

Approved April 13, 1991
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Jim Allen at
Chairperson

10:05 a.m. ~~pm~~ on April 8, 1991 in room 423-S of the Capitol.

All members were present ~~xxxx~~

Committee staff present: Raney Gilliland, Legislative Research Department
Lynne Holt, Legislative Research Department
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: JoAnne Kieffer, Companion Animal Advisory Board,
Board of Directors of APPDI,
Glen Elder, Kansas
Sharon Munk, Companion Animal Advisory Board,
American Professional Pet Distributors
Board Member, Menlo, Kansas
Connie Norris, Post Rock Kennel Club, Hays, Kansas
Connie Nichols, member, Companion Animal Advisory
Board, Russell, Kansas
Opal Featherston, American Professional Pet
Distributors, Inc., Whiting, Kansas
Camille Nohe, Assistant Attorney General
Marcia Gitelman, Assistant Executive Director,
Helping Hands Humane Society, Topeka
member and representative for
Kansas Federation of Humane
Societies
Dr. Dan Walker, DVM, Kansas Livestock Commissioner
Warren Parker, Kansas Farm Bureau
Kathy McKee, President, Johnson County Humane
Society, Overland Park, Kansas and
President, Kansas Companion Animal
Association, Olathe, Kansas

Senator Allen called the Committee to order and attention to SB 431
and SB 434. The Chairman called on the following to testify on SB 431.

JoAnne Kieffer gave the Committee copies of her testimony (attachment 1)
and explained suggested changes for SB 431 which are outlined in her
testimony. Ms. Kieffer requested Committee support for SB 431 with the
requested amendments.

During Committee questions it was explained that a dealer that buys a
dog from an unlicensed business would be charged with a misdemeanor. It
was answered that this bill would have nothing to do with a family that
would sell pups from a dog that was their family dog. It was answered that
if this bill is not passed that half of the dog kennels in Kansas could be
eliminated because they cannot stand another summer of bad publicity.

Sharon Munk provided copies of her testimony (attachment 2) and re-
quested passage of SB 431 as amended.

Connie Norris gave the Committee copies of her testimony (attachment 3)
and expressed the need for some changes in SB 431 as listed in her testimony.
Ms. Norris requested that the bill read so as to make a separate definition
for breeders and/or show animals so that show animals do not become obligated
to the provisions of SB 431. Ms. Norris gave the Committee copies of
testimony for Connie Nichols (attachment 4) who could not be present.

Ms. Nickols requested that some changes be made to SB 431 as she listed
in her testimony which explained her opposition to parts of the bill.

Unless specifically noted, the individual remarks recorded herein have not
been transcribed verbatim. Individual remarks as reported herein have not
been submitted to the individuals appearing before the committee for
editing or corrections.

CONTINUATION SHEET

MINUTES OF THE Senate COMMITTEE ON Agriculture,
room 423-S, Statehouse, at 10:05 a.m. ~~xxx~~ on April 8, 19 91

Opal Featherston gave the Committee copies of her testimony (attachment 5) and expressed support for SB 431 with the amendments suggested by JoAnne Kieffer.

Camille Nohe provided copies of her testimony (attachment 6) and expressed support for SB 431 with the above suggested amendments.

Ms. Nohe suggested that within the bill that the word 'person' could be changed to 'broker' for better clarification.

Ms. Nohe answered that the make-up of the suggested Kansas Companion Animal Advisory Board was the same as the make-up of other boards within the State and stated she had no opposition to the suggested make-up of the suggested board.

Marcia Gitelman provided written testimony (attachment 7) and expressed support for SB 431 stating that the industry needs full funding and the legal strength to back up the program.

Ms. Gitelman answered that she represents between 20 and 25 humane societies within the State and the membership would be around 5,000. Ms. Gitelman answered that the Johnson County Humane Society is made up of a membership of about 25 to 30 people and that the Kansas Companion Animal Association maybe represents about 5 groups. Ms. Gitelman answered that enough time needed to be taken to make sure a good bill is passed but that in the meantime the bad kennels will just keep operating as they have been. Ms. Gitelman answered that her organization favored leaving the enforcement of the Companion Animal Act with the Livestock Commissioner. Ms. Gitelman answered that if registration fees are increased for humane societies so that the smaller societies are unable to make that kind of payment that the Federal Humane Society has offered to help pay their registration fees.

Dan Walker expressed support for SB 431. Dr. Walker explained that breeders are animal dealers. Dr. Walker stated that the proposed SB 431 would be model legislation for the whole country. Dr. Walker explained that there are two kinds of people, that there are animal welfare people and there are animal rights people and that this bill is an animal welfare people bill. Dr. Walker requested passage of SB 431 which would provide tough legislation and the provisions for the needed enforcement.

Senator Allen called attention to testimony provided the Committee (attachment 8) by Warren Parker which expressed support for SB 431. The Chairman called attention to testimony representing two different groups by Kathy McKee who could not be present (attachment 9) expressing opposition to SB 431 and SB 434.

During discussion it was answered that the provisions of SB 431 would only apply to persons who had animals for sale. It was answered that some may prefer to be USDA licensed rather than state licensed. The federal license fee used to be based upon the number of animals sold but is now based on the number of dollars in sales with \$500 in sales requiring the least costly license fee. Dr. Walker agreed there is a problem with the state licensing as a low volume dealer pays the same licensing fee as a large volume dealer and this legislation does not address that problem. Dr. Walker answered that Kathy McKee is misinformed about some of the statistics she used in her testimony. It was suggested that there needs to be a better definition for a commercial and a non-commercial dealer and that maybe along with the non-commercial definition the words could be added, 'dogs raised for show' to help separate the dogs raised for show and the dogs raised to sell. It was answered that this legislation refers to animal dealers which means dealers that sell cats and dogs so, therefore, the like of birds are not included.

The Chairman declared the hearing closed for SB 431 and SB 434 and then adjourned the Committee at 11:03 a.m.

attach-
4-8

RE: Senate Bill # 431
(FAVOR)

MR. CHAIRMAN and MEMBERS OF THE SENATE AGRICULTURE COMMITTEE,

My name is JoAnne Kieffer. I own and operate WACONDA KENNELS (USDA license #48B054 & Kansas license # 010-B) in Glen Elder, Kansas - in North Central Kansas. I have been in this great business for over 26 years. I am on the Companion Animal Advisory Board for the Kansas Animal Health Department and on the Board of Directors of APPDI, American Professional Pet Distributors, Inc., the only national organization of pet breeders and brokers with chapters in Kansas consisting of over 200 individual Kansas members. I have also helped with meetings of the Concerned Breeders of Kansas which represent many more breeders who want this Companion Animal Act to work for our great state. In fact, it must work or the state of Kansas will lose an industry that brings over 43 million dollars of fresh, new money to our state each year.

We have worked hard on this bill - Senate Bill # 431 and we feel that it is what we need to make everything come together right. We have cleaned up some of the loop-holes in the law that is now in effect and along with making it self-funding within the next year, it is something that the breeders can live with and still satisfy the humane societies.

I do have some changes to make in the copy that you have in your hands. These corrections must be made before this bill can be voted on.

PAGE 1 - Lines 37, 38, 39 should be deleted. Those were mistakenly put in by the revisor's office. Then Line 40 should read #6 instead of #7. Line 43 should read #7 instead of #8.

PAGE 3 - Lines 18, 19, 20 should read "three reproductively intact female dogs or cats, or both, over 9 months of age are held for production sales or where 10 or more dogs or cats, or both, are sold, or offered or maintained for sale with-
in a licensure year.

PAGE 4 - Line 38 after "or both" insert "within a licensure year;

PAGE 5 - Line 27 should read 10 instead of 20 - Typegraphical error by the revisor's office.

PAGE 7 - Line 32 - delete "if that person is found guilty by the courts; and add in that place "if the license of such person is denied, suspended or re-
voked; otherwise such costs shall be paid by the Commissioner."

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attachment 1

PAGE 8 - Line 20 - delete "guilty by the courts." and add in that place "in violation of this act or any rule or regulation adopted hereunder; otherwise such costs shall be paid by the commissioner."

PAGE 9 - Line 9 should read "person or licensee"
Line 12 should read "person or licensee"
Line 15 should read "person or licensee"

PAGE 11 - After line 27 add (c) Costs of care and services for such animals while seized and impounded under this section shall be paid by the commissioner unless otherwise provided for in this section.

PAGE 12 - Line 5 add (3) For a license for an animal dealer premises which is also required to be licensed as an animal retail shop, a combined license fee in the amount required for an animal dealer premise plus an amount not to exceed \$50.

PAGE 13 - Line 4 - delete 1991 - Change to 1992

After line 21 add - New Sec. 18 (a) It shall be unlawful for any person to purchase a dog or a cat for the purpose of resale to another from a person required to be licensed under public law 91-579 (7 U.S.C. & 2131 et seq.) and/or KSA 4701 et seq. and amendments thereto, if that person is not so licensed.

(b) A violation of this section shall be a class A misdemeanor. Any subsequent violation of this section shall be a class E felony.

Line 22 - Sec. 18 change to Sec. 19

PLEASE MAKE THESE AMENDMENTS TO THE PROPOSED BILL. THEN VOTE YES TO SENATE BILL #431.

U.S.D.A. # 48BB54 AKC Puppies Buy & Sell



WACONDA KENNELS

Box 158
Glen Elder, Kansas 67446



JoAnne Kieffer

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Menlo, Kansas 67746
(913) 855-2251

4-8-91
10:00 AM

AGRICULTURE COMMITTEE
Senator Jim Allen, Chairman
Senate Bill #431

FAVORABLE TESTIMONY

given by: Sharon Munk

Kansas Kennel - BJ'S & Guys

USDA #48-B-081 Ks #005-B

Member - Ks Companion Animal Advisory Board

Board Member - American Professional Pet Distributors Inc.

Mr Chairman, and members of the Agriculture Committee,

This past weekend, I, along with many Kansans attended the APPDI (American Professional Pet Distributors, Inc.) three day convention and educational seminar in Kansas City. APPDI is the largest national organization for the commercial brokers and breeders of companion animals. Kansas legislation was part of the convention program. Senate Bill #431 has the support of Kansas APPDI members. It is also supported by many Concerned Breeders of Kansas. The breeders in Kansas have worked very hard since May of last year to save this industry for Kansas.

This was a forty three million dollar a year industry for the state. Kansas can not afford to lose this industry during this financial crunch.

This industry is willing to be regulated. We are in favor of doubling ceilings on license fees for the sole purpose of salvaging the Animal Dealers Act. Kansas has an IMAGE problem. The industry will not survive two years of back to back negative media coverage. It is time to fix that problem and save this industry for my family, the families of my fellow companion animal breeders, and the state of KANSAS.

Help Us "MAKE KANSAS SHINE" by voting in favor of Senate Bill #431 with the amendments explained by JoAnne Kieffer. These amendments are a product of APPDI's willingness to work with the regulatory agency, for the purpose of making Kansas the leading state in Companion Animal Health.

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attachment 2*

April 8, 1991

TO WHOM IT MAY CONCERN:

As a working single taxpayer and an occasional breeder of companion animals, I am opposed to Senate Bill No. 431 for the following reasons:

1. It is unfair and infringes upon an individual's right to own and occasionally breed dogs.
 - A. Owners with four intact females who may never be used for breeding would be required to pay the same fee as a large commercial broker who moves thousands of puppies and kittens through the pet industry. They would also be governed by rules and regulations set up for a commercial operation. Not everyone who owns and/or breeds dogs or cats does so as a business. Those of us with working, competitive companion animals do not make a profit with our dogs, nor do we intend to.
 - B. \$300 per year would be cost prohibitive for many owners.
 - C. Owners of retired champions and other senior companion animals would be forced to either spay those animals at additional expense and health risks, place them, or have them euthanized. Pet owners would have to provide proof of spaying.
 - D. People who do not breed dogs as a profit-producing business should not be regulated by a law that is intended to regulate a commercial industry.
2. Taxpayers are being asked to pay for things which they didn't authorize and can't pay for.
 - A. Senate Bill No. 431 is an attempt to totally do away with the breeding of companion animals by anyone outside the commercial industry.
 - B. There is a total lack of recognition that much of the buying public does not wish to buy from a commercial breeder. They are demanding to buy from a dedicated breeder with one breed who knows the background of his animals for several generations.

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attachment 3

Specifically, these are my objections to the bill:

1. Page 1, lines 24 through 43 should be deleted as well as page 2, line 1. The following should be inserted:

(3) one member shall be licensed under the Kansas animal dealer act and shall be selected from a list of three names presented to the governor by the American Professional Pet Distributors, Inc.;

(4) one member shall be a licensed veterinarian and shall be selected from a list of three names presented to the governor by the Kansas Veterinary Medical Association; and

(5) one member shall be a reputable and knowledgeable companion animal breeder who is not a part of the commercial industry.

An advisory board should be representative of people with a genuine interest in the production of companion animals. It should not be composed in such a manner to include three representatives from the APPDI or from any other organization. Those of us with working, competitive companion animals deserve the right to be included on the advisory board the same as humane societies and veterinarians. We also deserve the right to know what is being done since we seem to ultimately be included in every piece of legislation regarding companion animals and the commercial industry.

2. Page 3, lines 17-20 should be changed to read:

"Animal dealer premises" means any premises where 20 or more dogs or cats, or both, are sold, or offered or maintained for sale, at wholesale for resale to another.

This establishes a set number of 20 animals sold as a licensure requirement rather than intact females who may never be used for breeding. After all, we are concerned with regulating the production of pets, not the owning of them. Ten puppies, as proposed in S.B. 431, could conceivably be one litter of sporting dogs and is too low to be reasonable. There should be a distinction between wholesaling and retailing.

3. Along that same line, I object to the inclusion of a kennel operator category and premises (page 4, lines 24 through 31) and would delete those lines.

Once again, this is an added expense to the State and includes people who are not a part of the commercial pet-producing industry. It would also require most veterinarians to be licensed under this law.

4. Similarly, page 4, lines 36 through 41 should be changed to read:

"Animal retail shop" means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another: (A) 20 or more dogs or cats, or both; or (B) any other animals except those which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.

5. I do not object to having a presumptive clause in the law. However, since presumptive clauses are used as a means of showing the law is being violated, they should provide enough latitude to be reasonable and not pose a threat to innocent people. Therefore, I would change page 5, lines 26 through 28 to read:

"Sale," "sell" and "sold" include transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more adult animals are maintained by any person.

A person with three or four adults and two litters of puppies at any one time could have over 20 animals on his premises although he would not be required by law to have a license. A presumptive clause should not show someone to be in violation who is not.

6. Delete New Section 16, page 12, lines 42 and 43 and page 13, lines 1 through 12 for reasons mentioned previously in Item 3.

This program will continue to be troubled so long as there is not a clear distinction between commercial and non-commercial producers of companion animals.

Sincerely yours,

Connie Norris

Connie Norris
Box 443
Hays, KS 67601

April 8, 1991

TO WHOM IT MAY CONCERN:

I am writing in opposition to certain parts of Senate Bill No. 431 since it is impossible for me to appear in person today. Thank you for taking the time to read my opinions regarding legislation pertaining to companion animals.

Let me preface my thoughts by telling you that I am currently serving on the Companion Animal Advisory Board created last October. Having held a USDA license from 1978 until 1986, during which time I maintained fewer than 30 adult dogs consisting of three breeds, I do have a solid understanding of the commercial pet industry. I also became aware during that time period that I could not maintain the high degree of quality I demanded, keep the animals groomed to my satisfaction, give what I considered to be proper socialization to the puppies, and have any time or money left for other interests. The fact that I owned, bred, or finished champions in all three very popular, competitive breeds (Cocker Spaniel, Shetland Sheepdog, and Pomeranian), should serve as an indication of my time and investment to anyone with knowledge in exhibiting AKC dogs.

Since 1986 I have maintained only a few Shetland Sheepdogs producing one or two litters a year. During 1990 two of the males I bred completed their AKC championships. This information is not furnished as a means of self-gratification but as a means to let you know of the range of my experience with the raising of companion animals.

My first objection to Senate Bill No. 431 is that it makes every person who maintains over three intact females on their premises a part of the commercial pet industry (page 3, lines 17-19). That's just about every farmer in the state and an awfully lot of pet owners! If you have studied the Performance Audit Report presented in August 1990, you are well aware of the many references to USDA and to the industry. Part of the reason the Companion Animal Program has been such a dismal failure is that "commercial" has not been clearly defined. Even an opinion issued to the Companion Animal Advisory Board by the Attorney General's Office stated that the Animal Dealers Act of 1988 was passed to regulate the commercial production of companion animals. However, special interest groups in the State of Kansas have tried to use the law to encompass everyone who owns or maintains dogs. This is, of course, to their benefit.

USDA has always defined those persons who maintain over three intact females AND WHO WHOLESALING as a part of the commercial industry [9 CFR Ch. 1(t)]. It is quite clear to the general public that the whole "puppy mill" mess came about because of unhealthy puppies being shipped from Kansas to out-of-state pet shops for resale. But now in Senate Bill No. 431, which is obviously authored to a large degree by those

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attachment 4

within the pet industry, the phrase "at wholesale for resale to another" (page 3, line 22) is being totally omitted. I object strongly to this omission, as there is a definite distinction between wholesaling and retailing. To change the definition of an animal dealer premise and an animal dealer in the Animal Dealers Act is to change the very basis of the original law.

I do feel it is imperative for "commercial" to be defined and suggest Dr. Dan Walker's proposal: "Animal dealer premises" means any premises where 20 or more dogs or cats, or both, are sold or offered or maintained for sale, at wholesale for resale to another. "Animal retail shop" means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another: (A) 20 or more dogs or cats, or both; or (B) any other animals except those which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.

My third objection to Senate Bill No. 431 is the composition of the proposed Kansas Companion Animal Advisory Board. It is not difficult to determine who benefits from a board with three members coming from the ranks of the American Professional Pet Distributors, Inc. In addition, how can we ask the taxpayers of Kansas to pay for three members of APPDI to sit on an advisory board when one is sufficient? Although the Companion Animal Program was intended to be self-supporting, it has not been and there is no guarantee that it ever will be. It certainly is not in other states.

Further, the hobby or show breeder is totally absent from the membership of the board despite the fact that he is the one committed to improving the quality of his breed through genetic testing and years of study. He is the one who x-rays for hip displasia, tests for VWD, certifies eyes, and is aware of all the other possible inadequacies in the canine. No one has a more genuine interest or knowledge of the true companion animal.

It seems logical that one person to represent the commercial pet industry, one member to represent the humane societies, one member to represent the research facilities, one member who represents the licensed veteranarians, one member who represents those companion animal producers who are not part of the commercial industry, and two legislators would be a more productive, cost efficient, properly balanced board. The State of Kansas cannot be justly served by allowing the very industry the Animal Dealers Act is intended to regulate to determine how that regulation should be accomplished.

It is my opinion that the real problems of wholesaling puppies and kittens are not being addressed by the State of Kansas. Since a high percentage of pets are moved through the brokers, better regulation of the brokers would seem an obvious means of improving the image of Kansas as a commercial pet producer. Two areas of regulation would greatly help. The first would be requiring brokers to buy only from LICENSED breeders to insure not only fairness to those commercial breeders whose premises must meet state requirements but also to insure that ALL puppies and

kittens that are a part of the commercial industry are raised on premises which meet the state standards. The second area would be requiring anyone selling to a broker to provide a current health certificate for each animal sold. In fact, I feel every puppy or kitten sold by anyone should be required to have a health certificate issued by a licensed veterinarian each time it is transferred. These health certificates are an efficient tracking system for a computerized record keeping system.

In closing I refer to page 19 of the Performance Audit Report on the companion animal program which shows that 12% of a sample of 103 facilities exhibited violations, some rather minor. A recent report on social services for children in Kansas shows that 20% of those cases involving injustices with children are not sufficiently handled or followed up. As elected officials for the State of Kansas, I hope you will consider carefully any decisions to pass legislation which broadens the scope of a troubled program which has not effectively regulated even those persons it was intended to regulate.

Sincerely,

Connie Nichols

Connie Nichols
HC 69 Box 74
Russell KS 67665

Senate Agriculture Committee
testimony by
Opal Featherston, APPDI

Thank you for the opportunity to speak to this committee.

In behalf of the American Professional Pet Distributors, Inc.
and as a Kansas Commercial Breeder I urge you to support Senate Bill
No. 431.

As you have heard testimony by JoAnn Kiefer and Sharon Munk
concerning the technical changes, it is apparent we are making a good
faith effort to clean up our won industry. Our 43 million dollar
industry is needed in Kansas and as a national APPDI Board Member
and in behalf of APPDI I strongly urge your support of Senate Bill No. 431.

Senate agriculture Committee

4-8-91

attachment 5



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

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

ROBERT T. STEPHAN
ATTORNEY GENERAL

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751
TELECOPIER: 296-6296

Testimony on Behalf of
Attorney General Robert T. Stephan
Presented by
Camille Nohe
Assistant Attorney General

Senate Agricultural Committee
Re: Senate Bill No. 431
April 8, 1991

On behalf of Attorney General Stephan, I am here to testify in favor of Senate Bill No. 431.

The Attorney General supports Senate Bill No. 431 with the amendments proposed today by the American Professional Pet Distributors, Inc. (APPDI).

Of the half-dozen bills introduced this session proposing various changes to the Kansas animal dealers act, Senate Bill No. 431, with the amendments proposed by the American Professional Pet Distributors, incorporates the procedural changes supported by the Attorney General which clarify and strengthen the act's enforcement provisions.

These changes include a rebuttable presumption regarding maintaining animals for sale (New Sec. 1(f)], clarification of assessment of costs of services and care for impounded animals

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attachment 6*

and a reimbursement provision for the actual caretakers, criteria for euthanasia [Sec. 7(c), 8(c) and 13(c)], statutory implied consent to inspect applicable to licensees and applicants for licensure [Sec. 9(a) and (b)], an injunction provision applicable to unlicensed facilities [New. Sec. 17] and making it unlawful to purchase dogs or cats from an unlicensed facility which is required to be licensed [proposed amendment to Senate Bill No. 431].

These modifications coupled with the establishment of a permanent companion animal advisory board [New Sec. 1], new categories of facilities subject to licensure [Sec. 3(f), (n) and (r)] and license fee increases [Sec. 15] which would allow a director to be hired would establish in Kansas a model act by providing the animal health department with the financial means and legal tools necessary to implement a solid regulatory program.

To: Senator Allen & Committee Members

My name is Marcia Beelman and I represent the HHS and KFHS. In addition I have past experience working ~~with~~ for dog breeders, farms, and have a BS degree in Agriculture. While I represent animal welfare groups I am still aware that there will always be a market for purebred dogs and knowing this myself and others would like to see it done humanely and properly. I apologize for not having written testimony before you but I will be brief and hope that you will see that ^{sensible} animal welfare groups and responsible dog breeders can work together to see that this industry is properly regulated.

I am here to speak in favor of SB431 because it strengthens ~~the~~ current laws regarding the Companion Animal Act. It addresses the current funding problems by increasing ~~the~~ licensing fee structures, and makes the law stronger to protect the interests of reputable commercial breeders while making it more difficult for disreputable breeders to continue their operations. No responsible breeder should have any problem with the way this bill is written as it merely ensures that commercial pet breeding is done legally and humanely.

As representing a humane society which has received dogs from 2 different ^{kennel} seizures under the CAA I feel that I ~~to~~ can say that I have seen first hand the pros and cons of this program and can state that ~~we~~ what this program needs most of all is proper funding and the legal strength to ~~a~~ make sure that this industry can be properly regulated, SB431 does this and I urge you to vote in favor of this bill.

Assistant Executive Director - Helping Hands Humane Society

Member & Representative for Kansas Federation of Humane Societies

Senate Agriculture Committee
4-8-91
attachment 7



PUBLIC POLICY STATEMENT

SENATE AGRICULTURE COMMITTEE

Re: S.B. 431 and S.B. 434 - Providing For Funding and
A Director for the Companion Animal Program

Topeka, Kansas

April 8, 1991

Presented By:
Warren A. Parker, Assistant Director
Public Affairs Division
Kansas Farm Bureau

Mr. Chairman and members of the Committee:

I am Warren Parker, Assistant Director of Public Affairs for Kansas Farm Bureau. Thank you for the time to express our brief comments on S.B. 431 and S.B. 434.

While each of those interested in this issue may have written these bills somewhat differently, S.B. 431 and S.B. 434 represent a working compromise to take action in an area that needs attention.

Our farmer and rancher members in each of the 105 counties in Kansas have developed policy on this issue. Part of that policy reads:

"There should be adequate funding from licensing fees for appropriate inspection of all commercial breeding facilities."

These bills double inspection fees to help provide for adequate inspections, and also address concerns of many other groups involved. While S.B. 434 may be somewhat preferable we understand, partly

*Senate Agriculture Committee
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attachment 8*

because of a fee structure change for certificates of veterinary inspection, we would not oppose combining elements of these two bills to accomplish an acceptable and workable proposal. We want to be a part of the solution to this problem, and we support the effort represented by the bills before you. Thank you for your time. I would be happy to attempt to answer any questions.



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



April 8, 1991

VIA FAX

The Honorable Jim Allen
State Capitol
Topeka, KS 66612

RE: TESTIMONY IN OPPOSITION TO SB-431 AND SB-434

Dear Senator Allen:

The JOHNSON COUNTY HUMANE SOCIETY vigorously opposes both SB-431 and SB-434. We oppose leaving the Companion Animal Program with the Livestock Commissioner; oppose advisory boards with a majority of their members from the industries the boards assist in regulating; oppose compensation of advisory board members; oppose the elimination of the hobby breeder class; and oppose \$300 license fees and mandatory inspections for breeding operations with as few as 3 dogs or cats.

These bills will only serve to bring more negative attention to this state, and I will once again prophesy that if this Legislature doesn't act soon to separate these little dogs and cats from livestock and agricultural interests, this state--and those industries--may face the worst onslaught of bad publicity, boycotts, and smear campaigns we've seen yet.

I urge you to have a vision of peace, prosperity, and just doing what's right.

Thank you.

Sincerely,

KATHY MCKEE, President

Senate agriculture committee
4-8-91
attachment 9



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

April 8, 1991

VIA FAX

The Honorable Jim Allen
State Capitol
Topeka, KS 66612

RE: TESTIMONY IN OPPOSITION TO SB-431 AND SB-434

Dear Senator Allen:

Since I am unable to be in Topeka to appear in person before your committee, and our other officers are spread out over the state and are likewise unable to attend, please let this letter serve as the KANSAS COMPANION ANIMAL ASSOCIATION's testimony in opposition to SB-431 and SB-434.

We oppose any bill which leaves the Companion Animal Program ("puppy mill program") under the Livestock Commissioner, as well as any bill which would place the program anywhere in the Department of Agriculture. Our companion animals are not livestock, nor are they agricultural products.

While we also oppose statutory advisory boards for this program, SB-431 goes even further by suggesting an advisory board to the Livestock Commissioner comprised mainly of people he is supposed to be regulating. This is certainly not the way to repair this state's image or get Kansas breeders and brokers back in the marketplace. If the industry could heal itself, goodness knows it's had 40 years to do it, so what's been stopping them?

SB-434 proposes six of its nine advisory board members be people the Livestock Commissioner is supposed to be regulating. Even more ridiculous, it requires licensing and mandatory inspections for people with three or more intact dogs, and requires a \$300 license fee from those people. The Legislative Post-Audit Report clearly documented that state inspectors are unable to perform even half the statutorily required inspections as it is. Now this asinine bill proposes an attempt to inspect show breeders, while there are hundreds and hundreds of large, unlicensed kennels still operating in this state!

Both of these bills eliminate the hobby breeder class, which we cannot support at this time. We have never asked for anything that wasn't fair or right, and we just can't see the fairness in someone with 10 dogs paying a \$300 license fee, while a USDA-licensed breeder with 500 dogs would pay only \$150. Nor can we support mandatory statutory inspections for tiny operations while the large, unlicensed ones go on their merry ways.

Sincerely,

Kathy McKee

KATHY MCKEE, President