneficial to the State if licensees were required to be familiar with the Companion Animal Act and the regulations that govern the program. We also think it would be beneficial to require operators to be familiar with animal health problems.

### **The Department Has Not Done An Adequate Job Of Identifying the People It Should Be Regulating**

A major responsibility in any regulatory program is identifying the people who should be regulated. Recently, a great deal of public concern has been expressed about unlicensed Kansas facilities raising animals in poor conditions. We reviewed the Department's efforts to identify potential animal breeders and dealers, and investigated some alternative methods for identifying these people.

The Department used two approaches to identify potential licensees. First, shortly after the Program began, Department officials obtained two lists from the U.S. Department of Agriculture, one with approximately 550 names of current licensees, and one with approximately 1,800 names of persons whose federal license had expired or who were known to have operated without a license. The Department sent applications for State licensure or registration to people on both lists.

Second, once inspections got under way, Department inspectors started reviewing records from pet stores, animal brokers, and individual dealers showing who they purchased animals from. Applications were sent to any unlicensed people they identified.

The Department did not follow up when people who were on the federal lists reported that they were not in business or did not have enough animals to

fall under State regulation. The Department accepted this information at face value. Department staff said that they attempted to verify the information in a few cases, but that they were busy inspecting the people who had applied for a license and did not have time to follow up.

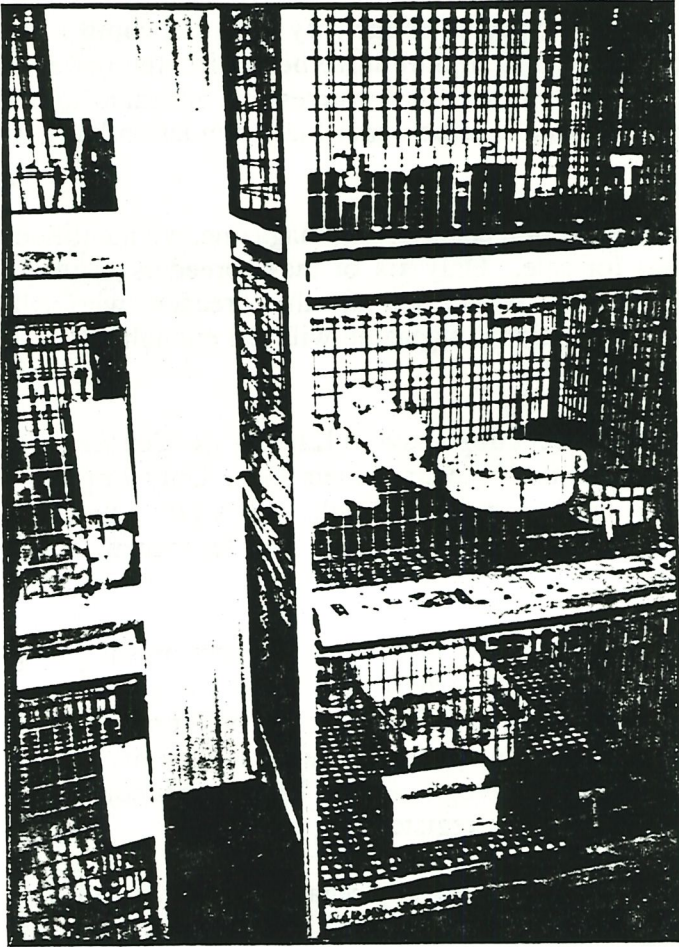
We compared the August 1989 U.S. Department of Agriculture list of licensees with the Department's records of licensees and registrants to determine whether that list contained a significant number of federally licensed animal breeders and dealers who were not regulated by the State. In all, 599 Kansans were listed in the federal directory, 131 of whom were not currently licensed or registered by the State. Of the 131:

- 56 had been sent applications during the Department's initial mailing in the fall of 1988. In all, 50 people had responded that they were either out of business or did not have enough animals to require licensing. The other six never responded, and the Department took no action to determine whether they should have been licensed or registered by the State. All 56 had current federal licenses as of August 1989.
- 47 reported that they were closed. Many notified the Department after the date of the federal list, so it is possible that they were, in fact, closed. However, the Department does not routinely verify that facilities have actually closed.
- 28 were not listed in any of the Department's records.

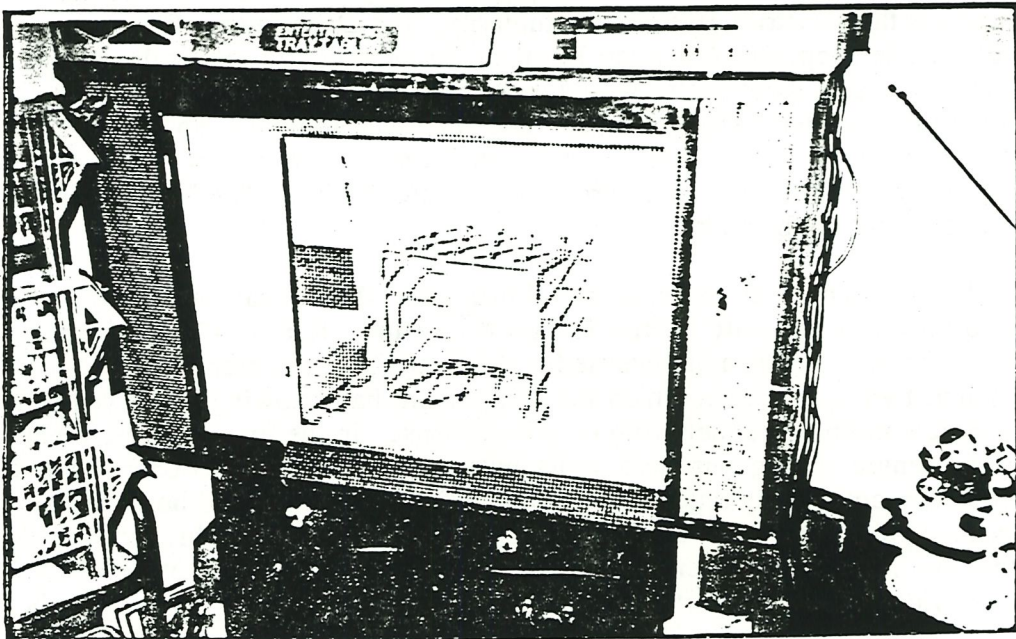
Some of these 131 businesses may be defunct, but many may still be operating. It appears likely that the Department could have identified additional licensees if it had followed up on its initial mailing to federal licensees, and that it could continue to identify additional licensees if it compared its records to federal lists on an annual basis.

Our comparison of State and federal records also showed that 112 State-licensed breeders and brokers who told the Department they were also licensed by the U.S. Department of Agriculture were not listed in the federal directory. Licensees would benefit from claiming to be federally licensed because their State license fee would be \$75, rather than \$150. Some of these people may have applied for and received federal licenses after the directory was published. But because the inspectors do not ask to see a current copy of licensees' federal license, the Department has no way of knowing whether these people are properly classified and are paying the correct fee.

In a somewhat related matter, during our review of Department files we noted that the Department had refunded licensing fees at the request of a breeder who indicated she was going out of business. K.S.A. 47-1712 strictly prohibits the refund of fees.



The photograph at left shows stacked cages housing kittens waiting to be shipped from a dealer's facility. The photograph below shows an old television set that was converted into a cat cage at a hobby breeder operation. While such a conversion seems unorthodox, the cat housed in it had adequate room and appeared clean and well-cared for.



Although the Department initially expected to identify a lot of people who were not federally licensed, most of its efforts to date have been directed toward people who had a federal license. We identified other sources that appeared to be likely sources of breeders or dealers who might come under State regulation but not federal regulation.

By checking the sale ads in one issue of a national dog magazine, we identified 23 Kansas breeders advertising dogs for sale. Only six of these breeders were licensed by the Animal Health Department. It seems likely that breeders who sell enough dogs to purchase advertising in a national magazine will sell enough animals to qualify for State licensing or registration.

By reviewing the program from a recent dog show in Kansas, we identified 66 Kansans who were listed as both the owner and breeder of their dogs. Only 7 of these people were licensed or registered by the Department. People in this group may not raise enough animals to qualify for the Program; however, the Department could identify potential licensees from this group.

We also think the Department could identify additional breeders by surveying veterinarians and State extension agents. Both groups are likely to be aware of people who raise companion animals in Kansas. The Department could provide them with lists of licensees and registrants in their county, and request that they list anyone else they know who might qualify for the State program. The Department could then verify whether these people should be licensed or registered.

The most comprehensive approach would involve obtaining records from the American Kennel Club and other purebred registries showing litters of animals registered by Kansas breeders. However, the Department may not have access to this information unless the registries provide it voluntarily. The Department of Revenue recently attempted to subpoena American Kennel Club records to use in sales tax collections. The requested records also would have been extremely useful to the Animal Health Department in identifying breeders. The American Kennel Club stated that it could not readily supply the information requested, and that it did not think the State had jurisdiction to require it to provide that information. The Department of Revenue is not pursuing the matter.

The Department does not require all licensees who operate more than one premises to obtain a separate license for each location. K.S.A. 47-1702 requires animal dealers to obtain a separate license for each animal dealer premises they operate. We found two instances in which the Department had knowingly allowed a licensee to operate multiple kennels with only one license. In the first instance, we encountered a licensee during our field visits with the inspectors who operated two separate premises covered by one license. This licensee had not listed both premises on the license application form, but the State inspector had learned through outside sources that the licensee was operating two kennels. Even though the inspector was aware of this violation, the Department did not require this licensee to obtain another license.

We learned of the second instance through a complaint we received. Our review of this case showed that the individual in question listed six locations in different cities and counties on the fiscal year 1991 license application, but was issued a single license to cover all sites. (In previous years, the individual listed only one location.)

This second case is of particular concern because the individual involved recently served as both Chairman and Vice-Chairman of the Animal Health Board. The Livestock Commissioner indicated that the individual had discussed the situation with him some time ago, but that, because the individual had suggested these were "satellite kennels," the Commissioner had not realized they should have individual licenses. The Commissioner told us he would seek the Attorney General's advice on whether multiple licenses were required for this individual. However, the statute did not appear to be ambiguous.

Finally, we noted that the Department's practices have not been consistent in this area. During our review of licensing records, we identified several people with kennels in multiple locations who had purchased a separate license for each facility, as required.

### **The Department Has Not Adequately Inspected the Animal Breeders and Dealers It Regulates**

The Animal Dealers Act requires the Department to inspect the premises of each breeder or dealer who applies for a license for the first time. Under State law, the Department must license all animal breeders and dealers operating in Kansas by January 1, 1991. After the initial license is issued, the Department is required to inspect licensees who also have a federal license at least once a year, and all other licensees at least twice a year.

Hobby breeders, who are registered rather than licensed, are not required by law to be inspected unless a problem is suspected. In October 1989, however, the Department decided to inspect all registered hobby breeders at least once before the end of fiscal year 1990. It initiated this policy because of evidence that many breeders were inappropriately registering as hobby breeders, allowing them to pay a \$25 registration fee rather than a \$75 or \$150 license fee, and to avoid routine inspection. Beginning in fiscal year 1991, only hobby breeders applying for an original registration would be inspected, unless a complaint was received.

The law also requires the Department to inspect the premises of anyone required to be licensed or registered if there is reason to think that person is violating the Act or its regulations, or if there are grounds to suspend or revoke a license or registration.

We reviewed the Department's records to determine whether it had met these statutory inspection requirements. We also developed a list of criteria that appeared

to be essential elements for an adequate inspection process, and measured the Department's inspection process against them. Those criteria included the following:

- inspections should meet the statutory requirements for frequency
- inspections should be unannounced
- inspections conducted in response to complaints should be timely
- inspections should be conducted using checklists or guidelines to ensure that all requirements are being checked
- inspection reports should be reviewed by supervisory staff

The Department has not inspected all regulated animal breeders and dealers as required by law and its own policy. Because the Department does not maintain summary information on the number of inspections completed, we searched every facility's file to determine how many inspections were actually completed in fiscal year 1990. Our review showed that the Department completed only 584 of the 1,060 inspections required by law and its own policy on hobby breeders. (Inspectors also completed 50 reinspections, which are done to determine whether a facility that failed an inspection has corrected the specific violations noted during that previous inspection.) During most of that year, the Program operated with only two full-time inspectors.

The accompanying table shows how the 584 inspections were divided among the various groups of licensees and registrants.

**Inspections Conducted in Fiscal Year 1990  
By Companion Animal Program Inspectors**

<u>Type of Facility</u>	<u>Number of Facilities Licensed</u>	<u>Number of Facilities Inspected</u>	<u>Number of Inspections Required</u>	<u>Number of Inspections Completed</u>
<b>State and Federal Licensees</b>				
Kennels/Catteries	479	292	479	314
Research Labs (a)	10	3	20	3
<b>State-Only Licensees</b>				
Kennels/Catteries	21	19	42	20
Pet Shops/Pounds/Shelters	136	113	272	125
<b>State-Only Registrants</b>				
Hobby Breeders	<u>290</u>	<u>120</u>	<u>247</u>	<u>122</u>
<b>Totals</b>	936	547	1,060	584

(a) Research labs are registered under the federal program.

As the table shows, 936 facilities were licensed or registered in fiscal year 1990. Department inspectors conducted inspections at 547 of those facilities, and completed only about half as many inspections as were required. The table also shows that a few facilities received multiple inspections.

Department inspectors may not be checking for compliance with all applicable standards, and they did not write up some of the violations they saw when

we accompanied them. As discussed earlier, animal breeders and dealers are required to conform to a number of standards relating to the care and treatment of animals and the condition of their facilities. Inspections are the Department's primary means of determining facilities' level of compliance.

Department inspectors are required to have training in the handling of small animals and their diseases, and to have one year of experience working with small animals and recordkeeping. As part of our audit, we examined records to determine whether inspectors had the minimum qualifications required for the job. Both current inspectors' qualifications far exceeded the minimums. However, one inspector who is no longer with the program did not appear to have met the minimum qualifications, and another former inspector was hired in apparent violation of the statutory prohibition against having a beneficial interest in a licensed facility.

We also accompanied the Department's two inspectors on nine days of inspections to assess how strictly they applied the standards, how thorough they were, and how efficiently they appeared to conduct their inspections. During these nine days, we witnessed inspections of 20 breeders, two dealers, one research facility, two pet stores, and one pound.

On average, the inspectors spent about 45 minutes on each inspection, although the time ranged from 20 minutes at the pound to nearly two hours at a kennel. About half that time was spent looking at animals, with an apparent emphasis on their health and cleanliness. Inspectors spent the rest of their time reviewing records to try to identify unlicensed facilities.

Generally, the inspectors appeared to be knowledgeable and conscientious in carrying out their jobs. However, we were unable to tell during these inspections whether the inspectors checked for compliance with all applicable standards. One reason may have been that the inspectors were so familiar with some standards that they could check for compliance merely by looking at something rather than having to "do" anything. In addition, standards relating to such things as minimum temperatures may not be applicable during certain times of the year.

From a management oversight standpoint, however, the problem is that the Department does not require inspectors to record the specific items checked during an inspection. The Department's inspection form does not provide a checklist of all the standards inspectors are required to check against. As a result, the Department has no assurance that inspections are complete and consistent.

We also noted several instances in which inspectors did not write up what appeared to us to be violations. These apparent violations included such things as unpainted surfaces in facilities that were otherwise acceptable, and failure to thoroughly sanitize (wash with soap and water and disinfect) the cages, rooms, and runs every two weeks. We also observed occasions in which the inspectors told the licensee to do something, such as paint or improve ventilation in a building, which was not written up as a violation. Without written documentation, it is unlikely that the inspectors

will remember to check for these improvements during subsequent inspections or re-inspections. In addition, the licensee may be less likely to correct problems that have not been officially documented.

Both inspectors told us they do not necessarily try to document every problem they find at a facility. If a facility has numerous problems, they said, they write up only the major violations. The inspectors indicated that they would document the less serious violations during subsequent inspections.

By following this practice, inspectors allow licensees to operate out of compliance with some of the regulations, and licensees may get the impression that the way they are operating is allowable. In light of the infrequency of inspections, it may be a long time before a facility is inspected again. An additional problem is that inspectors may be inconsistently applying the standards for different licensees.

Finally, during our review of inspectors' activity reports we found that their timesheets did not reflect actual hours worked. Department officials instructed inspectors to report no more than 40 hours of work per week and to make up overtime by taking time off in other weeks. This compensatory time is reported on timesheets as "in office" time, and cannot be distinguished from actual time spent doing paperwork and preparing schedules. Without accurate time reporting, Department management has no quantifiable way to determine how inspectors actually spend their time.

**The Department did not investigate 11 of the 27 complaints we reviewed, and its investigations for most the other complaints were not timely.** There was no information in the files to indicate why the Department did not investigate these 11 complaints, seven of which complained about unsanitary conditions, cruelty to animals, or sick animals.

For the remaining complaints, inspections were conducted in response to four complaints within two weeks, three more were acted on within one month, and one was not acted on for four months. In eight cases, the Department's documentation was inadequate to determine when the complaint investigations were completed.

Department officials told us that a copy of each complaint is sent to the inspector who covers that geographic area to investigate as quickly as possible. However, the Department has not established timeframes within which complaints should be investigated. Timeliness is especially critical if a complaint alleges that an animal's health, safety or welfare is endangered.

#### **The Department Has Not Taken Appropriate Enforcement Actions When Problems Were Identified**

The effectiveness of a regulatory program can depend on how well the regulatory agency enforces the standards and requirements governing the regulated industry.



The Department has several levels of enforcement action at its disposal. The Animal Dealers Act requires it to conduct administrative hearings if it plans to refuse to issue or renew a license or to revoke a license. The Department also has the statutory authority to impose fines of up to \$1,000 per violation, and is required to seize animals whose health, safety, or welfare is endangered. Thus, if a facility does not sufficiently correct violations noted during an inspection, or if a facility fails to renew a license or refuses to be licensed or registered as required by law, the inspectors can refer the facility to the Department for an administrative hearing to begin the process of fining the facility or revoking its license or registration.

A facility also can be referred to the local county or district attorney or to the Attorney General's Office if the situation merits criminal prosecution, or if the inspector determines that animals should be seized because their health, safety, or welfare is endangered.

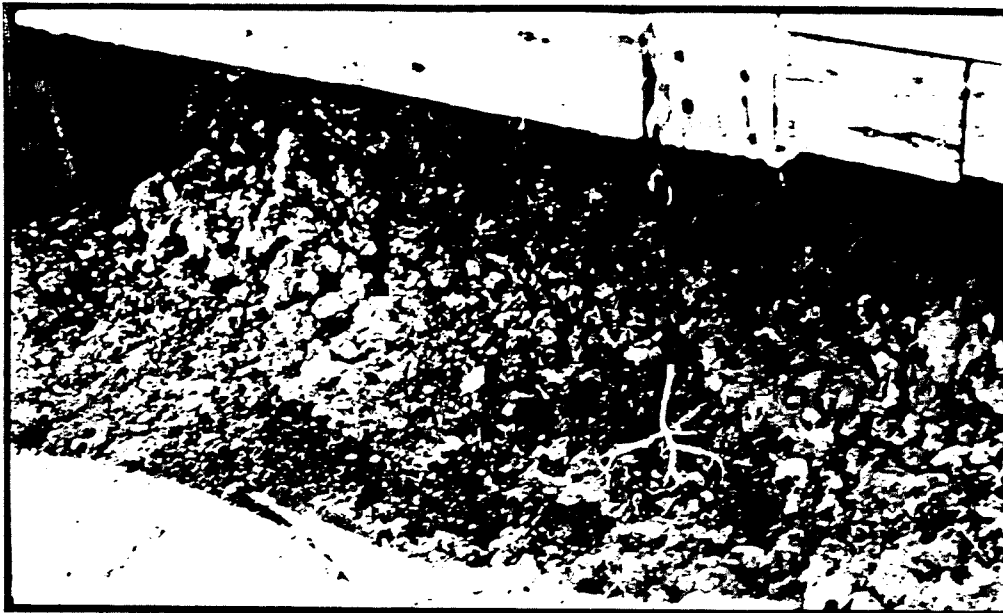
We reviewed the Department's records to determine what actions it had taken in response to problems identified within the companion animal breeding and selling industry. We also developed a list of criteria that appeared to be essential elements for an adequate enforcement process, and measured the Department's actions against them. Those criteria included the following:

- when problems are identified during a regular inspection or as a result of a complaint, inspectors should return for a reinspection on or near the date the inspector set for the operator to correct the problem
- the Department should seize animals endangered by substandard conditions or treatment
- the Department should impose fines and restrictions for noncompliance with Program requirements
- in serious cases of noncompliance, the Department should seek assistance from sheriffs and county or district attorneys

Reinspections often were not done or were not conducted on a timely basis. We reviewed the records for a sample of 103 facilities in-depth. In all, 12 facilities were cited for violations between January 1, 1989, and June 30, 1990. The types and number of violations identified during inspections were as follows:

Need to paint	6
Redo flooring in dog runs	5
Need overall clean-up or sanitation	5
Remove feces	3
Need repairs or general fix-up of buildings	3
Finish constructing buildings or cages	3
Other (includes ventilation, grooming, sick animals)	6
<b>Total violations identified</b>	<b>31</b>

Department inspectors gave these 12 facilities from three days to six months to correct all the violations noted. In some instances, the times inspectors allowed for

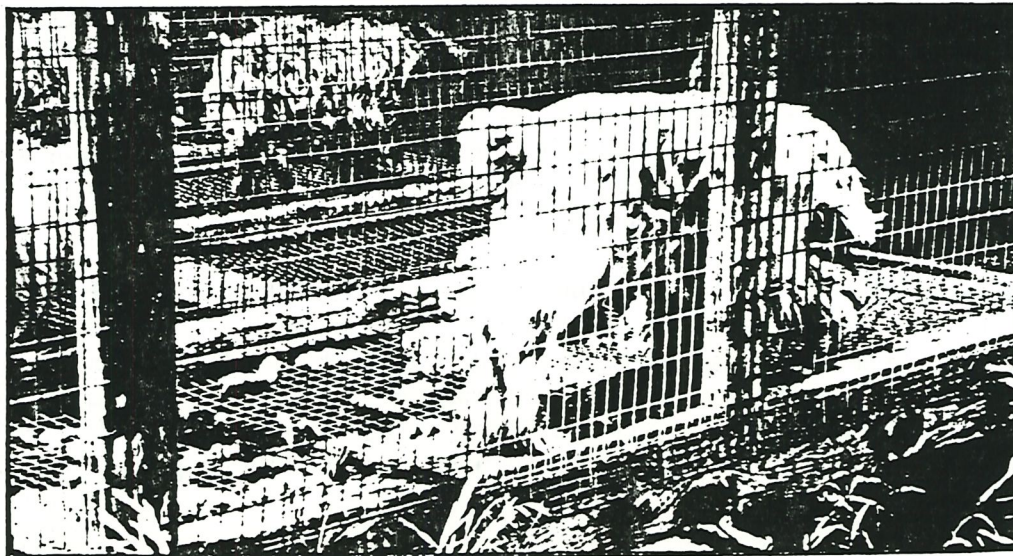
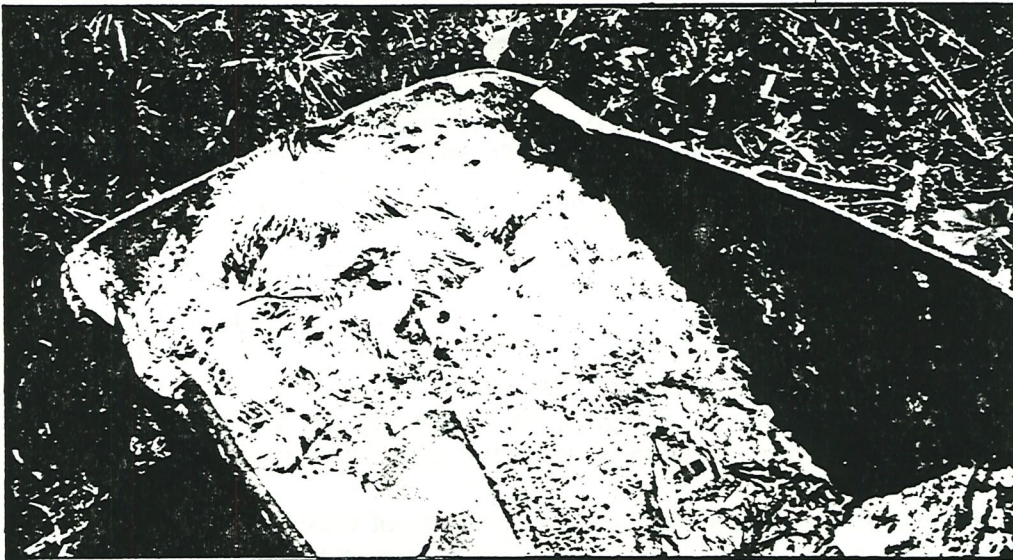
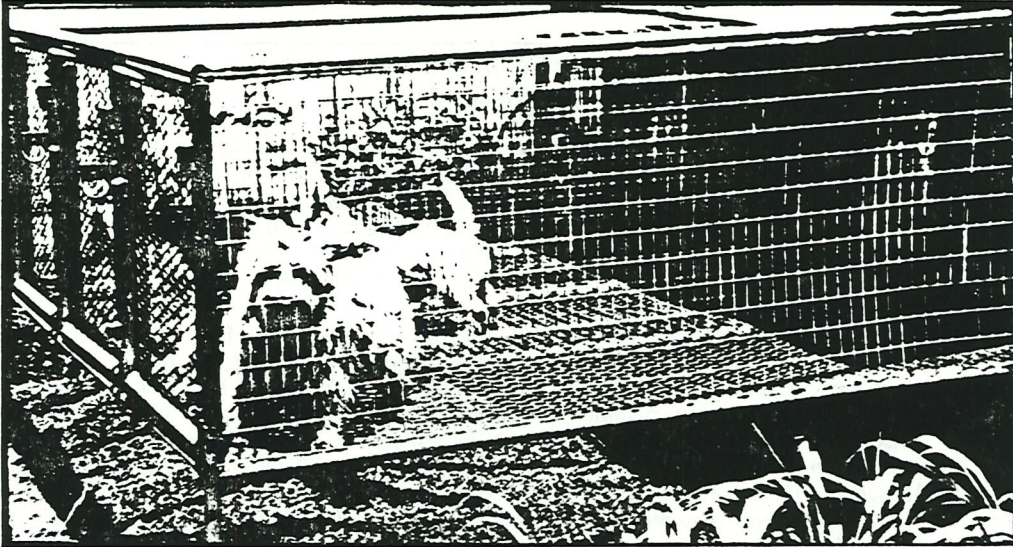


The photographs on this page and the next show conditions at an unlicensed facility. The two pictures on this page show a considerable amount of feces beneath dilapidated cages. One cage in the lower picture was missing a door, but was still used to house dogs.



The cages shown at the top of the next page appeared to be of good quality, but no food or water was visible and the area under the cages had not been cleaned out in some time. The middle picture shows what appeared to be a long-dead animal in a wheelbarrow. Finally, the bottom picture shows dogs that appeared to be dirty and in need of grooming. It also shows feces in the cage.

After our visit, Department officials initiated enforcement actions to close the facility. The actions were stayed by the Department upon notice from the operators that they agreed to apply for a license and clean up the facility. Department officials informed us that they have visited the facility and found it to be much improved since these photographs were taken. Improvements noted by the Department included installation of better cages, removal of feces, and improvements in overall sanitation. However, the operators had not yet applied for a license.



### The Department's Response To Complaints Is Frequently Inadequate

The Department's response appeared to be inadequate in 20 of the 27 complaints we reviewed. The following examples illustrate the problems we identified.

In one instance, the Department received a complaint from a private citizen about a suspected unlicensed kennel. An inspector visited the facility in August 1989. Documentation in the file indicates the inspector told the operators they needed to obtain a State license to continue operating. The operators subsequently sent in only part of the license fee. The inspector visited them again in October 1989; no inspection was done, but the inspector prepared a memo to the file stating that the smell from the facility was extremely bad. The file contains no documentation of further visits. However, the inspector indicated that she had attempted to inspect the facility on numerous occasions between October 1989 and June 1990. It appeared that the Department would have pursued this course of action indefinitely. Finally in June 1990, upon receipt of information from the Humane Society of the United States, the Attorney General's Office

conducted a raid on the facility. The Department's inspector accompanied officials from the Attorney General's Office and the Humane Society on the raid. No information about the many attempted inspections or about the raid appears in the Department's file on this facility.

In another example, the Department received a letter of complaint in October 1989 concerning a cattery that was described as filthy and disease-ridden. A Department inspector inspected the facility in November. The inspection revealed problems with poor sanitation, walls and flooring in need of repair, and sick cats. The inspector directed the operator to obtain veterinary care for the sick animals, have the veterinarian write to the inspector to describe the treatment provided, and remedy the unacceptable conditions by January 1990. The Department's file includes a letter written in December by the attending veterinarian listing the problems he diagnosed and outlining the treatments he had prescribed. The file contains no evidence of a follow-up inspection to-date by the inspector to verify that conditions were fixed.

conditions to be fixed appeared to be inconsistent. For example, one facility was given about four and one-half months to do needed painting, while another was given only about one month. Besides looking bad, unpainted surfaces can be a problem because they are not impervious to moisture, as required by the standards. We were unable to tell the extent of the problems in these two cases from the inspection forms.

We found that the Department reinspected six of these 12 facilities on or very near the deadline established by the inspectors for correcting the deficiencies. Of the six remaining facilities, one was not yet due for reinspection, and one had not been assigned a reinspection date because the operator was completing new construction to remedy the substandard condition when the inspection was conducted. Another facility was inspected about four months after the reinspection was due, but Department records do not specifically show whether the violations identified in the initial inspection were corrected. Finally, inspections had not been done for the other three facilities. Those inspections were from one month to 10 months overdue.

Action taken in response to complaints was inadequate in nearly three-fourths of the cases we reviewed. In 20 of the 27 complaints we reviewed, the action the Department took was inadequate to fully address the problem. As noted earlier in this report, the Department did not investigate 11 of these 27 complaints. In nine other cases, we concluded that the Department's actions were insufficient to fully resolve the problem. These nine complaints alleged the following types of problems:

<u>Alleged Problem</u>	<u>Number Of Complaints</u>
Poor conditions, sick animals, or mistreatment of animals	4
Dirty or noisy kennels	2
Lack of food and water	1
Unlicensed kennel	1
Nature of complaint not documented	1

Inspectors investigated seven of the nine complaints. In another instance, they attempted to investigate but were never able to find the operator at home. The remaining complaint alleged excessive noise from dogs, and the Department's only action was to have a letter sent from the Attorney General's Office stating that the individual needed to apply for a license.

When problems were found, the inspectors directed the facility owner to correct them. However, often no follow-up action was taken to ensure that the changes were made and the problems corrected. In addition, because the Department did not keep a complaint file or log, it had no way of knowing the status of any complaint it received.

In reviewing complaints, we noted that the Department did not appear to be in compliance with K.S.A. 47-1709, which requires that complaints filed with the Livestock Commissioner be kept confidential. The Department placed complaints in the breeders' individual files, which are open to the public.

Inspectors' recommendations to the Department to take action against problem breeders were simply filed away, and no action was taken. As we reviewed individual breeders' files, we noticed instances in which an inspector recommended that the Department take legal action against a breeder for repeated or severe problems and failure to comply with Program requirements. The Department has not established any procedures for inspectors to report when they think such action is merited. The inspectors generally wrote their recommendations on the inspection forms, which were simply filed in the breeders' files.

No one within the Department reviews these forms, and no listing exists of the facilities for which inspectors have recommended that legal action be taken. Department staff told us that the program director apparently reviewed inspection forms as they came in, and would have been aware of problem facilities. However, the program director's position has been vacant since January 1990.

The Department has seldom used its statutory authority to seize animals, revoke licenses, and issue fines. The Department has not adopted administrative regulations or developed internal procedures relating to holding administrative hearings, imposing fines, or seizing endangered animals. Regulations or procedures in these areas would allow the Department to take swift, consistent action. Regulations would also put the industry on notice as to the actions the Department would take in certain situations, and they would carry the force of law.

**Purchasers of Kansas Animals  
Expressed Mixed Views About  
The Quality of Animals**

We sent surveys to 112 people and pet stores who purchased animals from Kansas breeders and brokers between January 1990 and May 1990 to see how they viewed the quality of the animals. We received 68 completed surveys for a response rate of 61 percent. In addition to answering specific questions, 46 respondents added written comments. The comments relating to the quality of animals purchased from Kansas were mixed. Some of those comments are presented below. Results of the full survey are contained in Appendix B.

- 17 of the comments indicated that the respondents had received sick animals from Kansas:

- *The puppy was having convulsions in the shipping crate at the airport, ... and died three days later.*

- *The animals purchased had severe cases of kennel cough.*

- *All dogs had worms, ear mites, and kennel cough.*

- *We have been disappointed enough ... to discontinue ordering from (a Kansas broker), in favor of a California broker.*

- *... the worst animals I have ever run across in 28 years in business.*

- On the other hand, 15 of the respondents said they were happy with the quality and health of the animals purchased from Kansas:

- *My purchases from Kansas breeders and brokers have in most cases been very satisfactory.*

- *The quality of their puppies is beyond reproach. If the quality of all Kansas puppies were as good as the ones that I receive, 20/20 would have nothing to write about.*

- *We have purchased puppies and kittens from Kansas brokers for over 20 years. The quality has improved greatly over the years.*

- *I have been very satisfied with the puppies I have received from my Kansas breeders and brokers, and so have my customers.*

- *We have purchased 400 puppies from our broker, ... and only lost one, which was replaced.*

The Department's enforcement actions were very limited before the recent involvement of the Attorney General's Office. The Department held one administrative hearing in June 1989, in which it ordered a breeder to sell or surrender dogs within 48 hours. (Department files do not indicate whether the breeder complied with the order.) In February 1990, the Department referred a facility to a county attorney for prosecution, and in May 1990 it seized animals from a facility whose owner was prosecuted by another county attorney on cruelty charges. The Department has never used its authority to issue fines.

**The Department Has Not Compiled Any Data Showing How Well the Industry Is Complying With Regulations**

Data that show how well the industry is complying with regulations serves multiple purposes. Management should use it to determine whether staffing for the Program is adequate, whether resources need to be concentrated in particular areas, what types of problems are occurring in the industry, how widespread they are, and the like. In short, such information is essential to effectively manage a program. Such data are also necessary for the Governor and the Legislature to consider in recommending and appropriating funding for the program. Finally, such information should be available to the public so they can determine what level of confidence to have in the industry.

The only data the Department keeps is the number of current licensees and registrants. It does not collect any information on the Program or its results. Department

staff maintain a file folder on each individual licensee or registrant, but do not compile any summary information from the data contained in those files. To determine the number of inspections completed in fiscal year 1990, we had to go through more than 1,000 individual files. The Department keeps no data on the number or

types of complaints received, or the number of facilities against which some type of enforcement action was taken.

### **More Than Three-Fourths of the People Who Responded To Our Survey Rated All or Most Animals They Bought From Kansas Breeders or Dealers As Generally Healthy**

To learn how purchasers viewed the quality of companion animals sold by Kansas breeders and dealers, we surveyed a sample of 112 individuals and pet stores who purchased animals from Kansas operators. We received 68 responses, for a response rate of about 61 percent.

Despite the problems we identified with the Department's operation of the Program during this audit, the survey responses were generally positive.

- About 78 percent of the respondents rated all or most of the animals they bought from Kansas breeders or dealers as generally healthy.
- Two-thirds of the respondents indicated the animals they had purchased since January 1, 1990, generally had about the same number of health problems as animals purchased before that date. About one-fourth of the respondents said that animals they bought from Kansas were generally more healthy since that date. This question was designed to indicate whether the health of animals sold has improved since the Program started. Using January 1, 1990, as the comparison date provided one year of inspections to affect the industry. This may not be enough time to effect a significant change.
- Almost half the respondents said that the animals they bought from Kansas had about the same number of health problems as animals from other states. The remaining responses were mixed. Nearly 30 percent said these animals had more health problems than animals from other states and about 25 percent said these animals had fewer health problems than animals from other states.

A copy of the survey document, along with complete responses, is presented in Appendix B of this report.

#### **Conclusion**

The Animal Health Department has not adequately implemented the Companion Animal Program and has not effectively regulated the companion animal industry. Nearly 1,000 animal breeders were licensed or registered in fiscal year 1990, but the Department's procedures for identifying breeders are so weak that there is no reason to think it has located everyone who should be regulated. The limited number of inspections conducted and

the possibility of incomplete or inconsistent inspections increase the likelihood that some licensed breeders are operating in violation of the Department's standards for humane treatment of animals. The Department's failure to routinely take enforcement actions when appropriate has created a situation in which both licensed and unlicensed breeders can violate the law with impunity. And because the Department keeps no statistics on the activities of the Program, its ability to take corrective action is impaired because it does not know the full extent of its problems.



## **Does the Regulatory Program Appear To Be Funded and Staffed To Efficiently and Effectively Carry Out Its Responsibilities?**

The Companion Animal Program does not appear to be funded and staffed at a level sufficient to carry out its responsibilities. License and registration fees were only about one-fourth as much as anticipated in fiscal years 1989 and 1990 because the Department initially estimated it would license or register about four times as many facilities as it has. Transfers from other Department funds and supplemental General Fund appropriations have been made to keep the Program in operation. The Department also cut staffing for the Program by more than half, but current license and registration fees cannot support even these very reduced staffing levels.

At reduced staffing levels in fiscal year 1990, the Department fell far short of meeting all inspection requirements. Several factors have had an impact on the number of inspections Department inspectors could conduct, including a Department policy that resulted in a significant waste of inspectors' time, inspectors' handling of administrative tasks that normally would be handled by Program management, and travel requirements. These and other findings are discussed in the sections that follow.

### **Fees Were Not Sufficient to Support the Program In Fiscal Years 1989 and 1990 Because the Department Significantly Overestimated the Number of Facilities It Would License or Register**

Before the Program began operating, the Department estimated that it would license or register nearly 4,000 facilities, and that inspectors would be able to conduct an average of about 800 inspections per year, or four per day. Thus, officials originally estimated that five companion animal inspectors would be needed, plus a Program director and secretary. The 1988 Legislature authorized four inspector positions, a companion animal veterinarian position to head the Program, and a full-time office assistant to handle secretarial duties.

License and registration fee amounts were established with the intention that the Program would be self-supporting. They were established on the basis of the Department's assumptions about the potential number of facilities to be licensed or registered and the number of staff needed to operate the Program. The fee structures were incorporated into the law.

The following table shows the estimated and actual Program revenues and expenditures for fiscal years 1989 and 1990. The table also shows estimated revenues and budgeted expenditures for fiscal year 1991.

**Estimated and Actual Revenues and Expenditures  
For the Companion Animal Program  
Fiscal Years 1989, 1990, and 1991**

	1989		1990			1991
	Estimated	Actual (a)	Estimated	Revised	Actual	Budgeted
<b>REVENUES</b>						
Fees from Licenses and Registrations	\$307,175	\$ 93,350	\$307,175	\$ 68,350	\$ 74,305	\$70,350
Transfers	33,800	45,800	0	0	105	0
General Fund	0	30,000	0	120,000	20,000	0
<b>TOTAL REVENUES</b>	<b>\$340,975</b>	<b>\$169,150</b>	<b>\$307,175</b>	<b>\$188,350</b>	<b>\$94,410</b>	<b>\$70,350</b>
<b>EXPENDITURES</b>	<b>\$113,733</b>	<b>\$102,620</b>	<b>\$200,071</b>	<b>\$163,680</b>	<b>\$110,676</b>	<b>\$67,150</b>

(a) Actual expenditures shown for fiscal year 1989 were for less than a full year. The Program was not fully staffed until January 1989.

As the table shows, license and registration fees actually collected in fiscal years 1989 and 1990 were only about one-fourth the amount anticipated. As a result, the Department was unable to staff the Program as it had intended, and has needed additional operating revenues in the form of supplemental General Fund appropriations and transfers from other Department funds.

Fee revenues were so much lower than expected because of faulty assumptions about the number of facilities that would be licensed and registered. The Department estimated it would find many more non-federally licensed facilities and hobby breeders than it has to date. The table on the facing page breaks out the numbers of each type of facility the Department anticipated it could license or register and shows, based on the fee structure, how much revenue would have been generated by each. The table also shows the number of each type of facility that actually was licensed or registered in fiscal year 1990, and the dollar difference between estimated and actual revenues.

As the table shows, the Department licensed or registered 936 facilities in fiscal year 1990, or only about one-fourth as many as it anticipated. Two types of facilities accounted for most of the difference in estimated revenues. First, the Department estimated it would license 1,270 non-federally licensed facilities; it licensed only 21 such facilities in fiscal year 1990. Second, the Department estimated it would register a total of 1,925 hobby breeders; it registered only 290 in fiscal year 1990.

Department officials said they based their estimates on U.S. Department of Agriculture figures, which indicated that 150,000-170,000 puppies were being sent out of Kansas every year. According to Department officials, such large numbers of puppies suggested to them that Kansas had a large number of breeders. However, once

*g. O. 3-4-91*  
*attachment 2-35*

**Revenue Calculations Based On Fiscal Year 1990 Figures  
By Number and Type of Facility**

<u>Type of Facility</u>	<u>Fee</u>	<u>Initial Program Estimates</u>		<u>Fiscal Year 1990</u>		<u>Dollar Difference</u>
		<u>Projected Number</u>	<u>Projected Revenues</u>	<u>Actual Number</u>	<u>Calculated Revenues (a)</u>	
<b>State and Federal Licensees</b>						
Kennels/Catteries	\$ 75	550	\$ 41,250	479	\$ 35,925	(\$ 5,325)
Research Facilities	150	12	1,800	10	1,500	(300)
<b>State-Only Licensees</b>						
Kennels/Catteries	150	1,270	190,500	21	3,150	(187,350)
Pet Shops, Pounds, and Shelters	150	170	25,500	136	20,400	(5,100)
<b>State-Only Registrants</b>						
Hobby Breeders	25	1,925	48,125	290	7,250	(40,875)
<b>TOTALS</b>		<b>3,927</b>	<b>\$307,175</b>	<b>936</b>	<b>\$68,225</b>	<b>(\$238,950)</b>

(a) Total fiscal year 1990 fee revenues shown in this table are less than actual fiscal year 1990 fee revenue shown in the previous table by about \$6,000. The Department does not record fee revenues by different categories of facilities. For this table, we calculated revenues from each category based on our count of the number of facilities licensed or registered in fiscal year 1990. Thus, the dollar differences shown in the last column are slightly overstated.

the Program began operating, Department officials said they learned that the U.S. Department of Agriculture's numbers of Kansas puppies apparently included puppies that were raised in out-of-State kennels, sold to several large Kansas brokerage operations (or licensed dealers), then shipped out-of-State to pet shops and other facilities.

**Fee Revenues Are Not Likely To Be Sufficient To Operate the Program In Fiscal Year 1991, Even At Very Reduced Staffing Levels**

As the table on page 28 showed, the Department's estimated fee receipts for the Companion Animal Program for fiscal year 1991 were \$70,350. That figure is in line with actual fee receipts from the two previous years. The Department's estimated expenditures for the year were \$67,150, a figure that is nearly \$44,000 less than the Program's actual fiscal year 1990 costs.

The Department expected to reduce Program costs for 1991 by keeping its staff size down. During fiscal year 1990, the Department reduced its inspection staff from four inspectors to two inspectors. In addition, the program director left about halfway during the year and was not replaced, and the office assistant was assigned to the Program on only a half-time basis.

Using salary information from the State's payroll system, we estimated that the Department's fiscal year 1991 expenditures for its two current inspectors and one half-time office assistant would actually be \$10,000 more than the Department has

### Other Companion Animal Inspection Programs Are Not Self-Supporting

We talked with officials responsible for operating three other companion animal inspection programs (the U.S. Department of Agriculture and the states of Illinois and Iowa). None of these programs is completely funded by fees collected from regulated facilities. Estimates of the amount of expenses paid by fees varied from 5 percent (federal) to 50 percent (Illinois). The basis for their fees, and the amounts, are as follows:

USDA: Annual fees are based on total sales, and range from \$30 to \$750. In addition, the regulated facility must pay a \$10 application fee for the license and each renewal.

Illinois: Each regulated facility must pay \$25 for a license and for annual renewals. An additional \$15 is charged if the fee is paid after July 1.

Iowa: Fees vary by type of facility, such as pounds, pet shops, kennels, and dealers. Fees are also different for facilities that are licensed with the federal government. Fees range from \$15 to \$100.

Kansas: Fees are based on the type of facility, and are less if the facility is licensed by the federal government. Fees range from \$25 to \$150.

budgeted. In other words, its budgeted expenditures for fiscal year 1991 appear to be \$10,000 too low. Even at very reduced staffing levels, then, the Department's estimated fee receipts will be too low to support the Program.

As noted earlier, license and registration fees for animal breeders and dealers were set with the intention of making the Program self-supporting, and were based on early assumptions about the number of facilities to be regulated. The Department has not sought to change the fee levels set in law, even though fee receipts were so much less than anticipated in fiscal years 1989 and 1990, and apparently will not cover fiscal year 1991 costs.

We talked with officials from the U.S. Department of Agriculture, Illinois, and Iowa about their companion animal inspection programs, and found that none of these programs is completely funded by fees collected from regulated facilities. Estimates of the amount of expenses paid

by fees were five percent for the federal program, 25 percent for Iowa, and 50 percent for Illinois. The accompanying profile shows the types of fees charged for these three programs.

### The Department Did Not Conduct the Required Number of Inspections in Fiscal Year 1990 at Reduced Staffing Levels

The Department does not compile information on such things as the number of inspections conducted. For fiscal year 1989, we reviewed a sample of 62 licensee files and found that the Department had conducted at least one inspection at every federally licensed facility, and had come fairly close to inspecting each State-only licensed facility at least twice, as required by law.

For fiscal year 1990, we reviewed all facility files for fiscal year 1990 and found that the Department had conducted only 584 of the 1,060 inspections required by law and its own policy on hobby breeders that year, or 55 percent. The Department initially estimated that each Program inspector could do 800 inspections per year, although in its fiscal year 1991 budget request (submitted in the fall of 1989) the Department revised that estimate downward to about 350 per year. In fiscal year 1990, the two inspectors currently with the Program conducted 552 of the 584 inspec-

tions done, or an average of 276 inspections each per year. They also conducted an average of 24 reinspections each per year.

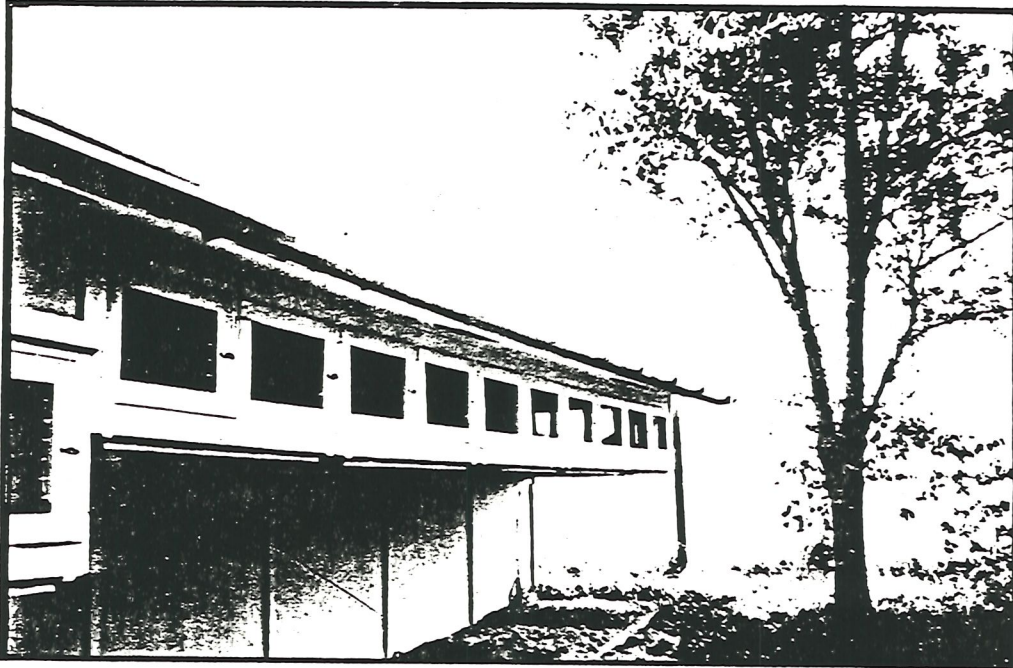
We looked at several factors that could influence the number of inspections conducted by Department inspectors. Again as described in question one, the absence of standardized written policies, procedures, or appropriate regulations can result in an inefficient use of inspectors' time. Other factors we identified that likely had an impact included the following:

- **A Department policy that inspectors could not inspect facilities if the owner was not home or was "just leaving."** The number of inspections conducted can depend on how efficiently inspection visits are scheduled. Our review of two months of inspector activity reports showed that initial schedules appeared to be efficient; that is, inspectors appeared to be planning their visits in the most direct routes. However, inspectors lost a significant amount of time because of this Department policy.

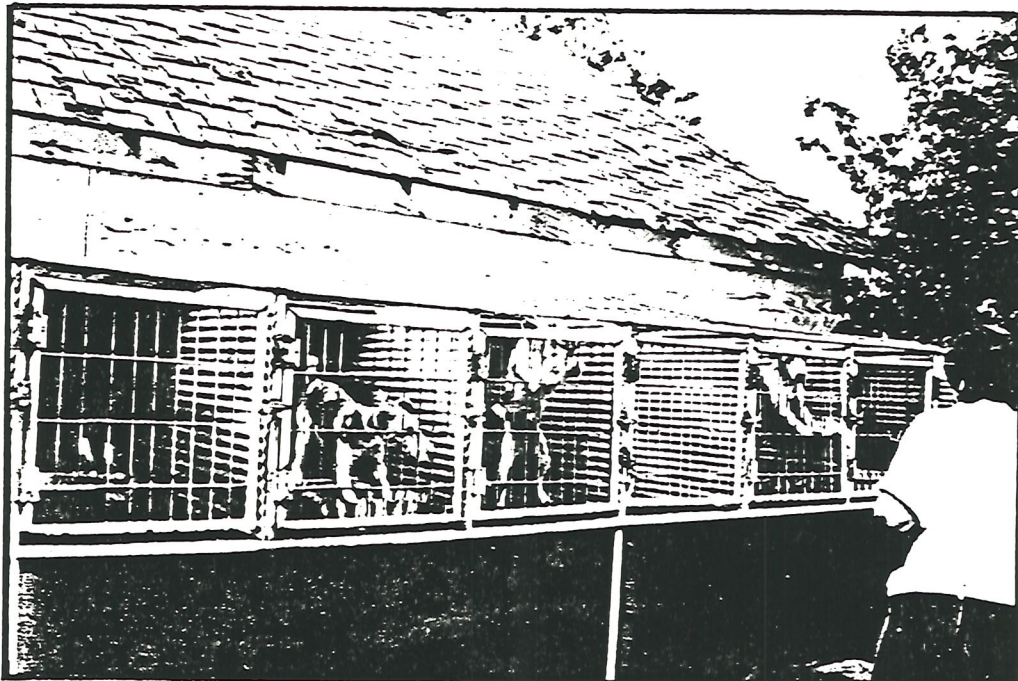
Because inspections are unannounced, some operators may be away from their facilities when the inspectors arrive. Of the 261 visits the inspectors made during the two-month period, 152—about 58 percent—resulted in no inspection being conducted because the facility operator was not home, was "just leaving," or perhaps simply did not answer the door. We noticed during the nine days we spent accompanying inspectors that about one-fourth of their time was spent driving to and from facilities where no inspection was conducted.

Recently the Attorney General's Office indicated that facility operators do not have to be present for an inspection to be conducted. Adopting such a policy would lead to more productive use of inspectors' time.

- **Inspectors are handling administrative tasks that normally would be handled by Program management.** We found that inspectors spent considerable time coordinating enforcement activities with law enforcement officials, developing inspection forms, appearing before legislative committees, and working on proposed changes to regulations. When we accompanied inspectors, we noted that 20 percent of their time was spent conferring with Department officials and others—or driving to and from such conferences—about problems they had found at facilities during previous inspections and about potential enforcement actions. Apparently, much of this work used to be done by the program director. We also found that inspectors performed such tasks as routine correspondence and photocopying that could be performed by clerical staff. Although inspectors may need to spend some time on such activities, such heavy involvement significantly reduced the time available to conduct inspections.
- **Travel requirements.** The two inspectors have to cover a very broad territory. When we accompanied them on inspections, we found that they spent a total of 58 percent of their time driving.



These cages show the outside portions of runs that also were partially inside the building. They appeared to be well-constructed and the area beneath them was free of debris and feces. There were similar runs built into the other half of the building.



The kennel photographed here also had runs that were built with inside and outside sections. However, unlike the well-constructed building shown above, this facility was in need of paint and general repair.

Without significant changes in the way the Companion Animal Program is being operated, it appears unlikely that the Department will be able to efficiently and effectively inspect animal breeders and dealers as often as is currently required by law.

### **Federal and State Regulation of This Industry Overlap Somewhat, and Many Animal Breeders and Dealers We Surveyed Thought It Unnecessary To Have Dual Regulation**

In fiscal year 1990, 479 of the 936 facilities the Department licensed also were licensed by the federal government. Under the federal program, facilities are generally inspected at least once per year. Although State regulation of federally licensed facilities was started, in part, because of concerns about the adequacy of federal inspections and enforcement efforts, it is nonetheless true that these two programs overlap.

We surveyed a sample of 144 breeders and dealers regulated by the State. We received 85 responses, for a response rate of 59 percent. Nearly three-fourths of the respondents thought it was unnecessary to have dual regulation of the industry. At the same time, it should be noted that 85 percent thought the current number of federal and State inspections was about right or should be increased.

Some respondents also commented about inconsistencies between federal and State inspectors as to how regulations should be interpreted. In addition, slightly more than two-thirds of the respondents indicated the quality of State inspections was adequate to protect companion animals. Thirteen percent thought the quality was inadequate, and 20 percent reported that they did not know. A copy of the survey document, together with complete responses, is presented in Appendix C.

In some programs operated at both the State and federal levels, the two governments coordinate their activities to minimize duplication of effort. For instance, State grain inspectors act as the federal government's agents when conducting inspections, and the cost of inspections is shared by both governments. The Banking Department accepts federal examinations in lieu of its own examinations.

In light of its limited resources, the Department may want to consider options for operating the Companion Animal Program in a more cost-effective manner. One option would be to accept a federal license and inspection in lieu of a State license and inspection. Another option would be for the Department to continue licensing facilities but to target its regulatory efforts toward facilities that are unlicensed or that federal or State inspectors have identified as having problems. Under this option, the Department could inspect other facilities on a periodic or spot-check basis.

Although these or other options for coordinating the Companion Animal Program with the federal program may help eliminate duplication and may allow the Department to better address problem facilities operating in Kansas, they could not be

made without a change in the Animal Dealers Act. In addition, the Department would need to satisfy itself that the inspections performed by federal inspectors met the needs and concerns of Kansas' Program.

### Conclusion

The Companion Animal Program has not been administered, managed, funded or staffed to the extent needed to efficiently and effectively carry out the Legislature's intent in creating the Program. During this audit there has been considerable public discussion of moving the Program to another agency. Any agency that houses this Program—whether the Animal Health Department or another agency—will need to address the serious problems identified in this audit. Regulation of the animal breeding and selling industry can be made more effective and efficient, but that will take strong leadership and commitment.

### Recommendations

#### Overall Management Recommendation for the Animal Health Department and Board

1. To ensure that the Companion Animal Program meets the Legislature's intent in establishing the Program and is adequately funded, staffed, and managed, the Animal Health Department and the Animal Health Board should develop a comprehensive plan for effectively and efficiently operating the Program. Such a plan should be submitted to the 1991 Legislature for its review and approval. In preparing the plan, the Department and the Board should consider the problems identified throughout this report, and should at a minimum address the following:

- a. *Rules, regulations, policies, procedures, and standards that are needed to effectively operate the Program and oversee its activities.* The Department should move forward to repeal the federal regulations it adopted in error, and should either adopt the federal standards it intended to adopt or develop and adopt other applicable standards. In developing or adopting new rules, regulations, policies, and procedures, the Department and the Board should ensure that the following areas are adequately addressed:
  - the assignment of complaints for investigation and the time-frames developed for investigating them
  - the assignment of consistent deadlines for correcting similar violations noted during inspections



- inspectors' access to facilities to conduct inspections
  - situations that lead to an administrative hearing, and the actions preceding and following such a hearing
  - penalties that will be imposed for violating provisions of the Animal Dealers Act, and the actions leading up to the imposition of such penalties
  - situations that lead to seizing animals endangered by substandard conditions, and the actions leading up to such seizures
  - management and oversight of the Program to ensure that facilities receive the minimum number of inspections required by law; that inspection priorities are established by Program management; that inspections are complete, consistent, and efficiently scheduled; that complaints are investigated on a timely basis and appropriate actions are taken to correct any problems identified; that reinspections are performed on a timely basis; that appropriate Department personnel are informed of recommended actions against problem or unlicensed dealers; and that appropriate enforcement actions are initiated, are taken when necessary, and are adequate to address the problems identified.
  - animals sold both in-State and out-of-State are free from health and genetic problems. Federal health certificates are currently required only for out-of-State sales and do not address genetic problems.
- b. *The number and type of staff needed to effectively operate the Program and oversee its activities.* In determining how many inspectors are needed to meet the Program's inspection requirements, the Department and the Board should review and revise any policies that result in a significant waste of inspectors' time, and should strongly consider the need for a full-time director to manage day-to-day operations and oversee Program staff and results. The Department and the Board also should ensure that all future Program employees meet the minimum qualifications outlined for their jobs, and do not have conflicting interests with the industry they will be regulating.
- c. *Short-term and long-range funding needs.* The Department and the Board should develop realistic estimates for adequately funding the Program. The need to raise or revise current licensing and registration fees to help meet any additional Program costs should also be considered and addressed. In developing these estimates, the Department and the Board should consider the effects of such options as coordinating more closely with the federal program and targeting inspection and enforcement activities toward known problem facilities or unlicensed facilities. If the Department and the Board think these or other options for operating the Program

may be cost-effective and in the State's best interest, they should develop alternative funding needs for such options and should propose appropriate changes to the Animal Dealers Act.

- d. *The information needs of the Department and the Legislature.* The Department and the Board should collect and report summary information that shows how well the industry is complying with the Animal Dealers Act. Such information should include the numbers of licensees and registrants, inspections completed, violations found, enforcement actions taken, and other information that officials deem necessary to evaluate how well the Program is working to improve the conditions under which companion animals are raised and sold.

#### **Specific Recommendation Relating to Standards for the Health and Humane Treatment of Animals**

2. To help ensure that animal breeders and dealers treat companion animals in a humane fashion, the Department should consider making the following changes to the standards that animal breeders and dealers must adhere to:

- increasing space requirements for cages and runs or exploring other alternatives for ensuring that animals' housing conditions are humane
- increasing requirements for providing water during warm weather
- improving sanitation of areas under raised cages and runs

#### **Specific Recommendations Relating to Proper Licensing, Registration, and Payment of Fees**

3. To ensure that all animals breeders and dealers operating in Kansas are properly licensed and registered, the Department should take the following actions:

- a. Review U.S. Department of Agriculture listings annually to identify persons who should be licensed or registered by the State.
- b. Review other sources such as national dog and cat magazines and animal show programs to identify Kansas breeders and dealers.
- c. Survey Kansas veterinarians and extension agents for information about potential licensees or registrants.

- d. Attempt to obtain breeder listings from the American Kennel Club and other purebred registries. This action may require the assistance of other agencies such as the Attorney General's Office.
  - e. Verify whether the following potential licensees or registrants identified by the Department are required to be regulated:
    - those who do not respond to Department inquiries
    - those who claim to sell too few animals to require regulation
    - those who claim to be out of business
  - f. Verify whether people who fail to renew their licenses or registrations are no longer in business or are operating in violation of the law.
  - g. Require animal breeders and dealers to have a license for each separate operating premise, in accordance with K.S.A. 47-1702.
4. To ensure that breeders and dealers who claim to be federally licensed pay the appropriate fees to the State, the Department should require them to show proof of federal licensure when they apply for a license or during State inspections.
  5. To ensure that licensees and registrants are familiar with the Animal Dealers Act, the regulations that govern the program, and basic health care for animals, the Department should consider providing information outlining such information to all licensees and registrants.
  6. The Department should comply with K.S.A. 47-1712(d), which prohibits the refund of fees.

#### **Specific Recommendations Relating to Inspections**

7. To help ensure that inspections are conducted when called for, the Department should develop a log or other type of tracking system that will show such things as when facilities were last inspected, which facilities are due for an inspection and when they are due, whether and when reinspections are called for, and whether they have been conducted.
8. To help ensure that inspectors consider all standards and report all instances of noncompliance with the standards, and to provide a record of inspection activities, the Department should develop an inspection checklist or detailed inspection form for inspectors to use in conducting inspections.
9. To ensure that violations found during inspections are appropriately documented and followed up on, the Department should require inspectors to record all violations identified during inspections.

### **Specific Recommendation Relating to Handling Complaints**

10. To help ensure that complaints against animal breeders and dealers are treated appropriately and consistently, the Department should do the following:

- a. Establish a separate complaint file and determine what information should be kept in that file.
- b. Develop a log or other type of tracking system that shows when complaints were received, the nature of the complaint, any action taken, and the status of that complaint.
- c. Maintain the confidentiality of complaints, as required by K.S.A. 47-1709.

### **Specific Recommendation Relating to Enforcement Actions**

11. To help ensure that it is adequately enforcing the Animal Dealers Act, the Animal Health Department should develop a log or other type of tracking system that shows what enforcement actions are pending, any action taken, and any subsequent actions needed.

## Appendix A

### Guidelines For U.S. Department of Agriculture Licensed Kennels And Catteries

#### Facilities General

1. Whether the facility is a 3 story building or a dog house, it shall be well maintained, keep the animals confined, keep the animals safe and keep other animals out.
2. Ramshackle buildings which are falling apart cannot be used to house dogs or cats. Buildings must be structurally sound to assure that wind or the weight of snow will not cause them to collapse and injure the animals.
3. Electric power must be available for heat, cooling, sanitation equipment, etc., as needed.
4. Water which is suitable for drinking must be supplied.
5. Food and food storage areas must be free of flies, rodents, birds, and other pests. Unopened sacks of feed should be stored off the floor on shelves or pallets. Feed storage in opened sacks is not allowed. The remaining feed in the sack must be stored in metal or plastic cans with lids. Insecticides, disinfectants and other chemicals should not be stored in the same room with feed and bedding.
6. Perishable food must be fed the day it is received or refrigerated.
7. Accumulations of trash, garbage, dead animals and manure piles are not allowed. Untidy outside premises (waste disposal areas, garbage cans, areas around buildings) are not acceptable. Piles of rocks, wood, fencing, etc. should be kept at least 15-20 feet from animal housing. Animal wastes removed from runs or under runs should be removed from the area at that time.
8. Washrooms may be in the owner's, manager's or animal caretaker's home at small facilities.

#### Indoor Housing Facilities

1. Room temperature shall be kept at 50 degrees F. or above unless the dogs or cats are accustomed to lower temperature.
2. Rooms shall be ventilated so as to minimize drafts, odors, and moisture condensation. Ammonia, odors and high humidity are harmful to dogs and cats. If the room is uncomfortable--hot, cold, or humid--it is uncomfortable for dogs and cats. Fans or air conditioning shall be provided when the temperature is 85 degrees F. or higher. Ten to fifteen air changes per hour are recommended.
3. Rooms shall have natural or artificial light sufficient to permit routine inspection and cleaning during at least 8 hours each day. Protect animals from excessive illumination. If heat lamps are used, use red rather than clear.
4. The walls, floors, cages, pens and runs shall be durable and have sealed, washable surfaces that are easy to keep clean and sanitary. Cracks must be filled. A suitable

## General Guidelines

### Indoor Housing Facilities (continued)

surface can be wiped dry. Absorbent surfaces will remain damp after wiping and cannot be properly sanitized.

5. Acceptable surfaces in animals rooms include:
  - (a) steel or metal--not rusted or torn.
  - (b) hard, smooth plastics, formica or acrylics--if well maintained and not torn.
  - (c) concrete, concrete blocks, cinder blocks, or bricks must have a smooth, nonporous, non-flaking surface and be coated with a sealer.
  - (d) asphalt--if smooth and uncracked and coated with a sealer.
  - (e) Wood--if of good quality and well maintained, smooth--not cracked or splintered--and treated or sealed with a material such as shellac, varnish, plastic urethane, non-toxic paints, or water seal, etc. These materials must be waterproof, washable, non-toxic and contain no lead. A properly treated surface can be wiped dry.
  
6. Unacceptable surfaces in animal rooms include:
  - (a) raw or unfinished wood or other porous surfaces such as coarse asphalt, concrete, etc., which do not have a smooth finish.
  - (b) wood painted or treated with whitewash, creosote or linseed oil.
  - (c) plastic sheeting--wood or plasterboard walls, etc., covered with plastic sheeting. Plastic sheeting is not considered to be a "building surface," is not "substantial" and does not comply with the structural strength requirements.
  - (d) wood paneling as found in old trailer homes where the outer layer is starting to crack and separate.
  - (e) inlaid tile floors where the edges of the tiles are starting to curl and separate from the floor.
  - (f) unsealed cracks such as where the sidewalls contact the floor or bottom of the cage.
  
7. Floor drains are desirable, but are not required in animal rooms. Floors may be mopped or wet vacuumed.

### Facilities - Outdoor

1. Shade must be provided for the animals comfort. Many dog houses do not provide sufficient shade. Additional shade sources are often needed.

## General Guidelines

### Facilities - Outdoor (continued)

2. The shelter must be constructed to keep out rain and snow and to provide a dry bed at all times.
3. When outdoor air temperatures fall below 50 degrees F., dogs and cats must have a "dog house type" structure for shelter. Clean bedding is needed in cold weather.
4. The pen must be constructed so that water drains off and puddles are not allowed.
5. Car bodies, refrigerators, other appliances, steel drums, etc. are not acceptable housing.

### Primary Enclosures - Rooms, Cages, Pens, Runs

1. Must be safe--no sharp wires or protruding nails, etc.
2. Must safely confine dog or cat with no places to accidentally strangle or break bones.
3. Must prevent entry of predators, such as coyotes or stray dogs. Dogs on chains are at a disadvantage and shall be protected by a fence.
4. Must enable dogs and cats to remain clean and dry.
5. Must provide sufficient accessible water and food containers.
6. Floors must not injure feet. Wire mesh floors must be appropriate for the size of the animals feet. Mesh that is too large tends to cause sore feet or can even allow the feet to slip through.
7. Cat pans must be provided in all cages that have a solid floor. The cat pans must be changed often to provide sufficient clean litter and to prevent odor. Cats on grill or slatted floors do not require a cat pan.
8. Cat cages must have a solid resting surface. The solid resting surface must be elevated above the floor in cages housing more than one cat. We recommend that dogs on wire have a solid resting surface also.
9. Dog and cat cages, pens, or rooms must provide sufficient space for them to stand, sit, turn, and lie down in a normal comfortable fashion.
10. Minimum floor space for a dog is calculated by measuring the length of the dog from the tip of its nose to the base of its tail as it stands in a normal position. You add 6 inches and square that amount to calculate the floor space needed. For example, if the dog measures 28 inches:

$$28'' + 6'' = 1156 \text{ square inches.}$$

This dog requires a minimum of 1156 square inches of floor space. If the cage houses two (2) dogs of this size the floor space must be doubled and so on for each additional

## General Guidelines

### Primary Enclosures - Rooms, Cages, Pens, Runs (continued)

#### 10. (Continued)

dog of this size. The space occupied by feeders and waterers is subtracted when calculating floor space. We recommend exceeding this minimum floor space by 50% or more if possible.

11. We allow the outdoor runs to be included as part of the minimum required floor space, but care must be taken to provide sufficient room inside so that all animals in each enclosure can be comfortable at night and on cold or wet days. We recommend that at least 50% of the minimum required floor space be inside.
12. Do not house more than 12 dogs or cats in the same enclosure. Less would be better in most cases.
13. Each adult cat must be allowed 360 square inches of floor space. Space occupied by cat pans, feeders and waters is deducted from available floor space when floor space is calculated.

### Feeding

1. Dogs and cats shall be fed at least once daily unless food is withheld on advice of your veterinarian in specific cases. Food must meet the nutritional needs of the individual animal (clean, wholesome, nutritive--correct for puppies, kittens, nursing females, etc.). Commercial dry dog and cat food should be used within 6 months after the milling date on the sack.
2. All food containers must be accessible; properly located to keep food clean (must be elevated if male dogs are urinating on them); must be durable, kept clean and sanitary; must not be rusty, torn, or chewed up. Paper plates must be discarded after each feeding.
3. Self feeders are acceptable for dry food and must be durable, kept clean and sanitary. It is usually best if they are easily removable for cleaning. Moldy, deteriorating, caked feed is not allowed.

### Watering

1. Water must be suitable for drinking and shall be available at all times or at least twice daily for at least one hour each time unless otherwise required for veterinary care.
2. Water receptacles must be kept clean every day and thoroughly sanitized at least every 2 weeks. Certain PVC pipe waterers cannot be readily sanitized and are not acceptable. Water containers must not be rusty, torn or chewed up. Algae accumulation in water and on containers is not acceptable.
3. If automatic waterers are used, be sure they work, they do not drip on animals or bedding



## General Guidelines

### Watering (continued)

3. (continued).  
and they are accessible.

### Sanitation

1. Cages, rooms and runs will have excreta removed as often as necessary to prevent soiling of the animals and to reduce disease hazards and odors. For individually caged animals, this may mean cleaning several times a day.
2. Cages, rooms and runs will be thoroughly sanitized at least once every 2 weeks. This is in addition to routine cleaning. Surfaces that are washable (all indoor surfaces shall be washable) shall be washed with soap or detergent and disinfected as advised by your veterinarian. Dog houses must be sealed inside and out to be sanitizable. Pens or runs with a gravel, sand or dirt surface are sanitized by removing soiled material and replacing as necessary to provide a clean, smooth surface. Outdoor runs are easier to keep sanitary if the sun can shine on them, so avoid building runs on the north side.
3. Buildings and grounds shall be kept clean and in good repair. Accumulations of trash are not allowed in or near the building. Storage areas for feed, equipment, garbage and trash will be kept clean, neat and well maintained.

Pest Control. Use fly bait or spray as needed. Dip or spray animals and premise as needed to control fleas, mange and lice. Keep birds out of houses. Use sufficient mouse and rat traps or bait to control and eradicate rodents populations. Eliminate possible pest breeding areas such as trash and manure. Provide tight fitting screens and doors and keep building sealed and in good repair.

Employees. You must be able to provide the required animal care and maintenance yourself or hire sufficient employees to assist your. You must have the knowledge to provide proper care for your animals.

### Classification and Separation

1. Animals in the same cage, pen, or run must be housed as follows:
  - (a) in compatible groups.
  - (b) females in season will not be housed with males except for breeding purposes.
  - (c) vicious dogs or cats will be housed alone.
  - (d) puppies and kittens will be housed only with their dams (no other adults) unless in a breeding colony.
  - (e) no dogs and cats will be allowed in the same enclosure, and they must not be housed with other animals either.

## General Guidelines

### Classification and Separation (continued)

- (f) weaned puppies and kittens should be kept housed with puppies and kittens of similar age and size.
2. Dogs and cats under quarantine or under treatment for communicable diseases should be kept in a separate room or building.
3. "B" dealers must have a separate holding area for the dogs and cats they purchase for resale.
4. We recommend that dogs and cats be housed at least 50 feet away from horses, cattle, hogs and chickens. This is based on possible incompatibility and potential problems with livestock manure and fly problems affecting the cats and dogs.

### Veterinary Care

1. Your inspector will ask you:
  - (a) who is the veterinarian who supervises and assists with your veterinary care program?
  - (b) what internal and external parasite control program has your veterinarian established?
  - (c) what procedures for euthanasia have been established by your veterinarian?
  - (d) what vaccination programs have been established by your veterinarian?
2. Your veterinarian is responsible for setting up a professionally acceptable program and must call on the kennel often enough to supervise and assist with the veterinary care.
3. You shall check all of your animals each day and provide veterinary care if any indications of illness are observed. Sick, injured, lame or blind dogs or cats shall be provided with veterinary care or humanely disposed of.
4. Give proper care such as brushing and clipping hair, bathing, dipping and nail clipping to prevent diseases of the eyes, skin and feet that could occur if neglected. Soiled matted hair may irritate the skin and lead to sores and maggots if neglected.
5. Heat lamps should not be placed so close to puppies and their mothers so they are burned or overheated. use red heat lamps or heating pads so as not to over illuminate them. Shield the bulbs and wiring to prevent breakage, chewing and electric shock.

### Records and Identification

1. Each dog or cat must be individually identified and recorded in your records so that all purchases, sales, births and deaths can be traced.
2. Breeding stock shall carry an official tag on their collar or carry an approved legible tattoo.

## General Guidelines

### Records and Identification (continued)

2. (continued)

(Not always required in small "A" dealer kennels).

3. Puppies. "A" dealers must apply approved identification when sold. "B" dealers must apply approved identification on acquisition. Plastic identification collars are acceptable for puppies or kittens less than 16 weeks of age. (Note: "A" dealers raise all the animals they sell. "B" dealers purchase and resell puppies and kittens and may also have a breeding colony.)
4. Refer to Part 2-Regulations for further details on identification and records in sections 2.50-2.55 and 2.75 on pages 10-12 of the regulation booklet (Subchapter A-Animal Welfare).
5. Official tags and collars are available from several sources. A list is available from USDA. Free forms are available from USDA to help you keep the required records; however, use of USDA forms is not required as long as your system or records provides all of the information required by the regulations and the information is readily available to the USDA inspector.

## Appendix B

### Survey of Purchasers of Animals

Surveys were sent to 112 out-of-State persons and pet stores who purchased animals from Kansas breeders and dealers. In all, 68 surveys were completed and returned for a response rate of nearly 61 percent. The appendix shows the number of responses to each question, and the percentage for each answer. All completed surveys are available for review at the Kansas Legislative Division of Post Audit.

# KANSAS LEGISLATIVE DIVISION OF POST AUDIT

## Survey of Purchasers of Animals from Kansas

This survey is being conducted as part of a performance audit of the Kansas Animal Health Department's Companion Animal Program. The purpose of this survey is to learn how buyers of animals sold by Kansas breeders or brokers view the quality of the animals they have purchased. Please complete the survey and return it in the enclosed postage-paid envelope by Friday, June 8, 1990. Your assistance with this audit is very much appreciated. If you have any questions about the survey, please contact Cindy Lash at (913) 296-3792.

1. Approximately how many animals have you purchased from Kansas breeders and brokers during the last 12 months? (check one)	<u>Number of Responses</u>	<u>Percent of Respondents</u>
a. <input type="checkbox"/> Less than five	4	5.9%
b. <input type="checkbox"/> Five to 24	4	5.9
c. <input type="checkbox"/> 25 to 99	16	23.5
d. <input type="checkbox"/> 100 or more	44	64.7
2. In general, how would you rate the health conditions of animals you have purchased from Kansas animal breeders and brokers? (check one)		
a. <input type="checkbox"/> All animals purchased were healthy	10	14.9
b. <input type="checkbox"/> Most animals purchased were healthy	42	62.7
c. <input type="checkbox"/> About half of the animals purchased were healthy	5	7.5
d. <input type="checkbox"/> Most of the animals purchased had health problems	9	13.4
e. <input type="checkbox"/> All of the animals purchased had health problems	1	1.5
3. How would you compare the health conditions of animals you have purchased <u>since January 1, 1990</u> with animals purchased previously from Kansas breeders and brokers? (check one)		
a. <input type="checkbox"/> No Kansas animals were purchased before January 1, 1990	6	*
b. <input type="checkbox"/> Kansas animals purchased recently were generally more healthy	15	26.8
c. <input type="checkbox"/> Kansas animals purchased recently and in the past had about the same amount of health problems	37	66.1
d. <input type="checkbox"/> Kansas animals purchased recently were generally less healthy	4	7.1
e. <input type="checkbox"/> No Kansas animals were purchased after January 1, 1990	4	*

\* Not included in percentage calculations.

g.o. 3-4-91  
54  
Attachment 2.55

	<u>Number of Responses</u>	<u>Percent of Respondents</u>
4. How would you compare the health conditions of animals you have purchased from Kansas animal breeders and brokers with the health conditions of animals you have purchased from breeders and brokers in other states? (check one)		
a. <input type="checkbox"/> Kansas animals had significantly more health problems	11	19.3%
b. <input type="checkbox"/> Kansas animals had slightly more health problems	6	10.5
c. <input type="checkbox"/> Kansas animals had about the same amount of health problems	26	45.6
d. <input type="checkbox"/> Kansas animals had slightly fewer health problems	9	15.8
e. <input type="checkbox"/> Kansas animals had significantly fewer health problems	5	8.8
f. <input type="checkbox"/> Did not purchase any animals from other states	10	*
* Not included in percentage calculations.		

Are there any comments you would like to make about animals purchased from Kansas breeders and brokers?

*Of the 68 persons who completed and returned the survey, 46 provided additional comments about animals purchased from Kansas breeders or brokers. The comments were about equally divided between those who were satisfied, and those who were not satisfied with the animals purchased.*

g.o. 3-4-91

attachment 2-55

g.O. 3-4-91  
attachment 2-<sup>56</sup>~~57~~

## Appendix C

### Survey of Animal Breeders and Dealers

Surveys were sent to 144 Kansas animal breeders and dealers to see how they viewed the State's companion animal program. In all, 85 persons returned completed surveys, for a response rate of 59 percent. The Appendix shows the number of breeders and dealers who responded to each question. In some cases, respondents gave more than one response to a question. The percentages for those questions will total slightly more than 100 percent. All completed surveys are available for review at the Kansas Legislative Division of Post Audit.



# LEGISLATIVE DIVISION OF POST AUDIT

## Survey of Animal Breeders and Sellers

This survey is being conducted as part of a performance audit of the Animal Health Department's Companion Animal Program. The purpose of this survey is to learn how animal breeders and dealers regulated under the law view the quality and effectiveness of the State's inspection program, and how the State's program compares with the U.S. Department of Agriculture's enforcement of the federal Animal Welfare Act. Please complete the survey and return it in the enclosed postage-paid envelope by Friday, June 1, 1990. If necessary, use additional sheets for your comments. Your assistance with this audit is very much appreciated. If you have any questions about the survey, please contact Cindy Lash at (913) 296-3792.

1. What is your operational classification?	<u>Number of Responses</u>	<u>Percent of Respondents</u>
a. <input type="checkbox"/> animal dealer with a "Class A" U.S. Department of Agriculture license	33	40.2%
b. <input type="checkbox"/> animal dealer with a "Class B" U.S. Department of Agriculture license	9	11.0
c. <input type="checkbox"/> animal dealer without a U.S. Department of Agriculture license	6	7.3
d. <input type="checkbox"/> pet shop, pound, or shelter	16	19.5
e. <input type="checkbox"/> research facility	5	6.1
f. <input type="checkbox"/> hobby breeder	17	20.7
2. Many of the operators covered by the State program are also covered by the federal Animal Welfare Act and are licensed by the U.S. Department of Agriculture. In your opinion, is it necessary to have both State and federal agencies regulating the animal breeding and selling industry?		
a. <input type="checkbox"/> yes	23	27.7
b. <input type="checkbox"/> no	60	72.3
3. The primary purpose of both the State and federal programs is the protection of companion animals. In your opinion, is the overall <u>quality</u> of inspections adequate to meet this purpose? (choose two answers--one from each group)		
<u>State Inspections</u>		
a. <input type="checkbox"/> no, inspection quality is not adequate	11	13.4
b. <input type="checkbox"/> yes, inspection quality is adequate	55	67.1
c. <input type="checkbox"/> don't know	16	19.5
<u>U.S.D.A. Inspections</u>		
d. <input type="checkbox"/> no, inspection quality is not adequate	2	4.5
e. <input type="checkbox"/> yes, inspection quality is adequate	41	93.2
f. <input type="checkbox"/> don't know	1	2.3

g.O. 3-4-91  
attachment 2-58

4. How would you rate the qualifications of the State and U.S. Department of Agriculture inspectors?  
(choose two answers--one from each group)

Number of Responses      Percent of Respondents

State Inspectors

a. <input type="checkbox"/> poor	9	11.1%
b. <input type="checkbox"/> fair	3	3.7
c. <input type="checkbox"/> good	26	32.1
d. <input type="checkbox"/> excellent	20	24.7
e. <input type="checkbox"/> don't know	23	28.4

U.S.D.A. Inspectors

f. <input type="checkbox"/> poor	0	0.0
g. <input type="checkbox"/> fair	1	2.4
h. <input type="checkbox"/> good	22	52.4
i. <input type="checkbox"/> excellent	17	40.5
j. <input type="checkbox"/> don't know	2	4.8

5. In your opinion, is the number of inspections (both State and federal) adequate to meet the programs' purpose of protecting companion animals?

a. <input type="checkbox"/> no, too few inspections	22	26.5
b. <input type="checkbox"/> yes, about the right number of inspections	48	57.8
c. <input type="checkbox"/> too many inspections (please explain)	1	1.2
d. <input type="checkbox"/> don't know	12	14.5

6. If State or U.S. Department of Agriculture inspectors find deficiencies during their inspections, do they take adequate and timely steps to see that such deficiencies are corrected?  
(choose two answers--one from each group)

State Inspectors

a. <input type="checkbox"/> always	20	25.6
b. <input type="checkbox"/> usually	16	20.5
c. <input type="checkbox"/> sometimes	1	1.3
d. <input type="checkbox"/> seldom	1	1.3
e. <input type="checkbox"/> never	3	3.8
f. <input type="checkbox"/> don't know	37	47.4

U.S.D.A. Inspectors

g. <input type="checkbox"/> always	24	58.6
h. <input type="checkbox"/> usually	13	31.7
i. <input type="checkbox"/> sometimes	0	0.0
j. <input type="checkbox"/> seldom	1	2.4
k. <input type="checkbox"/> never	0	0.0
l. <input type="checkbox"/> don't know	3	7.3

*g.O. 3-4-91*  
*attachment 2-59*

	<u>Number of Responses</u>	<u>Percent of Respondents</u>
7. Overall, have the State and federal programs resulted in better care and treatment of companion animals handled by regulated operators? (choose two answers--one from each group )		
<u>State Program</u>		
a. <input type="checkbox"/> yes	30	37.0%
b. <input type="checkbox"/> no	14	17.3
c. <input type="checkbox"/> don't know	37	45.7
<u>Federal Program</u>		
d. <input type="checkbox"/> yes	28	66.7
e. <input type="checkbox"/> no	4	9.5
f. <input type="checkbox"/> don't know	10	23.8
8. If you had concerns or complaints about another operator, with whom would you file a complaint? (check all that apply)		
a. <input type="checkbox"/> law enforcement agency	13	16.9
b. <input type="checkbox"/> local health agency	3	3.9
c. <input type="checkbox"/> humane society	16	20.8
d. <input type="checkbox"/> State Animal Health Department	58	75.3
e. <input type="checkbox"/> other, please specify	11	14.3
9. If you have filed a complaint with the State Animal Health Department, how would you rate the complaint-reporting system?		
a. <input type="checkbox"/> easy--encourages proper reporting of valid concerns	9	81.8
b. <input type="checkbox"/> difficult--discourages proper reporting of valid concerns	2	18.2
10. In your opinion, do inspectors take adequate steps to resolve complaints lodged against problem operators? (choose two answers--one from each group )		
<u>State Inspectors</u>		
a. <input type="checkbox"/> always	9	11.3
b. <input type="checkbox"/> usually	9	11.3
c. <input type="checkbox"/> sometimes	1	1.3
d. <input type="checkbox"/> seldom	2	2.5
e. <input type="checkbox"/> never	3	3.8
f. <input type="checkbox"/> don't know	56	70.0

U.S.D.A. Inspectors

g. [ ] always	7	16.7%
h. [ ] usually	7	16.7
i. [ ] sometimes	1	2.4
j. [ ] seldom	1	2.4
k. [ ] never	1	2.4
l. [ ] don't know	25	59.5

Are there any additional comments you would like to make about the State or federal programs?

*Of the 85 persons who completed and returned the survey, 55 provided additional comments about several areas. The five most common comments are shown below.*

Respondents expressed dissatisfaction with double inspections by both the federal and State agencies which they considered a waste of money and unnecessary.  
16 (29.1%)

Respondents stated that the State needs to enforce its program and get rid of bad breeders.  
11 (20.0%)

Respondents indicated that the State's inspection program is important, and that they support activities leading to improved care for animals.  
11 (20.0%)

Respondents expressed concern about bad publicity.  
10 (18.2%)

Respondents expressed concern that the State has too few inspections, insufficient follow-up, and needs better trained inspectors.  
6 (10.9%)

## APPENDIX D

### Agency Response

On August 14, 1990, we provided a copy of the draft audit report to the Animal Health Department. Its response is included in this Appendix. We have the following additional comments.

In response to the overall management recommendation, the Department reported it has plans to implement the activities suggested in this recommendation. In addition, we strongly encourage the Department to develop written policies and procedures for carrying out these activities, to ensure that they are done consistently.

Within this recommendation, we recommended that the Department develop a policy related to inspectors' access to facilities to conduct inspections. The Department's proposal for dealing with situations where the owner is not home--which would allow two "no contact" visits before the inspector proceeded with the inspection--may not be sufficient to ensure that inspectors are not wasting significant amounts of time trying to inspect these facilities. Under this proposal, some facilities could operate for a long time without an inspection, depending on how frequently the inspector was in the area.

In the specific recommendations related to proper licensing, registration, and payment of fees, we recommended that the Department enforce the law which requires animal breeders and dealers to have a license for each separate operating premises. The Department indicated this recommendation would be addressed as time permits. Because this involves a violation of State law, we would encourage the Department to take immediate action on facilities it is currently aware of.

In the specific recommendations related to inspections, handling complaints, and enforcement actions, we recommended that the Department develop tracking systems in these areas. Department officials indicated that they thought their current scheduling system for inspections was adequate, that they have instituted responses to people filing complaints, and they they will establish a tracking system for enforcement actions when time and funding are available. We think that it is important for the Department to develop tracking systems in these areas so that officials will have broader summary information needed to manage the Program, such as the number of inspections completed annually. In addition, a log or tracking system will also allow the Department to know such things as when facilities were last inspected and when their next inspection is due.

ANSWER TO THE PERFORMANCE AUDIT REPORT

REVIEWING STATE REGULATION OVER ANIMAL BREEDERS  
AND SELLERS IN KANSAS

BY THE COMPANION ANIMAL DIVISION  
OF THE  
ANIMAL HEALTH DEPARTMENT

BY

WILBUR D. JAY, D.V.M.  
ACTING LIVESTOCK COMMISSIONER

OVERALL MANAGEMENT RECOMMENDATIONS FOR THE  
ANIMAL HEALTH DEPARTMENT AND BOARD

1. Establishment of a comprehensive plan to effectively operate the Companion Animal Program.
  - a. The agency will repeal the federal regulation adopted in error. We will initiate and establish a 12 to 15 member advisory board to help formulate policy, recommend regulation changes, recommend funding options and help make recommendations to the Legislature. This board would consist of members from all facets of the industry including but not limited to Mork Morris Foundation, Hills Pet Foods, Dean of Kansas State University Vet School, Representatives from Brokers, A & B kennels and Hobby Breeders, Humane Societies, legal services, practicing veterinarians and the U.S.D.A..
    - 1a. Have began requiring all complaints received be written. I acknowledge complaint in writing and send a copy of that letter to the proper inspector with follow-up letter to complainant after investigation is made.
    - 2a. Inspectors have been instructed to perform follow-up inspection.

- 3a. Inspectors have been instructed to contact breeders by telephone after second no contact visit to establish where and when the individual can be located. If no one is present on third visit, inspection will be made.
- 4a. Have requested hearing on 4 cases this week.
- 5a. Will access penalties as deemed necessary as specified by regulations.
- 6a. Have plans to enlist assistance from Humane Shelters, when seizing animals.
- 7a. Management and oversight of the program can best be accomplished by hiring a Companion Animal Veterinarian, as a coordinator. This can only be accomplished with additional funding by Legislation. Our funding will be sufficient until approximately February, 1991 with present staff.
- 8a. Will formulate regulations and address genetic problems.
- 8b. Will be addressed by advisory board - we have added one new inspector, as of August 13, 1990.
- 8c. Will address this problem in FY 92 budget. Some hobby kennels have complained about not getting an inspection for their registration fee.

J.O. 3-4-91  
Attachment 2-6-91  
84

Page 36.

- 8d. Have begun a weekly reporting system completed by inspectors, which include total number of kennels to inspect, A & B and Hobby, number of these that are good, marginal or bad, etc., and also recommendations for disposition - see attached form number.
2. SPECIFIC RECOMMENDATIONS RELATING TO STANDARDS FOR THE HEALTH AND HUMANE TREATMENT OF ANIMALS
- 2a. Will address with new regulations, as recommended by advisory board, inspectors and the Animal Health Board.
- 2b. Will address with new regulations.
- 2c. Will address with new regulations to ensure more frequent cleaning.
3. SPECIFIC RECOMMENDATIONS RELATING TO PROPER LICENSING, REGISTRATION, AND PAYMENT OF FEES
- 3a. Will in future review U.S.D.A. listings as time permits. Presently need to be caught up on current inspection list.
- 3b. Same as above.
- 3c. Will begin surveying veterinarians - I believe this is the most important and practical way to find new and existing kennels and will have knowledge about breeders out of business.

Page 37.

- 3d. Kennel club listing may not yield breeders that have enough animals to comply. In the past, American Kennel Club has denied requests for assistance.
- 3e. Will make effort to check nonrespondents to those who claim too few or no dogs, when surveying veterinarians and when in the area.
- 3f. See 3c. above.
- 3g. Will be addressed as time permits.
4. Will address this on license application.
5. Will provide copy of regulations and outline information with license application.
6. Have denied one refund request. Will deny all requests in future according to K.S.A. 1712(d).



SPECIFIC RECOMMENDATIONS RELATING TO INSPECTIONS

7. Each inspector has such a system and I believe they should have the latitude to formulate their schedule to best utilize their time - this will be reported on their weekly report form.
8. Formulate a new inspection form to help alleviate the problem.
9. Have discussed this with inspectors at August 20, 1990 meeting and they have agreed.

10. SPECIFIC RECOMMENDATIONS RELATING TO HANDLING COMPLAINTS

- 10a. Separate file was established on August 9, 1990.
- 10b. Started reply letter to complaining party on August 15, 1990 - with a copy to inspectors. Inspectors will reply in writing when complaint is investigated and follow-up letter will be sent to complaintant.
- 10c. Same as 10a.

SPECIFIC RECOMMENDATION RELATING TO ENFORCEMENT ACTIONS

11. Will establish a tracking system when time and funding are available.

ANIMAL HEALTH DEPARTMENT  
 FY' 91 Companion Animal Inspections  
 Progress Report \_\_\_ Week of August 6-10, 1990

	<u>Inspects Made</u>	<u>Satisfactory</u>	<u>Follow-up</u>	<u>License</u>	<u>No</u>
	<u>week</u>	<u>YTD</u>	<u>Required</u>	<u>Suspended</u>	<u>Conta</u>
<u>Dirty 30</u>					
SK -					
GB -					
DM -					
Sub total -					
 <u>First Visit</u>					
* A&B					
SK -					
GB -					
DM -					
Sub total -					
* Hobby					
SK -					
GB -					
DM -					
Sub total -					
* Other					
SK -					
GB -					
DM -					
Sub total -					
1st Visit					
Sub total -					
 <u>Marginal</u>					
* A&B					
SK -					
GB -					
DM -					
Sub total -					
* Hobby					
SK -					
GB -					
DM -					
Sub total -					

*g. O. 3. 4-91  
 attachment 2. 68 67*

Animal Health Dept.  
Inspection Progress Report  
August 6-10, 1990

\* Other

SK -

GB -

DM -

Sub total -

Marginal

Sub total -

Back Log

SK -

GB -

DM -

Sub total -

TOTAL -

Additional Comments -

# STATE OF KANSAS

## ANIMAL HEALTH DEPARTMENT

(913) 296-2326

August 22, 1990

R

R:

This letter is to inform you that we received your written complaint on R on R.

We have sent a copy of your complaint to the State Companion Animal Inspector in that area, R. We will notify you of the result of R inspection, as soon as the establishment has been inspected.

Thank you for your concern in this matter.

Sincerely,

Wilbur D. Jay, D.V.M.  
Acting Livestock Commissioner

WDJ:cal

xc: Shon Koenig

64.

*g.O. 3-4-91*  
*69*  
*Attachment 2-70*

Testimony  
in support of  
H.B. 2514  
Pamela Olmsted, President  
Lawrence Humane Society

Those of us who work on behalf of the welfare of companion animals in Kansas were hopeful last year that a new day was dawning for the thousands of dogs (and cats) who were caught in the filthy, cruel and inhumane conditions of the mass commercial kennels called puppy mills. We opened our shelters to the dogs seized in several raids on these operations. We remain committed to help end the suffering and pain of all those animals out there. But the hopeful feelings have ended. No puppy mill animals have come to our shelter in several months. We have stood in our warm houses and looked out at the winter cold and wondered how many dogs have frozen to death in their filthy, unsheltered cages. How many dogs have had their puppies, their second or third litter of the year, only to watch some of them freeze or die of parasites or disease? How does our state allow this to happen?

Since others will testify about past history and perspectives on this issue, I will not. But I will tell you that this bill is necessary and reasonable, and why.

We have not seen any more puppy mill dogs at our shelter because the Animal Health Board has failed in its responsibilities to the welfare of these animals and to the people of Kansas who rightfully expect the laws of their state to be enforced. We hear from other humane workers across the state every week who have reported to the state authorities that cruel, inhumane and life-threatening situations exist at kennel operations in their areas, yet no action has been taken in some months to remove suffering animals from any of these situations. The law sets minimum standards, yet thousands of animals live and die in conditions so bad that it is obvious the owner makes no effort to meet any standard at all. If it is a failure of those on the Animal Health Board to recognize this suffering, then that is reason enough to move the Companion Animal Program into a separate agency, as proposed by this bill. If it is a problem of funding, this bill provides for the doubling of fees to help get it started on the right road. Seed money was given by the legislature to start up the Lottery. This program may need just such help. From a humane, moral and just point of view, it deserves the support necessary to carry out its mission.

g.O. 3-4-91  
attachment 3

We support this bill as being in the best interests of the thousands of suffering companion animals in this state, as well as in the best interests of the economy and reputation of the state.

Many citizens of Lawrence and Douglas County have expressed their concerns to us about the problem of puppy mills and they have shown their commitment by helping us with our own shelter needs. We would appreciate the same level of commitment from our representatives in the legislature, and we stand ready to assist in any way possible to help achieve positive change.

Respectfully,

*Pamela Olmsted*

Pamela Olmsted, President  
Lawrence Humane Society  
P.O. Box 651  
Lawrence, KS 66044  
(913) 749-1396

*g.o. 3-4-91  
attachment 3-2*

HUMANE SOCIETY OF MIAMI COUNTY  
P. O. BOX 136  
PAOLA, KANSAS 66071

---

TESTIMONY IN SUPPORT OF HB-2514

March 4, 1991

The Humane Society of Miami County wholeheartedly supports HB-2514. We believe this bill is the only viable way to solve the puppy mill problem. The negative publicity our state has justly earned because of puppy mills will not just go away. The people of Kansas will not allow our state officials to continue to protect and cover up this shameful, disgusting, cruel industry. Kansas has no choice but to act now to clean up and properly regulate its breeding industry. Those who care about animals in Kansas and all across the country will accept nothing less. The solution lies in passage of this bill and proper funding of the Companion Animal Program.

The Companion Animal Program so far has been a dismal and complete failure, accomplishing none of the objectives it was created to achieve. One of the reasons this program has failed is because it is run by the Livestock Commissioner. There are many differences between raising livestock and raising companion animals. Livestock is raised to become food on someone's plate. Companion animals are raised to become part of someone's family. The very fact that the past and current Livestock Commissioners have not understood these differences is evidence this program is in the wrong place.

The program also does not work because the bottom line in the livestock industry is profit, plain and simple, while the most important thing to people who care about companion animals is the quality of life of those animals. These concerns are almost mutually exclusive.

The program was also destined to fail because it was inadequately funded from the start.

The Companion Animal Program will never work where it is because livestock people and animal lovers will never have the same interests regarding this issue. We know that when it comes to companion animals, those in the livestock industry and those

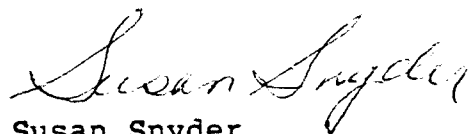
g.o. 3-4-91  
attachment 4

involved in animal welfare can barely set up a dialogue, let alone agree on common goals. It is obvious this program will not be successful until it is run by those who are interested in and concerned about companion animals.

Ultimately, the Companion Animal Program will only be successful if it is adequately funded. No matter how well a government program is set up and run, without necessary funding, it is doomed to failure.

As with any government program, the Companion Animal Program will only be successful if those running it are accountable to someone outside of the industry, such as the legislature or the governor. The Livestock Commissioner and the Animal Health Board are accountable to no one but the KLA, an obvious conflict of interest which has greatly contributed to the mismanagement of this program.

We have an ideal of how the Companion Animal Program could be run, an ideal which will only be realized if the program is set up under a separate agency. We envision thorough licensing, regular inspections and proper enforcement. We envision a program that could be self-supporting in the near future through licensing fees and substantial fines for deficiencies. We envision clean, well-managed, properly regulated breeding facilities that meet the strict standards of an effective program. We envision facilities where the breeding animals are well cared for and have a pleasant and healthy life. We envision facilities that produce healthy pets. We envision an industry Kansas doesn't have to be ashamed of. HB-2514 is necessary to make our vision a reality.



Susan Snyder  
Secretary/Treasurer

J.O. 3-4-91  
attachment 4-2





**JOHNSON COUNTY HUMANE SOCIETY**  
P. O. Box 23508 • Overland Park, Kansas 66223  
(913) 829-0102



March 4, 1991

TESTIMONY IN SUPPORT OF H.B. 2514

My name is Sheila Ancona. I'm a resident of Leawood, KS, and am on the Board of Directors of the Johnson County Humane Society.

The others today have testified about the effect our state's disgraceful puppy mill problem has on those of us who love animals, the economic impact on the pet breeding industry, which affects our statewide economy, and the image Kansas has gained as a state that condones cruelty to animals. I want to impress upon you the effect this horrendous problem has had on our state's children.

- Since my primary interest in animal welfare work is humane education with children, I usually represent our Society at schools and with various youth groups. In the past couple months, I have attended presentations by an elementary school class and Girl Scout troops who have held bake sales and otherwise raised money to help care for puppy mill dogs rescued from lives of neglect and abuse. I wish you could see the looks--and often the tears--on their little faces as they struggle to understand why our state lets this pain and suffering go on. The message they hear from news accounts, which mirror reality closer than you'd like to think, is that our state doesn't stop this cruelty because it's done in the name of business. Isn't part of teaching our children to be responsible citizens instilling in them a sense of caring and a desire to do what's right in life? What kind of lesson in hypocrisy are our children learning when every literate person in this state--and certainly in this legislature--knows the suffering that's going on, yet where is the commitment to stop it?

Part of the essence of humanity and civilization is that the strong take care of the weak. We've never asked anyone to do anything unreasonable, and all we're asking now is that you do what's right. By passing H.B. 2514, funding and enforcing it, the shame and heartache of Kansas puppy mills will finally disappear from our state.

Thank you.

  
SHEILA ANCONA, Board of Directors

g. O. 3-4-91  
attachment 5



6031 S.W. 37th Street • Topeka, Kansas 66614-5128 • Telephone: (913) 273-5115  
FAX: (913) 273-3399

Owns and Publishes The Kansas STOCKMAN magazine and KLA News & Market Report newsletter.

March 4, 1991

TO: House Governmental Organization Committee, Representative Gary Blumenthal, Chairman

FROM: Mike Beam, Executive Secretary, Cow-Calf/Stocker Division

RE: House Bill 2514

My comments regarding HB 2514 pertain to provisions moving the companion animal inspection activities away from the Kansas Animal Health Department. The Kansas Livestock Association (KLA) supports this move, just as we lent our support to SB 78 before the Senate Agricultural Committee. That measure transferred the dog and cat breeder inspection program to the Kansas Department of Health and Environment.

Until recently, the Animal Health Department has been primarily responsible for controlling and eliminating livestock diseases. This agency also registers brands, conducts brand inspections and aids law enforcement officials in investigating livestock thefts.

In 1988, the Kansas legislature passed significant legislation requiring the Kansas Animal Health Department to license, register and inspect dog and cat breeders. Since that time, there has been a significant amount of public pressure for the agency to aggressively regulate dog and cat breeders. Unfortunately, the agency has not received the funding necessary for a full scale, all encompassing regulatory program. The public pressure to mount a strong regulatory program and the short comings in revenue have caused the livestock industry to subsidize the program.

KLA believes it's essential for the Animal Health Department to devote all of its energies and attention to eradicating several important diseases. We have seen our incidences of brucellosis increase in beef cattle and have recently lost our tuberculosis free status. The swine industry is mounting an aggressive campaign to become a swine Pseudorabies free state. I'm not optimistic, however, that the agency can accomplish all of these goals as long as the dog and cat inspection program continues to demand the agency's attention and tap into large animal fee resources.

We believe the time is right to move the program from the Kansas Animal Health Department. Thank you.

g.O. 3-4-91  
attachment 6

TESTIMONY IN OPPOSITION TO H.B. 2514

March 4, 1991

I am Shawn Gideon representing Potagold Cattery, owned by DeAnn and Arnold Gideon, Paxico, Kansas.

You may wonder why there are not more representatives from commercial cat and dog organizations here today. I know of only one such organization operating in the state of Kansas. The simple fact is, no commercial producer wishes to be harrassed by the promoters of so-called "animal rights bills".

Pet producers in the state of Kansas produce 180,000 dogs annually, bringing to the state approximately \$20,000,000. in sales revenue. The commercial cat and dog industries provide thousands of jobs and millions of dollars for Kansas residents.

House Bill 2514 is an attempt by certain humane factions to modify H.B. 2219 for the purpose of funding their cause. One being to raise money by obtaining it under false pretenses from well-meaning, misinformed citizens for out-of-state humane groups and to allow the confiscation, seizure and destruction of dogs and cats and other personal property. This group will surely cease operations and leave when it is no longer financially feasible.

After intense consideration, we came to the conclusion that it was impossible to modify this bill so as to achieve the ultimate objective which should be to promote and improve the industry thereby facilitating the delivery of a better Kansas product to the ultimate consumer. H.B. 2514 will absolutely allow the commission appointed by the Governor to enter any property unconstitutionally at any time as they see fit and seize and destroy it. The commission, nor its employees, need have prior knowledge of animals with the exception of the executive director who shall be "familiar with the animal dealer industry". (Page 31, line 13). The commission may appoint a qualified committee of non-paid advisors.

We now have serious problems with employees of the state who have years

9.03-4-91  
attachment 7

of background knowledge pertaining to dogs and cats; let alone those who do not. We also find that those who support bills such as H.B. 2514 and support the seizure and destruction of kennel stock have, in many cases, been employed for years, euthanizing thousands of dogs and cats. This fact was proven in court testimony on a previous case tried in Shawnee County, and can be so proved.

The total purpose of H.B. 2514 is to seize dogs and cats, render <sup>in</sup> them useless for reproductive services by such methods as castration or euthanasia. This allows the commission the total right to destroy any Kansan's income from dogs or cats at will. This can be verified by using the Marilyn Marsh case as an example. The state and humane organizations seized, without a warrant, one hundred plus dogs valued in excess of \$100,000. and destroyed them for reproductive uses. The actions and procedures of her case have been declared unconstitutional by two judges and is now being appealed a second time by the state. This action may end up costing the state and all involved just embarrassment and millions of dollars in compensation.

Kansas does not need the embarrassment of another ill-conceived bill which will eventually be declared unconstitutional and/or cost the state of Kansas millions of dollars to defend, or in payments of damages.

We would fully approve an educational and promotional bill designed to promote the industry and improve the quality of the ultimate production received by the consumer.

Kansas breeders do not create all undesirable dogs and cats shipped from the state. Shippers, usually brokers, create and/or ship all undesirable animals from the state. Veterinarians sign all health certificates of undesirable dogs and cats shipped from the state of Kansas. Kansans do not produce all undesirable animals shipped from the state of Kansas. They may come from other states. If we intend to improve the quality of our product, where should the emphasis be placed?

g O. 3-4-91  
attachment 7-2

An honest answer to why H.B. 2514 was introduced would surely be to finance the present program proven by the doubling of licensing fees. Another reason is to allow more humane group participation by creating a new agency which they can control more efficiently than the livestock association. (This is worse than letting the fox in the chicken house. He kills to satisfy his hunger, not for profit and pleasure.)

Kansas has tried, unsuccessfully, to write a set of rules and regulations for three years. It is obvious why we cannot. One group wants to destroy all commercial dog and cat production in the state of Kansas. The dog and cat producers would like to resume making a reasonable profit from their endeavors. For these reasons, it is our opinion that we should accept the tried and proven, and recently revised, U.S.D.A. rules and regulations. The enforcement of U.S.D.A. rules and regulations could readily be constitutionally achieved by the assistance of the state of Kansas. These rules and regulations are constitutional and usually equitable for all concerned. The puppy mill issue will only be resolved when all of Kansas says "No" to those who are making money by promoting the destruction of a good Kansas industry.

Please help save the Kansas dog and cat industry by voting "No" to H.B. 2514.

g. O. 3-4-91  
attachment 7-3

TO: HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE  
FROM: PINKY LEWIS  
RE: HOUSE BILL 2514  
DATE: 3/4/91

Mr. Chairman and Members of the Committee:

I am Pinky Lewis, Kansas kennel owner and operator, Kansas license number 476A, federal USDA license number 48-A-733 from Independence, Kansas. I am here to testify in opposition to Bill #2514.

Last summer kennel owners across the state of Kansas banded together to fight for their industry and their state. We became known as the Concerned Breeders of Kansas. Meetings were held all over the state, including meetings with Governor Hayden and Attorney General Stephan. As a result, the Companion Animal Program was greatly improved, another inspector was added, and inspections were increased. Through these efforts the program is now working.

We are in the forefront of state licensing, leading the way for other midwest states. Kennel owners in the states of Oklahoma, Missouri, and Nebraska are now trying to get legislation passed for state licensing. Wouldn't it be a shame if Kansas were to lose all of their progress and the neighboring states win because we changed this law.

g.O. 3-4-91  
attachment 8

TO: HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE

FROM: PINKY LEWIS

RE: HOUSE BILL 2514

DATE: 3/4/91

PAGE 2

We believe that the Companion Animal Industry must have rules and regulations set and governed by people who know and are involved with animals. Who is better qualified than Dr. Dan Walker, a veterinarian, and the Companion Animal Advisory Board? On this Board are more veterinarians, Kansas Federated Humane Society members, and people who are involved in the Industry. Why create a new commission that will result in more problems caused by well-meaning individuals who, in their ignorance of the Companion Animal Industry, will jeopardize us all.

Last summer a boycott was instituted and promoted by the Humane Society of the United States against the midwest kennels. The same people are on public record as wanting eighty per cent of Kansas kennels out of business. Wendell Maddux, the midwest region representative for the Humane Society of the United States, has stated to a fellow breeder, that the reason for the boycott was they felt it was the only way to force the legislators of the midwest to take action. When Mr. Maddux was asked if we lost our Kansas licensing, would the Humane Society of the United States boycott us again, his answer was, "YOU BET WE WOULD!"

*J.O. 3-4-91  
Attachment 8-2*

TO: HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE

FROM: PINKY LEWIS

RE: HOUSE BILL 2514

DATE: 3/4/91

PAGE 3

The Companion Animal Industry in the state of Kansas is a \$43 million a year industry. If we lose our state licensing, not only will the kennel owners lose their livelihood, but the state of Kansas will lose the revenue generated by it.

The United States Department of Agriculture alone cannot handle the inspection program for us. In order for them, the U.S.D.A., to shut down a substandard kennel after their inspection, they must first file their report in Washington, D.C. with the Department of Tobacco and Firearms. Not only are they bogged down in red tape, but what is their first priority--the drug smuggler or inspecting a kennel? We all know what has to be their first priority. And that is as it should be. We need our state inspectors who can check a kennel and our Attorney General to close down substandard kennels without waiting years.

We are now under the jurisdiction of the Kansas Livestock Commission which is headed by Dr. Walker. Who knows more about animals than our state veterinarian? The inspectors working under him are doing a good job. Working with them is Attorney General Stephan. With all these people working together and making progress, why create a new commission that among other things would cost us all more money to support?

*J.C. 3-4-91  
attachment 8-3*



TO: HOUSE GOVERNMENTAL ORGANIZATION COMMITTEE  
FROM: PINKY LEWIS  
RE: HOUSE BILL 2514  
DATE: 3/4/91  
PAGE 4

We want to unite Kansas with one goal and that is to have an effective state law. If there are problems to be cleaned up, we are here as breeders to support our governing officials so due process of law can be carried out.

Do we let the Humane Society of the United States and the people from California ruin our business and make us lose a \$43 million industry that Kansas, as a state, cannot afford to lose? Together Dr. Dan Walker and the Companion Animal Advisory Board are making this program stronger. It has shown great improvement over the last several months. Don't change us, don't move us. This industry cannot survive if you do.

You have had our votes of confidence. We are the people you represent. Now represent us as we need for you to do. Help us "MAKE KANSAS SHINE".

*g. O. 3-4-91  
attachment 8-4*