

Approved April 8, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE

The meeting was called to order by Representative Lee Hamm at
Chairperson

9:16 a.m./p.m. on Friday, March 27, 1992 in room 423-S of the Capitol.

All members were present except: Representative Wisdom, Representative Crumbaker,
Representative D. Lawrence, Representative Heinemann
(all were excused)

Committee staff present: Raney Gilliland, Legislative Research
Jill Wolters, Revisor of Statutes Office
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Dr. Daniel Walker
Livestock Commissioner
Animal Health Department
State of Kansas

Larry Snyder, D.V.M.
Topeka

Margaret Kerr
Companion Animal Advisory Board

Linda Clarke
Kansas Federation of Humane Societies
and the Humane Society of Lyon County

Linda Sutton
Olathe

Cheryl Morgan, Post Rock Kennel Club
Hays

Jan Price
Topeka

Arnold Gideon
Paxico

Galen Rottinghaus
Seneca

Mrs. Dan Kramer
Vermillion

Chairman Hamm opened hearings on **SB 752** - Kansas Animal Dealers Act. He appointed Representative Rezac, Representative Reinhardt and Representative Bryant to a subcommittee to study this legislation and report back to the committee with suggestions and ideas.

Dr. Walker appeared before the committee with a "balloon" to **SB 752**. He also provided an amendment to KSA 47-1706 and KSA 47-1707 which would include an "euthanasia" clause. (Attachment 1). Dr. Walker further stated approximately \$220,000 is needed for the program to operate effectively.

Larry Snyder, D.V.M., Topeka, testified as a proponent of **SB 752** with a few reservations that he hopes will make the bill more suitable to a wider range of individuals affected by this legislation. He feels that as a whole this bill has a great deal to offer both the commercial kennel and the dog showing fancy, but there needs to be some adjustments made in the name of fairness. (Attachment 2).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE,

room 423-S Statehouse, at 9:16 a.m./~~p.m.~~ on Friday, March 27, 1992

Margaret Kerr, Companion Animal Advisory Board, testified before the committee with amendments to **SB 752**. She stated she does not support the funding mechanism of this bill. (Attachment 3).

Linda Clarke, The Kansas Federation of Humane Societies, Inc., testified before the committee stating this law has many loop holes and needs to be strengthened. She feels no-kill shelters should be required to be licensed and inspected. (Attachment 4).

Linda Sutton, Olathe, testified in opposition to **SB 752** as written and feels the bill should be scrapped rather than rewritten. (Attachment 5).

Cheryl Morgan, Hays, testified in opposition to **SB 752** stating the bill would totally change the intent of the Animal Dealers Act of 1988. She presented the committee with suggested amendments and a proposed Health Certificate Funding and Tracking System and a Dog Food Tax. (Attachment 6).

Jan Price, Kansas Companion Animal Association, testified in opposition to **SB 752** stating the Association opposes every change on every page of the bill. (Attachment 7).

Arnold Gideon, Paxico, testified in opposition to **SB 752** stating this bill should in no way be funded; but, in fact, should be revoked. (Attachment 8).

Galen Rottinghaus, Seneca, testified before the committee stating **SB 752** needs changes.

Mrs. Dan Kramer, Vermillion, testified on **SB 752** stating the bill needs changes.

Chairman Hamm announced the subcommittee will meet in Room 527-S at 1:30 p.m., Monday, March 30, 1992.

Representative Correll made a motion to approve the minutes of March 24 and March 25, 1992. Representative Lloyd seconded. Motion passed.

The meeting adjourned at 10:00 a.m. The next meeting of the House Agriculture Committee will be Monday, March 30, 1992 at 9:00 a.m. in room 423-S, State Capitol.

GUEST LIST

COMMITTEE: HOUSE AGRICULTURE

DATE: 3-27-92

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Jenny Satyavelu	1295 Ellis Ave, Ellis KS	KKCA
Cheryl Morgan	2515 11 th Street, Manhattan, KS	KKCA
DOUGLAS A SUTTON, CPA	19427 WEST 167, OLATHE	WTCA
Linda Sutton	19427 west-167, Olathe	WTCA
Arnold Bidon	Box 290 Paxico	
Margaret L. Kerr	R1 Silver Lake	Kerr Kennels
Audrey Rottlingman	Seneca, KS	Cal's Kennel
Karen Rottlingman	Seneca	" "
Jan Kramer	Vermillion KS	Kennel
Lillian M ^{rs} Clinlock	Topeka, KS	Topeka Kennel Club
Janice Young	Salina	Salina A.P. + K.C. Assn
Patricia Young	Salina	Salina K ^{rs}
Tom Witte	3419 Arrowwood Rd, Topeka	KKCA & Topeka Kennel Club
LARRY SNYDER DVM	Box 4141, Topeka	Topeka Kennel Club
Susan G Stanley	712 S. KS. 4B	Ks Dept of A. H.
LINDA MARKE	Rt. 2 Box 14-A Emporia	Ks. FED. OF HUMANE S.
K. Johannes	Topeka	Hill's
Russ FREY	Topeka	Ks Vet Med Assoc
Sue Peterson	Manhattan	Kansas State University
Joe Rickabaugh	Topeka	Ks Lustk Assoc.
Mike Beam	Topeka	Ks Lustk Assn
JACK SOMES	TOPEKA	AHD
Al LeDoux	Holtan	CKFO
Barbara Nyhart	Kansas City	Mo-Kan Cat Club
Bob & Bob Wanda	Kansas City, KS	FRONTIER Feline Assoc

SENATE BILL No. 752

By Committee on Agriculture

2-26

11 AN ACT concerning animals; amendments to the Kansas animal
12 dealer ~~dealers~~ act; amending K.S.A. 1991 Supp. 47-1701, 47-
13 1702, 47-1703, 47-1704, 47-1709, 47-1712, 47-1721, 47-1725, 47-
14 1726, 47-1731 and 47-1832 and repealing the existing sections;
15 also repealing K.S.A. 1991 Supp. ~~47-1719~~ and 47-1722.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. K.S.A. 1991 Supp. 47-1701 is hereby amended to read
19 as follows: 47-1701. As used in the Kansas animal dealer act, unless
20 the context otherwise requires:

21 (a) "Adequate feeding" means supplying at suitable intervals (not
22 to exceed 24 hours) of a quantity of wholesome foodstuff, suitable
23 for the animal species and age, and sufficient to maintain a reasonable
24 level of nutrition in each animal.

25 (b) "Adequate watering" means a supply of clean, fresh, potable
26 water, supplied in a sanitary manner and either continuously ac-
27 cessible to each animal or supplied at intervals suitable for the animal
28 species, not to exceed intervals of 12 hours.

29 (c) "Ambient temperature" means the temperature surrounding
30 the animal.

31 (d) (1) "Animal" means any live dog, cat, rabbit, rodent, non-
32 human primate, bird or other warm-blooded vertebrate or any fish,
33 snake or other cold-blooded vertebrate.

34 (2) Animal does not include horses, cattle, sheep, goats, swine
35 or domestic fowl.

36 (e) "Animal dealer ~~broker facility operator~~" means any person
37 who operates an animal dealer ~~broker facility operator~~ premises.

38 (f) (1) "Animal dealer ~~broker facility operator~~ premises"
39 means any premises where more than 25 dogs or cats, or both, are
40 sold, or offered or maintained for sale, ~~primarily~~ primarily at whole-
41 sale for resale to another or any premises where more than 25 dogs
42 or cats, or both, that are produced and raised on such premises are
43 sold at retail by a person who resides on such premises.

"Adequate veterinary care" means (1) Doc-
umented program of disease control
and prevention, euthanasia and routine
veterinary care shall be established
and maintained under the supervision
of a licensed doctor of veterinary
medicine and shall include a documented
on site visit to the premises by the
veterinarian at least once per year
(2) Diseased, ill, injured, lame or blind
animals shall be provided with
veterinary care.

1 ~~(2)~~ Animal dealer premises does not include: (A) any pound
2 or animal shelter; or (B) any premises described in subsection
3 ~~(m)(1)~~.

4 (2) Animal facility operator premises does not include any pound
5 or animal shelter.

6 (g) "Animal shelter" means a facility which is used or designed
7 for use to house or contain any animal and which is owned, operated
8 or maintained by a duly incorporated or unincorporated humane
9 society, animal welfare society, society for the prevention of cruelty
10 to animals or other nonprofit corporate organizations devoted to the
11 welfare, protection and humane treatment of animals or any indi-
12 vidual or organization harboring more than 10 adult dogs or cats,
13 or both, as a profit or nonprofit no-kill shelter.

14 (h) "Cat" means an animal which is wholly or in part of the
15 species *Felis domesticus*.

16 (i) "Commissioner" means the livestock animal health commis-
17 sioner appointed by the Kansas animal health board.

18 (j) "Dog" means any animal which is wholly or in part of the
19 species *Canis familiaris* but does not include any greyhound, as
20 defined by K.S.A. 1990 1991 Supp. 74-8802, and amendments
21 thereto.

22 (k) "Dog warden" means any person employed by, contracted
23 with or appointed by the state, or any political subdivision thereof,
24 for the purpose of aiding in the enforcement of this law, or any
25 other law or ordinance relating to the licensing of animals, control
26 of animals or seizure and impoundment of animals, and includes any
27 state, county or municipal law enforcement officer, animal control
28 officer, constable or other employee, whose duties in whole or in
29 part include assignments which involve the seizure or taking into
30 custody of any animal.

31 (l) "Euthanasia" means the humane destruction of an animal,
32 which may be accomplished by any of those methods provided for
33 in K.S.A. 47-1718, and amendments thereto.

34 ~~(m)(1)~~ "Hobby kennel" means any premises where only
35 dogs or cats, or both, which are produced and raised on such
36 premises are sold, or offered or maintained for sale, by a person
37 who resides on such premises, but only if the total number of
38 dogs or cats, or both, which are produced and raised on such
39 premises and are sold during the registration year is fewer than
40 all or part of six litters of animals or 30 individual animals,
41 whichever is less, whether such animals are dogs or cats, or
42 both.

43 (2) Hobby kennel does not include: (A) Any pound or an-

1 imal shelter; or (B) any premises where fewer than all or part
2 of three litters of animals, whether dogs or cats, or both, are
3 sold during the registration year.

4 (n) "Hobby kennel operator" means any person who op-
5 erates a hobby kennel.

6 (o) (m) "Housing facility" means any room, building or area used
7 to contain a primary enclosure or enclosures.

8 (p) (l) (n) (1) "Kennel operator" means any person who operates
9 an establishment where animals are maintained for boarding or sim-
10 ilar purposes for a fee or compensation.

11 (2) Kennel operator does not include an "animal dealer,"
12 "pet shop" or "hobby kennel" or any person on whose premises
13 there are maintained, fewer than four dogs or cats, or both, in
14 any one week.

15 (2) Kennel operator does not include an animal facility operator
16 or animal retailer or any person on whose premises there are main-
17 tained, fewer than four dogs or cats, or both, in any one week.

18 (q) (o) "Kennel operator premises" means the facility of a kennel
19 operator.

20 (p) "No-kill shelter" means a facility of an individual or organ-
21 ization, profit or nonprofit, maintaining 10 or more dogs or cats,
22 or both, for the purpose of collecting such animals, or offering for
23 adoption, animals rescued as unwanted pets.

24 (r) (q) "License year" or "registration year" means the 12-month
25 period ending on June 30.

26 (s) (r) "Person" means any individual, association, partnership,
27 corporation or other entity.

28 (t) (s) (1) "Pet shop" "Animal retailer premises" means any
29 premises where there are sold, or offered or maintained for sale, at
30 retail and not for resale to another: (A) Any dogs or cats, or both;
31 or (B) any other animals except those which are produced and raised
32 on such premises and are sold, or offered or maintained for sale,
33 by a person who resides on such premises.

34 (2) Pet shop Animal retailer does not include: (A) Any pound
35 or animal shelter; (B) any premises where only fish are sold, or
36 offered or maintained for sale; or (C) any animal dealer animal
37 facility operator premises, or any premises described in subsec-
38 tion (m)(1), or hobby kennel where the only animals, other than
39 dogs or cats, which are sold, or offered or maintained for sale, are
40 animals which are produced and raised on such premises and are
41 sold, or offered or maintained for sale, by a person residing on such
42 premises. (u) "Pet shop operator"

43 (t) "Animal retailer" means any person who operates a pet shop

1 *an animal retailer premise.*

2 ~~(v)~~ (u) "Pound" means a facility:

3 (1) Operated by the state, or any political subdivision thereof,
4 for the purpose of impounding or harboring any seized stray, home-
5 less or abandoned animal; or

6 (2) operated for such a purpose under contract with any munic-
7 ipality or incorporated society for the prevention of cruelty to animals
8 or by another person under contract with such municipality.

9 ~~(w)~~ (v) "Primary enclosure" means any structure used or de-
10 signed for use to restrict any animal to a limited amount of space,
11 such as a room, pen, cage, compartment or hutch.

12 ~~(x)~~ (w) "Research facility" means any place, laboratory or insti-
13 tution, except an elementary school, secondary school, college or
14 university, at which any scientific test, experiment or investigation
15 involving the use of any living animal is carried out, conducted or
16 attempted.

17 ~~(y)~~ (x) "Sale," "sell" and "sold" include transfers by sale or ex-
18 change. Maintaining animals for sale is presumed whenever 20 10
19 or more dogs or cats, or both, are maintained by any person.

20 ~~(z)~~ (y) "Sanitize" means to make physically clean and to remove
21 and destroy, to a practical minimum, agents injurious to health, at
22 such intervals as necessary.

23 ~~(z)~~ "Animal breeder" means any person who operates an
24 animal breeder premises.

25 ~~(aa)~~ "Animal breeder premises" means any premise where
26 more than three intact female dogs or cats, or both, are main-
27 tained and offspring are raised, leased, sold, offered or main-
28 tained for sale.

29 ~~(z)~~ (1) "Hobby kennel" means any premises where more than
30 three reproductively intact female dogs or cats, or both, are main-
31 tained and offspring are raised, leased, sold or offered or maintained
32 for sale by a person who resides on such premises, but only if the
33 total number of dogs or cats, or both, which are produced and
34 raised on such premises and are sold during the registration year
35 are fewer than 26 individual dogs or cats, or both.

36 (2) Hobby kennel does not include any pound or animal shelter.

37 ~~(aa)~~ "Hobby kennel operator" means any person who operates a
38 hobby kennel.

39 Sec. 2. K.S.A. 1991 Supp. 47-1702 is hereby amended to read
40 as follows: 47-1702. Except as otherwise provided by K.S.A. 1988
41 Supp. 47-1722, it shall be unlawful for any person, other than
42 a person licensed under public law 91-579 (7 U.S.C. & 2131
43 et seq.), to act as or be an animal dealer unless such person

over the age of 6 months

1 has obtained from the commissioner an animal dealer license
 2 for each animal dealer premises operated by such person. Ex-
 3 cept as otherwise provided by K.S.A. 1988 Supp. 47-1722, on
 4 and after January 1, 1989, It shall be unlawful for any person
 5 licensed under public law 91-579 (7 U.S.C. & 2131 et seq.) to act
 6 as or be an animal dealer ~~broker facility operator~~ unless such person
 7 has obtained from the commissioner an animal dealer ~~broker facility~~
 8 ~~operator~~ license for each animal dealer ~~broker facility operator~~
 9 premises operated by such person. Application for such license shall
 10 be made in writing on a form provided by the commissioner. The
 11 license period shall be for the license year ending on June 30 fol-
 12 lowing the issuance date.

13 Sec. 3. K.S.A. 1991 Supp. 47-1703 is hereby amended to read
 14 as follows: 47-1703. ~~Except as otherwise provided by K.S.A. 1988~~
 15 ~~Supp. 47-1722,~~ It shall be unlawful for any person to act as or be
 16 a ~~pet shop operator~~ *an animal retailer* unless such person has
 17 obtained from the commissioner a ~~pet shop operator~~ *an animal*
 18 *retailer* license for each ~~pet shop animal retailer premise~~ operated
 19 by such person. Application for each such license shall be made in
 20 writing on a form provided by the commissioner. The license period
 21 shall be for the license year ending on June 30 following the issuance
 22 date.

23 Sec. 4. K.S.A. 1991 Supp. 47-1704 is hereby amended to read
 24 as follows: 47-1704. It shall be unlawful for any *individual, city or*
 25 *county* or the officials thereof to operate a pound or any corporate
 26 entity to operate an animal shelter as a pound, ~~except a licensed~~
 27 veterinarian, unless a license for such pound or shelter has been
 28 obtained from the commissioner. Application for such license shall
 29 be made on a form provided by the commissioner. The license period
 30 shall be for the license year ending on June 30 following the issuance
 31 date.

32 Sec. 5. K.S.A. 1991 Supp. 47-1709 is hereby amended to read
 33 as follows: 47-1709. (a) The commissioner or the commissioner's au-
 34 thorized, trained representatives shall make an inspection of the
 35 premises for which an application for an original license is made
 36 under K.S.A. 47-1701 et seq., and amendments thereto, before is-
 37 suance of such license. The application for a license shall conclusively
 38 be deemed to be the consent of the applicant to the right of entry
 39 and inspection of the premises sought to be licensed by the com-
 40 missioner or the commissioner's authorized, trained representatives
 41 at reasonable times with the owner or owner's representative present.
 42 Refusal of such entry and inspection shall be grounds for denial of
 43 the license. Notice need not be given to any person prior to

or any individual to operate
 a "no-kill" animal shelter.

1 inspection.

2 (b) *Except as provided in subsection (j)*, the commissioner or the
3 commissioner's authorized, trained representatives shall make an in-
4 spection of each premises for which a license has been issued under
5 K.S.A. 47-1701 et seq., and amendments thereto. If such premises
6 are premises of a person licensed under public law 91-579 (7 U.S.C.
7 & 2131 et seq.), such premises shall be inspected at least once each
8 year. Otherwise, the premises shall be inspected at least twice each
9 year. The acceptance of a license shall conclusively be deemed to
10 be the consent of the licensee to the right of entry and inspection
11 of the licensed premises by the commissioner or the commissioner's
12 authorized, trained representatives at reasonable times with the
13 owner or owner's representative present. Refusal of such entry and
14 inspection shall be grounds for suspension or revocation of the li-
15 cense. Notice need not be given to any person prior to inspection.

16 (c) The commissioner or the commissioner's authorized, trained
17 representatives shall make inspections of the premises of a person
18 required to be licensed or registered under K.S.A. 47-1701 et seq.,
19 and amendments thereto, upon a determination by the commissioner
20 that there are reasonable grounds to believe that the person is vi-
21 olating the provisions of K.S.A 47-1701 et seq., and amendments
22 thereto, or rules and regulations adopted thereunder or that there
23 are grounds for suspension or revocation of such person's license or
24 certificate of registration.

25 (d) Any complaint filed with the commissioner shall be confi-
26 dential and shall not be released to any person other than employees
27 of the commissioner as necessary to carry out the duties of their
28 employment.

29 (e) Any person making inspections under this section shall be
30 trained by the commissioner in reasonable standards of animal care.

31 (f) The commissioner may request a licensed veterinarian to assist
32 in any inspection or investigation made by the commissioner or the
33 commissioner's authorized representative under this section.

34 (g) Any person acting as the commissioner's authorized repre-
35 sentative for purposes of making inspections and conducting inves-
36 tigations under this section who ~~knowingly~~ falsifies the results or
37 findings of any inspection or investigation or who intentionally fails
38 or refuses to make an inspection or conduct an investigation pursuant
39 to this section shall be guilty of a class A misdemeanor.

40 (h) No person shall act as the commissioner's authorized repre-
41 sentative for the purposes of making inspections and conducting
42 investigations under this section if such person has a beneficial in-
43 terest in a person required to be licensed or registered pursuant to

reinsert the word "knowingly"

1 K.S.A. 47-1701 et seq., and amendments thereto.

2 (i) Records of inspections pursuant to this section shall be main-
3 tained in the office of the Kansas animal health department. Records
4 of a deficiency or violation shall not be maintained for longer than
5 three years after the deficiency or violation is remedied.

6 (j) *Research facilities which have been certified by the American
7 association for the accreditation of laboratory animal care shall be
8 inspected by the commissioner only upon receipt of a complaint.*

(k) In the event a complaint
received by the commissioner
appears to constitute a violation
of K.S.A. 21-4310 the commissioner
shall notify the appropriate law
enforcement authorities of the
substance of the complaint in a
timely manner.

9 Sec. 6. K.S.A. 1991 Supp. 47-1712 is hereby amended to read
10 as follows: 47-1712. (a) The commissioner is hereby authorized to
11 adopt rules and regulations for ~~hobby kennels,~~ *hobby kennels,* ken-
12 ~~nel operators operator premises,~~ pounds, animal shelters, pet shops
13 ~~animal retailer premises,~~ *no-kill shelters* and research facilities. Such
14 rules and regulations shall include, but not be limited to, provisions
15 relating to: (1) Reasonable treatment of animals in the possession,
16 custody or care of a licensee or registrant or being transported to
17 or from licensed or registered premises; (2) a requirement that each
18 licensee and registrant file with the commissioner evidence that
19 animals entering or leaving the state are free from any visible symp-
20 toms of communicable disease; (3) identification of animals handled;
21 (4) primary enclosures; (5) housing facilities; (6) sanitation; (7) eu-
22 thanasia; (8) ambient temperatures; (9) feeding; (10) watering; (11)
23 adequate veterinary medical care; (12) inspections of licensed or
24 registered premises, investigations of complaints and training of per-
25 sons conducting such inspections and investigations; and (13) a re-
26 quirement that each licensee keep and maintain, for inspection by
27 the commission, such records as necessary to administer and enforce
28 the provisions of the Kansas animal dealer act.

29 (b) The commissioner shall only adopt as rules and regulations
30 for animal dealers and ~~brooders, animal brokers,~~ animal dealer
31 ~~brooder premises and animal broker facility operators and animal~~
32 ~~facility operators premises,~~ the rules and regulations promulgated
33 by the secretary of the United States department of agriculture,
34 cited at 9 C.F.R. 2.40, 2.50, 2.75 and 3.1 through 3.12, pursuant
35 to the provisions of the United States public law 91-579 (7 U.S.C.
36 & 2131 et seq.), commonly known as the animal welfare act and a
37 requirement that each animal dealer ~~brooder or animal broker~~
38 ~~facility operator~~ file with the commissioner evidence that animals
39 entering or leaving the state are free from any visible symptoms of
40 communicable disease.

41 Sec. 7. K.S.A. 1991 Supp. 47-1721 is hereby amended to read
42 as follows: 47-1721. (a) Each application for issuance or renewal of
43 a license or certificate of registration required under K.S.A. 47-1701

1-7

1 *et seq.* and amendments thereto shall be accompanied by the fee
 2 prescribed by the commissioner under this section. Such fees shall
 3 be as follows:

4 (1) For a license for premises of a person licensed under public
 5 law 91-579 (7 U.S.C. & 2131 *et seq.*), an amount not to exceed
 6 ~~\$150~~ ~~\$775~~ \$150.

7 (2) For a license for any other premises, an amount not to exceed
 8 ~~\$300~~ ~~\$875~~ ~~\$250~~ 300

9 (3) For a certificate of registration, an amount not to exceed \$75.

10 (b) The commissioner shall determine annually the amount nec-
 11 essary to carry out and enforce K.S.A. 47-1701 *et seq.* and amend-
 12 ments thereto for the next ensuing fiscal year and shall fix by rules
 13 and regulations the license and registration fees for such year at the
 14 amount necessary for that purpose, subject to the limitations of this
 15 section. In fixing such fees, the commissioner ~~may shall~~ may establish
 16 categories of licenses and registrations, based upon the type of license
 17 or registration, size of the licensed or registered business or activity
 18 and the premises where such business or activity is conducted, and
 19 may establish different fees for each such category. The fees in effect
 20 immediately prior to the effective date of this act shall continue in
 21 effect until different fees are fixed by the commissioner as provided
 22 by this subsection.

23 (c) If a licensee, registrant or applicant for a license or registration
 24 requests an inspection of the premises of such licensee, registrant
 25 or applicant, the commissioner shall assess the costs of such in-
 26 spection, as established by rules and regulations of the commissioner,
 27 to such licensee, registrant or applicant.

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

30 (e) The commissioner shall remit all moneys received by or for
 31 the commissioner under this section to the state treasurer at least
 32 monthly. Upon receipt of each such remittance, the state treasurer
 33 shall deposit the entire amount in the state treasury and shall credit
 34 it to the animal dealers fee fund, which is hereby created in the
 35 state treasury. Moneys in the animal dealers fee fund may be ex-
 36 pended only to administer and enforce K.S.A. 47-1701 *et seq.*, and
 37 amendments thereto. All expenditures from the animal dealers fee
 38 fund shall be made in accordance with appropriation acts upon war-
 39 rants of the director of accounts and reports issued pursuant to
 40 vouchers approved by the Kansas livestock animal health commis-
 41 sioner or the commissioner's designee.

42 (f) Any renewal for a license received after August 31 shall be
 43 considered an application for an original license and the premises

1-8

1 shall be subject to inspection pursuant to K.S.A. 47-1709, and
2 amendments thereto.

3 (g) Premises required to be licensed under the Kansas animal
4 dealers act shall obtain a license for the business such premises is
5 primarily engaged in and shall not be required to obtain more than
6 one license.

7 ~~(f)~~ ~~(g)~~ (h) This section shall be part of and supplemental to K.S.A.
8 47-1701 *et seq.* and amendments thereto.

9 Sec. 8. K.S.A. 1991 Supp. 47-1725 is hereby amended to read
10 as follows: 47-1725. (a) There is hereby created the Kansas companion
11 animal advisory board, consisting of ~~nine~~ [11] members. Members
12 shall be appointed by the governor as follows:

13 (1) One member shall be a representative of the Kansas feder-
14 ation of humane societies;

15 (2) one member shall be an employee of a research facility li-
16 censed under K.S.A. ~~1990~~ 1991 Supp. 47-1720, and amendments
17 thereto;

18 (3) one member shall be a companion animal breeder, actively
19 engaged in the breeding of companion animals, licensed under the
20 Kansas animal dealer act and shall be selected from a list of three
21 names presented to the governor by the American professional pet
22 distributors, inc.;

23 (4) one member shall be a companion animal broker, actively
24 engaged in buying and selling companion animals, licensed under
25 the Kansas animal dealer act and shall be selected from a list of
26 three names presented to the governor by the American professional
27 pet distributors, inc.;

28 (5) one member shall be a ~~pet shop operator~~ *an animal retailer*,
29 licensed under the Kansas animal dealer act and shall be selected
30 from a list of three names presented to the governor by the pet
31 industry joint advisory council;

32 (6) one member shall be a licensed veterinarian and shall be
33 selected from a list of three names presented to the governor by
34 the Kansas veterinary medical association;

35 (7) one member shall be a private citizen with no link to the
36 industry;

37 (8) one member shall be a companion animal breeder, actively
38 engaged in the breeding of companion animals, or a companion
39 animal broker, actively engaged in buying and selling companion
40 animals, licensed under the Kansas animal dealer act and shall not
41 be affiliated with an organized companion animal association; ~~and~~

42 (9) one member shall be a ~~hobby~~ *hobby* kennel operator, reg-
43 istered under the Kansas animal dealer act[;]

and shall be selected from
a list of three names presented
to the governor by the Kan. Kennel Club.

1 ~~[(10) one member shall be a hobby-kennel-operator, licensed~~
2 ~~under the Kansas animal dealers act and shall be selected from a~~
3 ~~list of three names presented to the governor by the cat fancier's~~
4 ~~association; and~~

5 ~~[(11) one member shall be a hobby-kennel-operator, licensed~~
6 ~~under the Kansas animal dealers act and shall be selected from a~~
7 ~~list of three names presented to the governor by the American kennel~~
8 ~~club.]~~

9 (b) Of the members first appointed to the board, the governor
10 shall designate three whose terms shall expire June 30, 1992; three
11 whose terms shall expire June 30, 1993; and three whose terms shall
12 expire June 30, 1994. After the expiration of such terms, each mem-
13 ber shall be appointed for a term of three years and until a successor
14 is appointed and qualified.

15 (c) A vacancy on the board of a member shall be filled for the
16 unexpired term by appointment by the governor.

17 (d) The board shall meet at least once every calendar quarter
18 regularly or at such other times as the chairperson or a majority of
19 the board members determine. A majority of the members shall
20 constitute a quorum for conducting board business.

21 (e) The members of the board shall annually elect a chairperson.

22 (f) The board shall have the following duties, authorities and
23 powers:

24 (1) To advise the Kansas livestock animal health commissioner
25 on hiring a director to implement the Kansas animal dealer act;

26 (2) to review the status of the Kansas animal dealer act;

27 (3) to make recommendations on changes to the Kansas animal
28 dealer act; and

29 (4) to make recommendations concerning the rules and regula-
30 tions for the Kansas animal dealer act.

31 Sec. 9. K.S.A. 1991 Supp. 47-1726 is hereby amended to read
32 as follows: 47-1726. K.S.A. 47-1701 through 47-1722 47-1718 and
33 K.S.A. 1991 Supp. 47-1723 47-1719 through 47-1727, and amend-
34 ments thereto, shall be known and may be cited as the Kansas animal
35 dealers act. This act shall license, register and regulate the conditions
36 of certain premises and facilities within the state of Kansas where
37 animals are maintained, sold or offered or maintained for sale.

38 Sec. 10. K.S.A. 1991 Supp. 47-1731 is hereby amended to read
39 as follows: 47-1731. (a) No dog or cat may be released for adoption
40 from any pound or animal shelter, as defined by K.S.A. 47-1701,
41 and amendments thereto, or from any duly incorporated or unin-
42 corporated humane society, unless:

43 (1) Such dog or cat has been first surgically spayed or neutered;

Representative of the animal
control profession employed by
a facility licensed under this
act and shall be selected from
a list of three names presented
to the governor by the
Kansas Animal Control Assn.

boardings kennel operators
registered under the Kansas
animal dealers act and shall
be selected from a list of
three names presented to the
governor by the American
Pet Boarding Association.

1-10

1 or

2 (2) the adopting party signs an agreement to have the dog or cat
3 spayed or neutered and deposits with the pound or animal shelter
4 funds sufficient to ensure that the dog or cat will be sterilized. Any
5 funds deposited pursuant to such an agreement shall be refunded
6 to the adopting party upon presentation of a written statement signed
7 by a licensed veterinarian that the adopted dog or cat has been
8 spayed or neutered.

9 (b) No person shall spay or neuter any dog or cat for or on behalf
10 of a pound, animal shelter or humane society unless such person is
11 a licensed veterinarian *or a student currently enrolled in the college*
12 *of veterinary medicine, Kansas state university, who has completed*
13 *at least two years of study in the veterinary medical curriculum and*
14 *is participating in a spay or neuter program as part of the curriculum*
15 *under the direct supervision of a licensed veterinarian who is a*
16 *faculty member at the Kansas state university veterinary medical*
17 *center.* No pound, animal shelter or humane society shall designate
18 the veterinarian which a person must use, or a list from which a
19 person must select a veterinarian, to spay or neuter a dog or cat
20 adopted by such person from such pound, shelter or society, nor
21 shall such pound, shelter or society in any way penalize a person
22 for such person's selection of a veterinarian to spay or neuter a dog
23 or cat adopted from such pound, shelter or society.

24 (c) Nothing in this section shall be construed to require sterili-
25 zation of a dog or cat which is being held by a pound or animal
26 shelter and which may be claimed by its rightful owner.

27 ~~New Sec. 11. It shall be unlawful for any person to act as~~
28 ~~or be an animal breeder unless such person has obtained an~~
29 ~~animal breeder license for each animal breeder premise op-~~
30 ~~erated by such person. Application for each such license shall~~
31 ~~be made in writing on a form provided by the commissioner.~~
32 ~~The license period shall be for the license year ending on June~~
33 ~~30 following the issuance date.~~

34 ~~Sec. 12 11. K.S.A. 1991 Supp. 47-1832 is hereby amended to~~
35 ~~read as follows: 47-1832. The livestock *animal health* commissioner~~
36 ~~is hereby authorized to establish rules and regulations on the *def-*~~
37 ~~*inition*, sale and importation into Kansas of exotic animals. As used~~
38 ~~in this section "*exotic animal*" means the definition given by~~
39 ~~rules and regulations in 9 C.F.R. 1.1, pursuant to 7 U.S.C.~~
40 ~~2131 *et seq.*~~

41 ~~New Sec. 12. (a) Any person required to be licensed or registered~~
42 ~~under the Kansas animal dealers act shall remit to the commissioner,~~
43 ~~on a quarterly basis, a housed animal registration fee in an amount~~

The spay neuter program shall only be conducted at the surgery clinic at the Kansas State University Veterinary Medical Center in Manhattan.

Delete

1 not to exceed \$.10 for each dog or cat acquired, produced or main-
2 tained on such person's licensed or registered premises during any
3 part of the license or registration year. No animal shall be charged
4 such registration fee more than once per license or registration year.
5 The commissioner shall remit such funds to the state treasurer and
6 such funds shall be credited to the animal dealers fee fund, pursuant
7 to K.S.A. 1991 Supp. 47-1721, and amendments thereto. Reports
8 and registration fees shall be remitted to the commission within 30
9 days of the end of each quarter. If the amount owed by the licensee
10 pursuant to this section is less than \$10, the licensee shall remit \$10
11 along with the registration report. Registration reports shall be filed
12 on a form prescribed by the commissioner.

13 Sec. 13. K.S.A. 1991 Supp. 47-1701, 47-1702, 47-1703, 47-1704,
14 47-1709, 47-1712, ~~47-1719~~, 47-1721, 47-1722, 47-1725, 47-1726, 47-
15 1731 and 47-1832 are hereby repealed.

16 Sec. 14. This act shall take effect and be in force from and after
17 its publication in the statute book.

Delete

47-1706. Refusal to issue or renew or suspension or revocation of license or registration; grounds; judicial review; seizure and disposition of animals, when. (a) The commissioner may refuse to issue or renew or may suspend or revoke any license or certificate of registration required under K.S.A. 47-1701 *et seq.* and amendments thereto for any one or more of the following reasons:

(1) Material misstatement in the application for the original license or certificate of registration, or in the application for any renewal of a license or certificate of registration;

(2) willful disregard of any provision of the Kansas animal dealer act or any rule and regulation adopted hereunder, or any willful aiding or abetting of another in the violation of any provision of the Kansas animal dealer act or any rule and regulation adopted hereunder;

(3) permitting any license or certificate of registration issued hereunder to be used by an unlicensed or unregistered person or transferred to unlicensed or unregistered premises;

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

(5) substantial misrepresentation;

(6) misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of business of the licensee or registrant;

(7) fraudulent bill of sale;

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

or

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

(b) Any refusal to issue or renew a license or certificate of registration, and any suspension or revocation of a license or certificate of registration, under this section shall be in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(c) Whenever the commissioner denies, suspends or revokes a license or certificate of registration under this section, the commissioner or the commissioner's authorized, trained representatives shall seize and impound any animals in the possession, custody or care of the person whose license or certificate of registration is denied, suspended or revoked if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person's license or certificate of registration is denied, suspended or revoked. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person's license or certificate of registration is not denied, suspended or revoked, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

Euthanasia may be authorized by the commissioner if the animal is diseased, unsocialized or disabled beyond recovery for any useful purpose.

47-1707. Administrative civil fine for violations of act; judicial review; seizure and disposition of animals, when. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of the Kansas animal dealer act or any rule and regulation adopted hereunder, may impose on such person a civil fine not exceeding \$1,000 for each violation.

(b) Any imposition of a civil fine pursuant to this section shall be only upon notice and a hearing conducted in accordance with the Kansas administrative procedure act and shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(c) Whenever the commissioner has reasonable grounds to believe that a person or premises required to be licensed or registered under the Kansas animal dealer act has failed to comply with or has violated any provision of the Kansas animal dealer act or any rule and regulation adopted hereunder and that the health, safety or welfare of animals in such person's possession, custody or care is endangered thereby, the commissioner shall seize and impound such animals using emergency adjudicative proceedings in accordance with the Kansas administrative procedure act. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person is found to be in violation of the Kansas animal dealer act or any rules and regulations adopted hereunder. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. If such person is not found to be in violation of the Kansas animal dealer act or any rules and regulations adopted hereunder, the commissioner shall pay the costs of care and services provided during seizure and impoundment.

History: L. 1972, ch. 201, § 7; L. 1988, ch. 189, § 8; L. 1991, ch. 152, § 30; July 1.

Euthanasia may be authorized by the commissioner if the animal is diseased, unsocialized or disabled beyond recovery for any useful purpose.

Testimony on Senate Bill 752
House Agriculture Committee
March 27, 1992

Honorable Members of the House Agriculture Committee:

I am testifying as a proponent of Senate Bill 752 with a few reservations that I hope will make the bill more suitable to a wider range of individuals that will be affected by this legislation. Although neither the commercial kennel industry nor the hobby (show) kennels want to be burdened with unnecessary regulation, both factions are in agreement that if legislation is to be passed it should be fair and uniform with no undue restriction on anyone. From conversations I have had with both areas of the kennel industry I feel that the bickering and backbiting so common in the past are giving way to a realization that both areas of the kennel industry are reliant upon the other. I do feel that as a whole this bill has a great deal to offer both the commercial kennel and the dog showing fancy, but there need to be some adjustments made in the name of fairness.

Sec 1 (x) - I feel that presuming a person maintaining 10 or more dogs or cats is involved in the sale of these animals is an unacceptable provision of this legislation. There are many show individuals in this state that maintain their show animals past their show careers and give them a home for the rest of their life. These dogs are not maintained for sale and this section is not needed, or if left in the legislation, these "senior citizens" should be exempted.

Sec 1 (z) - This section may unintentionally place many people in the category of a hobby kennel that should not need to be registered. Most people that have dogs and showing dogs as a hobby must as a nature of the hobby maintain three or more reproductively intact females. American Kennel Club rules do not allow altered (spayed) females to be shown in AKC sanctioned shows. These dogs are being maintained even though they are not being bred and indeed many are never bred but may not be altered until they are older. I would encourage the number of females to be changed or perhaps the designation of "Hobby Kennel" to reflect the number of puppies sold rather than the number of females maintained. If the overall goal of this legislation is to regulate puppy production, those not producing puppies should be exempted.

Sec 8 (9-11) - These members of the Kansas Companion Animal Advisory Board are fairly redundant and all represent the show fancy. Perhaps the wording should be changed to:

"9) one member shall be a hobby kennel operator, registered under the Kansas animal dealer act, and shall be selected from a list of three names submitted to the governor by the Kansas Kennel Club Association."

Sec 12 (a) - The purpose of this section should not be to collect an inventory tax on either breeding animals in kennels or boarding animals housed at boarding facilities. Perhaps an annual registration fee on each dog or cat acquired or produced would be more realistic.

I do feel that this legislation would be acceptable to all areas of the kennel industry with these modifications.

Sincerely,

Larry Snyder, D.V.M.
2619 S.W. 17th
Topeka, Kansas 66604

HS. AG.
3-27-92
ATTACHMENT 2

House Agriculture Committee
Lee Hamm Chairperson
Regards to: Senate Bill No. 752

March 27, 1992

In the last two years we have become an industry that was fairly regulated, to one that is radically over regulated. Not only are we federal and state inspected, but now we are inspected by pet shops. Pet Land, a national pet store chain, inspects kennels before they buy animals. Doctor Pet Center also has its own inspection program. The American Kennel Club is aggressively inspecting Kansas kennels. We as owners cannot refuse, an inspection. Where would we register our animals, and where would we sell them?

Dan Walkers original bill 752 would have literally closed the industry down. It would have licensed one piece of property up to four times, with fees up to \$850. This bill has been amended for the survival of the industry. There are still a few problems in it. Which we wish to amend today.

I do not feel like we can completely fund this law, by user fees. This would be more realistic if we were not already under federal inspection programs, with a maximum fee of \$760 per year. We did not want double licensing in this state. We believe a large number of kennel owners testified to this. The animal rights groups, and the humane societies, lobbied for this double licensing, and should have to pay their fair share. Especially since they are in direct competition with kennels. We believe that using a U.S.D.A. license in lieu of a state license would be the most logical way to run this program, but no one seems to want logic. If this is not possible and the state wants us double inspected, then they should come up with the funding for this law.

There were more than fifty kennels that went out of business last year and at least that many the year before. Due to high fees that many will probably will go out next year. There were never 3,000 kennels that the animal right groups said there were to fund this program NO ONE wants to fund a program that will put them out of business.

I do not support the funding mechanism of this bill, for the above reasons. If we have to have a funding bill, then I will support this one, it being the lesser of the evils, with these following amendments. These amendments will correct some of the oversights in the present law, and help us as an industry to be able to live with it.

Margaret Kerr,



Campanion Animal Advisory Board

HS. AG.
3-27-92
ATTACHMENT 3

(2)

Page 5 line 41 to read as follows: The applicant may request that a licensed veterinarian be present.

Page 6 line 13: The licensee may request that a licensed veterinarian be present.

Page 7 line 34: Cross out the numbers 2.40, 2.50, 2.75..
2.4 is veterinary care. 2.5 is identification of animals 2.75 is records. We do not want to keep duplicate records. The state should not become a printing company and waste our fees duplicating these forms, or waste our time keeping duplicate records. We are tattooing our animals twice now. Once for A.K.C. (American Kennel Club), and once for the U.S.D.A. We do not need a third tattoo on our dogs for the state. Veterinary care is already taken care of by U.S.D.A. The above and any violation can be a loss of license and or up to one year in prison or \$1000 fine or both. The present Kansas law allows the commissioner to make any rules he wants on non U.S.D.A. licensed kennels in regard to the above.

Page 9 line 11: A nine member board. Line 19 after the word companion animals add: or a companion animal broker, actively engaged in buying and selling companion animals or both a companion animal breeder and companion animal broker. Line 23, one member shall be a kennel operator registered under the Kansas Animal Dealer Act and shall be selected from a list of three names presented to the governor by the American Boarding Kennel Ass. Line 40: after animals add: or both a companion animal breeder and companion animal broker, Line 43 add: and shall be selected from a list of three names presented to the governor by the Kansas Federation of Kennel Clubs.

Page 9 and 10 explanation: This would give the board more representation from the industry as a whole. No one organization would have control of this board.

(3)

Page 10: Cross out line 1 through 8 and add members of the board shall represent only the association who presented such members name to the governor and shall not be a member of or associated with any other organization that presents names to the board. The provisions of this subsection shall not apply to licensed veterinarians who belong to professional veterinarian associations.

Page 11 line 43: Cross out quarterly and add annual.

Reason: This quarterly fee of \$10 would be disastrous for the little breeder. If he only raised 5 puppies he would still pay \$10. Plus he would also pay \$150 a year.

Page 12 line 1: The word maintained after it exempt breeding stock. Animal dealers would pay \$150 base fee 10¢ per animal acquired or produced, and 10¢ for all breeding stock. This would be a good way of tracking breeding of these animals. It has long been a goal of animal rights groups to control the breeding of our dogs and cats. Please do not put a inventory tax on our breeding stock. Line 9 cross out quarter and add year.

As Amended by Senate Committee

Session of 1992

SENATE BILL No. 752

By Committee on Agriculture

2-26

11 AN ACT concerning animals; amendments to the Kansas animal
12 dealer ~~dealers~~ act; amending K.S.A. 1991 Supp. 47-1701, 47-
13 1702, 47-1703, 47-1704, 47-1709, 47-1712, 47-1721, 47-1725, 47-
14 1726, 47-1731 and 47-1832 and repealing the existing sections;
15 also repealing K.S.A. 1991 Supp. ~~47-1719~~ and 47-1722.

16
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. K.S.A. 1991 Supp. 47-1701 is hereby amended to read
19 as follows: 47-1701. As used in the Kansas animal dealer act, unless
20 the context otherwise requires:

21 (a) "Adequate feeding" means supplying at suitable intervals (not
22 to exceed 24 hours) of a quantity of wholesome foodstuff, suitable
23 for the animal species and age, and sufficient to maintain a reasonable
24 level of nutrition in each animal.

25 (b) "Adequate watering" means a supply of clean, fresh, potable
26 water, supplied in a sanitary manner and either continuously ac-
27 cessible to each animal or supplied at intervals suitable for the animal
28 species, not to exceed intervals of 12 hours.

29 (c) "Ambient temperature" means the temperature surrounding
30 the animal.

31 (d) (1) "Animal" means any live dog, cat, rabbit, rodent, non-
32 human primate, bird or other warm-blooded vertebrate or any fish,
33 snake or other cold-blooded vertebrate.

34 (2) Animal does not include horses, cattle, sheep, goats, swine
35 or domestic fowl.

36 (e) "Animal dealer ~~broker~~ facility operator" means any person
37 who operates an animal dealer ~~broker~~ facility operator premises.

38 (f) ~~(1)~~ (1) "Animal dealer ~~broker~~ facility operator premises"
39 means any premises where *more than 25* dogs or cats, or both, are
40 sold, or offered or maintained for sale, ~~primarily~~ *primarily* at whole-
41 sale for resale to another *or any premises where more than 25 dogs*
42 *or cats, or both, that are produced and raised on such premises are*
43 *sold at retail by a person who resides on such premises.*

1 ~~(2)~~ Animal dealer premises does not include: (A) any pound
2 or animal shelter; or (B) any premises described in subsection
3 ~~(m)(1)~~.

4 (2) Animal facility operator premises does not include any pound
5 or animal shelter.

6 (g) "Animal shelter" means a facility which is used or designed
7 for use to house or contain any animal and which is owned, operated
8 or maintained by a duly incorporated or unincorporated humane
9 society, animal welfare society, society for the prevention of cruelty
10 to animals or other nonprofit corporate organizations devoted to the
11 welfare, protection and humane treatment of animals or any indi-
12 vidual or organization harboring more than 10 adult dogs or cats,
13 or both, as a profit or nonprofit no-kill shelter.

14 (h) "Cat" means an animal which is wholly or in part of the
15 species *Felis domesticus*.

16 (i) "Commissioner" means the livestock animal health commis-
17 sioner appointed by the Kansas animal health board.

18 (j) "Dog" means any animal which is wholly or in part of the
19 species *Canis familiaris* but does not include any greyhound, as
20 defined by K.S.A. 1990 1991 Supp. 74-8802, and amendments
21 thereto.

22 (k) "Dog warden" means any person employed by, contracted
23 with or appointed by the state, or any political subdivision thereof,
24 for the purpose of aiding in the enforcement of this law, or any
25 other law or ordinance relating to the licensing of animals, control
26 of animals or seizure and impoundment of animals, and includes any
27 state, county or municipal law enforcement officer, animal control
28 officer, constable or other employee, whose duties in whole or in
29 part include assignments which involve the seizure or taking into
30 custody of any animal.

31 (l) "Euthanasia" means the humane destruction of an animal,
32 which may be accomplished by any of those methods provided for
33 in K.S.A. 47-1718, and amendments thereto.

34 ~~(m) (1)~~ "Hobby kennel" means any premises where only
35 dogs or cats, or both, which are produced and raised on such
36 premises are sold, or offered or maintained for sale, by a person
37 who resides on such premises, but only if the total number of
38 dogs or cats, or both, which are produced and raised on such
39 premises and are sold during the registration year is fewer than
40 all or part of six litters of animals or 30 individual animals,
41 whichever is less, whether such animals are dogs or cats, or
42 both.

43 ~~(2)~~ Hobby kennel does not include: (A) Any pound or an-

1 imal shelter; or (B) any premises where fewer than all or part
 2 of three litters of animals, whether dogs or cats, or both, are
 3 sold during the registration year.

4 (n) "Hobby kennel operator" means any person who op-
 5 erates a hobby kennel.

6 (o) (m) "Housing facility" means any room, building or area used
 7 to contain a primary enclosure or enclosures.

8 (p) (l) (n) (l) "Kennel operator" means any person who operates
 9 an establishment where animals are maintained for boarding or sim-
 10 ilar purposes for a fee or compensation.

11 (2) Kennel operator does not include an "animal dealer,"
 12 "pet shop" or "hobby kennel" or any person on whose premises
 13 there are maintained, fewer than four dogs or cats, or both, in
 14 any one week.

15 (2) Kennel operator does not include an animal facility operator
 16 or animal retailer or any person on whose premises there are main-
 17 tained, fewer than four dogs or cats, or both, in any one week.

18 (q) (o) "Kennel operator premises" means the facility of a kennel
 19 operator.

20 (p) "No-kill shelter" means a facility of an individual or organ-
 21 ization, profit or nonprofit, maintaining 10 or more dogs or cats,
 22 or both, for the purpose of collecting such animals, or offering for
 23 adoption, animals rescued as unwanted pets.

24 (r) (q) "License year" or "registration year" means the 12-month
 25 period ending on June 30.

26 (s) (r) "Person" means any individual, association, partnership,
 27 corporation or other entity.

28 (t) (s) (l) "Pet shop" "Animal retailer premises" means any
 29 premises where there are sold, or offered or maintained for sale, at
 30 retail and not for resale to another: (A) Any dogs or cats, or both;
 31 or (B) any other animals except those which are produced and raised
 32 on such premises and are sold, or offered or maintained for sale,
 33 by a person who resides on such premises.

34 (2) Pet shop Animal retailer does not include: (A) Any pound
 35 or animal shelter; (B) any premises where only fish are sold, or
 36 offered or maintained for sale; or (C) any animal dealer animal
 37 facility operator premises, or any premises described in subsec-
 38 tion (m)(l), or hobby kennel where the only animals, other than
 39 dogs or cats, which are sold, or offered or maintained for sale, are
 40 animals which are produced and raised on such premises and are
 41 sold, or offered or maintained for sale, by a person residing on such
 42 premises. (u) "Pet shop operator"

43 (t) "Animal retailer" means any person who operates a pet shop

3-6

THE KANSAS FEDERATION OF HUMANE SOCIETIES, INC.
ESTABLISHED 1952

March 27, 1992

To: Representative Hamm and the Honorable Representatives
of the House Agriculture Committee

I am Linda Clarke, a representative of the Kansas Federation of Humane Societies and the Humane Society of Lyon County. I am a past President and am currently a member of the board for both of these organizations. I am also a member of the Animal Health Advisory Board. I have a BS and MS in Biology and a MS in Community Counseling. I have a total of approximately 25 years of experience as a humane society board member and cruelty officer.

As a cruelty officer, I have witnessed untold horrors in regard to the way people treat companion animals. The majority of these cases have been handled with the Kansas cruelty statutes. The "puppy-mill" situation has been with us for decades, and now we have a law which deals with this issue. Unfortunately, this law has many loop holes and needs to be strengthened. SB 752 addresses many of these loop holes and has been initiated by the various groups that deal with these animals. Such groups as humane societies, APPDI, Ks. Animal Control and the Animal Health Department.

I would like to address mainly, the introduction of "no-kill" shelters into the law, so that they would be licensed and inspected. Each of you has a set of pictures taken at two no-kill shelters, closed during the past year by my humane society. I only wish that these pictures were "scratch and sniff". Although there are some very good shelters of this type, many individuals who do not have the means, education, or manpower to run these shelters are attempting to do so. Some of these people we call collectors, because they collect animals, don't care for them, and allow them to breed freely. Many have over 100 dogs and cats, which die from disease and neglect.

The Peterson case (pictures) is a case in point. This man had around 100 dogs and the same number of cats at the beginning of our investigation. Some animals were in pens with up to 12 in. of feces making up the pen floor. Some animals were housed in old cars, with the windows still up in 103 degree heat, among dead animals, feces and garbage. The lucky dogs ran loose among piles of garbage 5 ft. high, cannibalized each other and packed up at night and went into

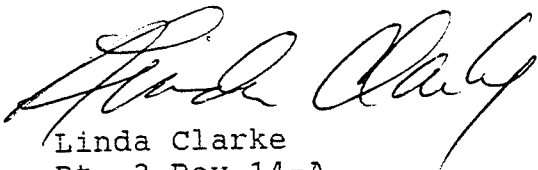
HS. AG.
3-27-92
ATTACHMENT 4

Dunlap where they terrorized the people, spread disease and killed pets. None of these animals were ever vaccinated for disease, treated for heartworms, or mange, which most had. Dead animals were found littering the place, and by the time we could obtain legal action, around 20 dogs had died. All but three of the 87 dogs taken had to be destroyed due to heartworms. This case is on appeal, and as of two months ago, this man has collected another 25 dogs. He lives on the 1 acre farm among the stench and garbage, and feels that he has done nothing wrong.

Please consider the passage of SB 752, in regard to all of the other changes which would strengthen this present law. No-kill shelters should be required to be licensed and inspected so that these types of horrors will not continue. The changes in this law were not casually thrown in, but seriously deliberated by those who have to deal with these problems on a daily basis.

Thank you.

Respectfully,



Linda Clarke
Rt. 2 Box 14-A
Emporia, KS 66801
316-342-3033

NO-KILL SHELTERS

Caring Hearts Farm, Inc. 5-7-91 Wilsey, KS
Federally Chartered
Total 35 dogs - 10 destroyed, 25 adopted
All dogs voluntarily surrendered to humane society.



Dogs with mange. One dog had mange crust on head 3in. thick.

Peterson No-Kill Shelter 7-3-91 Dunlap, KS
not incorporated
Total 89 dogs - all destroyed due to heartworms.
Case now on appeal. He has collected 25 dogs since charged.



Cats housed in closed school bus - one cat with rabies.
Temp. 103 degrees.



Poodle mix in pen. Mange, abscesses on back legs to bone from mats.



Dogs housed in closed cars. Dead dog under steering wheel. Temp. 103.



Dog found in shed. Found next day dead. Mange, parvo.

SENATE BILL 752

Linda Sutton, Olathe, Kansas

I am opposed to Senate Bill 752 as written and feel that the problems are so many and inconsistent that the whole bill should be scrapped rather than rewritten. Some few examples of the many problems are:

1. The definition of Animal Facility Operator is so poorly worded that someone who wholesales more than 25 dogs or who does not reside on the premises on which the dogs or cats are produced and raised are not required to be licensed under any other section of the law. 47-1701 (f) (1)

2. "Maintaining animals for sale is presumed whenever 10 or more dogs or cats, or both, are maintained by any person" is a presumption that could require nearly every farmer to be licensed under one of the categories since a couple of dogs and 8 barn cats is not an unusual circumstance. 47-1701 (x)

3. Using three reproductively intact female dogs or cats as a definition of a hobby kennel has two major problems. Many people with three intact female animals never breed at all; and it is virtually impossible to prove whether a female animal is intact or not. This would be an impossible enforcement problem. 47-1701 (z)

4. Research facilities are usually private facilities where someone who might complain about conditions would not normally have access to the facilities. Why would we, here in Kansas, give up our ability to inspect research facility conditions unless a complaint is filed. Inhumane conditions could virtually go on forever. 47-1709 (b) & 47-1709 (j)

5. Large breeding facilities licensed under public law 91-579 (7 U.S.C. 2131 et seq.) are only to be inspected once a year, but small hobby kennels and boarding facilities are to be inspected twice a year. There is not a great deal of logic to let large facilities by with fewer inspections. 47-1709 (b)

6. This law would leave the possibility for a hobby kennel that breeds one litter a year to pay a fee \$100.00 higher than a large commercial kennel that breeds dozens of litters a year just because it is licensed under public law 91-579 (7 U.S.C. & 2131 et seq.). 47-1721 (a) (1) & (2)

7. This bill strikes the definition of "exotic animal" and leaves it up to the subjective definition of the animal health commissioner. Kansas citizens would be much better protected from exotic animal problems if the definitions are clearly defined and administered. 47-1832

This bill has too many problems to all be adequately addressed in amendment. There is too much room for the unfair, unenforceable

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or unintended. I have only listed a few of the possibilities. If this bill is allowed to continue, we will be reluctant to make another change when a good legislation comes through on the basis of frequency. Please stop this bill here, in committee.

Thank you.

Cheryl Morgan 2515 Wheatland, Hays, Ks., 67601

March 27, 1992

To Whom It May Concern:

Senate Bill Number 752 would totally change the intent of the Animal Dealers Act of 1988. This law was passed to regulate the commercial production of a product, i.e., puppies and kittens, in the State of Kansas.

In an attempt to fund this program amendments have been introduced that will widen the scope of a department already unable to effectively regulate the businesses under it's jurisdiction. The ten (10) animal presumptive clause (Sec. 1 (x)) would include virtually every farm in the state because of barn cats. Widening the scope of the law is self-defeating in regard to increased funding, because of the additional staff required to inspect and regulate all of these premises.

The Companion Animal Department appears to be having difficulty differentiating between commercial production and wholesaling of animals, and companion animal ownership. Personal ownership of multiple animals by an individual can be done for many reasons, and should not be confused with the commercial industry. The amendments the Kansas Kennel Club Association (KKCA) is proposing would clarify the lines between the hobby category and the commercial industry, allowing for more help for the latter.

The KKCA would like to see Sec. 1 (x), (Maintaining animals for sale is presumed whenever 10 or more dogs or cats or both are maintained by any person.) deleted. In Sec. 1 (z) after, "sold or offered or maintained for sale" add, primarily at wholesale for resale to another. In Sec. 8 (9), Change the Hobby breeder to, one member selected from a list of three presented to the governor by the KKCA.

We feel that these three amendments help focus the efforts of the Companion Animal program on the commercial industry, and give equal representation to all companion animal factions. The KKCA has proposed and backed a Health Certificate Funding and Tracking System, and Dog Food Tax which would be both financially more productive, and administratively more feasible. It would also make those needing to be regulated proportionately responsible for funding of this program.

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ATTACHMENT

OVERVIEW OF HEALTH CERTIFICATE TRACKING AND FUNDING SYSTEM
and
IMPLICATIONS FOR THOSE INVOLVED

Brokers located in Kansas must buy from:

1) Breeders with a Kansas license - sellers must supply health certificate. (There can be multiple puppies/kittens on one certificate if they are from the same litter, and they all go to the same buyer.)

2) Breeders outside of Kansas with USDA license - sellers must supply Health Certificate. Even though we would have less control here, we would be able to ascertain how many out of state animals are moving through Kansas, since all Kansas animals would have Health Certificates.

Breeding Kennels operated as a business:

ALL puppies/kittens sold wholesale or retail must have a health certificate.

Supporting Policies:

All health certificates to be given by a licensed Kansas veterinarian. The fee and the certificate will be forwarded to the Livestock Commissioner from the veterinarians. Health Certificates with multiple animals would be charged per number listed.

All puppies sold by individuals not operating a breeding kennel as a business are also required to have a health certificate for each puppy sold. A Kansas license will be required if 31 or more puppies, or kittens, or combination of both are sold during one fiscal year, or if any animals are sold to a broker. A computerized system would automatically identify these people.

Violating the law and selling without a health certificate would be a misdemeanor and fines would be set accordingly.

THE HEALTH CERTIFICATE PROPOSAL HAS DEFINITE ADVANTAGES:

- 1) It provides a data base on origin and dispensation of puppies/kittens sold from Kansas. The Performance Audit Report underlines the need for an efficient system of data collection. The health certificate system could show the total number of puppies/kittens involved in the industry, and how many of those puppies/kittens are produced by Kansas commercial breeders and hobby breeders, and more importantly perhaps, how many are being sold from Kansas that are raised outside of the state.
- 2) It provides a more equitable fee schedule which is based proportionately on the numbers of animals contributed to the pet market, similar to the beef checkoff program for the cattle industry. There would be no ceilings, the broker moving 2.5 million dollars of puppies/kittens a year would pay proportionately as would the pet owner who sells one litter a year.
- 3) Through computerization of the program, and utilization of veterinarians across the state the department could provide more cost effective administration of the Companion Animal Program.
- 4) Remembering that the sale of unhealthy puppies/kittens from Kansas brought about the Animal Dealers Act of 1988, this proposal directly addresses that concern.
- 5) This system covers every segment of the population who sells animals, including the breeder who has even one litter per year.
- 6) It also provides an opportunity for veterinarians to take more responsibility in companion animal health care, and in supporting a viable industry. Any increase in bookkeeping costs would be offset by increased revenues.



KANSAS COMPANION ANIMAL ASSOCIATION

P. O. Box 3197 • Olathe, Kansas 66062

913-829-0102

March 27, 1992

TO: Representative Hamm and committee members

RE: SB 752

I am Jan Price, president of the Kansas Companion Animal Association. We oppose every change on every page of SB 752. This is obviously another attempt to weaken the already lax enforcement of the companion animal program.

There is a huge loophole for people who have four to twenty five dogs that are brokering and not retailing. Under SB 752 it appears these people would not have to be licensed.

We strongly oppose exempting research facilities from inspection. In 1966 when the Animal Welfare Act was first enacted, only research facilities and animal dealers engaged in business with research facilities were included. The livestock commissioner who requested this ridiculous bill testified at it's Senate hearing that he knew of no problems with research facilities in Kansas and believe that they should be exempt. There were problems with a facility right here in Topeka called Theracon (see attached copies). There has never been a serious problem with humane societies in Kansas but I don't see Dr. Walker suggesting that they be exempted from state inspection.

We oppose the revised definition of hobby kennel. SB 752 appears to require a hobby kennel with three dogs to be inspected twice a year if it isn't USDA licensed but an animal facility with 300 dogs might be inspected only once a year if it is also USDA licensed. Why not just charge a fee on each animal on a health certificate at the time of sale as suggested in HB 2739 instead of getting monies from the general fund?

The definition of exotic animals has been in the Animal Welfare Act for over twenty years. Why should it now be up to Dr. Walker to define exotic animals? What is his motive for changing this?

Please don't weaken a program that is already so weak that we are already not only receiving criticism and complaints from other states across the nation but Canada as well.

Sincerely,

Jan Price

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1 *an animal retailer premise.*

2 ~~(v)~~ (u) "Pound" means a facility:

3 (1) Operated by the state, or any political subdivision thereof,
4 for the purpose of impounding or harboring any seized stray, home-
5 less or abandoned animal; or

6 (2) operated for such a purpose under contract with any munic-
7 ipality or incorporated society for the prevention of cruelty to animals
8 or by another person under contract with such municipality.

9 ~~(w)~~ (v) "Primary enclosure" means any structure used or de-
10 signed for use to restrict any animal to a limited amount of space,
11 such as a room, pen, cage, compartment or hutch.

12 ~~(x)~~ (w) "Research facility" means any place, laboratory or insti-
13 tution, except an elementary school, secondary school, college or
14 university, at which any scientific test, experiment or investigation
15 involving the use of any living animal is carried out, conducted or
16 attempted.

17 ~~(y)~~ (x) "Sale," "sell" and "sold" include transfers by sale or ex-
18 change. Maintaining animals for sale is presumed whenever 20 10
19 or more dogs or cats, or both, are maintained by any person.

20 ~~(z)~~ (y) "Sanitize" means to make physically clean and to remove
21 and destroy, to a practical minimum, agents injurious to health, at
22 such intervals as necessary.

23 ~~(z)~~ "Animal breeder" means any person who operates an
24 animal breeder premises.

25 ~~(aa)~~ "Animal breeder premises" means any premise where
26 more than three intact female dogs or cats, or both, are main-
27 tained and offspring are raised, leased, sold, offered or main-
28 tained for sale.

29 (z) (1) "Hobby kennel" means any premises where more than
30 three reproductively intact female dogs or cats, or both, are main-
31 tained and offspring are raised, leased, sold or offered or maintained
32 for sale by a person who resides on such premises, but only if the
33 total number of dogs or cats, or both, which are produced and
34 raised on such premises and are sold during the registration year
35 are fewer than 26 individual dogs or cats, or both.

36 (2) Hobby kennel does not include any pound or animal shelter.

37 ~~(aa)~~ "Hobby kennel operator" means any person who operates a
38 hobby kennel.

39 Sec. 2. K.S.A. 1991 Supp. 47-1702 is hereby amended to read
40 as follows: 47-1702. Except as otherwise provided by K.S.A. 1988
41 Supp. 47-1722, it shall be unlawful for any person, other than
42 a person licensed under public law 91-579 (7 U.S.C. & 2131
43 et seq.), to act as or be an animal dealer unless such person

1 has obtained from the commissioner an animal dealer license
2 for each animal dealer premises operated by such person. Ex-
3 cept as otherwise provided by K.S.A. 1988 Supp. 47-1722, on
4 and after January 1, 1989, It shall be unlawful for any person
5 licensed under public law 91-579 (7 U.S.C. & 2131 et seq.) to act
6 as or be an animal dealer *broker facility operator* unless such person
7 has obtained from the commissioner an animal dealer *broker facility*
8 *operator* license for each animal dealer *broker facility operator*
9 premises operated by such person. Application for such license shall
10 be made in writing on a form provided by the commissioner. The
11 license period shall be for the license year ending on June 30 fol-
12 lowing the issuance date.

13 Sec. 3. K.S.A. 1991 Supp. 47-1703 is hereby amended to read
14 as follows: 47-1703. Except as otherwise provided by K.S.A. 1988
15 Supp. 47-1722, It shall be unlawful for any person to act as or be
16 a pet shop operator *an animal retailer* unless such person has
17 obtained from the commissioner a pet shop operator *an animal*
18 *retailer* license for each pet shop *animal retailer premise* operated
19 by such person. Application for each such license shall be made in
20 writing on a form provided by the commissioner. The license period
21 shall be for the license year ending on June 30 following the issuance
22 date.

23 Sec. 4. K.S.A. 1991 Supp. 47-1704 is hereby amended to read
24 as follows: 47-1704. It shall be unlawful for any *individual, city or*
25 *county* or the officials thereof to operate a pound or any corporate
26 entity to operate an animal shelter as a pound, except a licensed
27 veterinarian, unless a license for such pound or shelter has been
28 obtained from the commissioner. Application for such license shall
29 be made on a form provided by the commissioner. The license period
30 shall be for the license year ending on June 30 following the issuance
31 date.

32 Sec. 5. K.S.A. 1991 Supp. 47-1709 is hereby amended to read
33 as follows: 47-1709. (a) The commissioner or the commissioner's au-
34 thorized, trained representatives shall make an inspection of the
35 premises for which an application for an original license is made
36 under K.S.A. 47-1701 et seq., and amendments thereto, before is-
37 suance of such license. The application for a license shall conclusively
38 be deemed to be the consent of the applicant to the right of entry
39 and inspection of the premises sought to be licensed by the com-
40 missioner or the commissioner's authorized, trained representatives
41 at reasonable times with the owner or owner's representative present.
42 Refusal of such entry and inspection shall be grounds for denial of
43 the license. Notice need not be given to any person prior to

— The applicant may request that a licensed veterinarian be present.

1 inspection.

2 (b) *Except as provided in subsection (j)*, the commissioner or the
3 commissioner's authorized, trained representatives shall make an in-
4 spection of each premises for which a license has been issued under
5 K.S.A. 47-1701 et seq., and amendments thereto. If such premises
6 are premises of a person licensed under public law 91-579 (7 U.S.C.
7 & 2131 et seq.), such premises shall be inspected at least once each
8 year. Otherwise, the premises shall be inspected at least twice each
9 year. The acceptance of a license shall conclusively be deemed to
10 be the consent of the licensee to the right of entry and inspection
11 of the licensed premises by the commissioner or the commissioner's
12 authorized, trained representatives at reasonable times with the
13 owner or owner's representative present. Refusal of such entry and
14 inspection shall be grounds for suspension or revocation of the li-
15 cense. Notice need not be given to any person prior to inspection.

The licensee may request that a licensed veterinarian be present.

16 (c) The commissioner or the commissioner's authorized, trained
17 representatives shall make inspections of the premises of a person
18 required to be licensed or registered under K.S.A. 47-1701 et seq.,
19 and amendments thereto, upon a determination by the commissioner
20 that there are reasonable grounds to believe that the person is vi-
21 olating the provisions of K.S.A 47-1701 et seq., and amendments
22 thereto, or rules and regulations adopted thereunder or that there
23 are grounds for suspension or revocation of such person's license or
24 certificate of registration.

25 (d) Any complaint filed with the commissioner shall be confi-
26 dential and shall not be released to any person other than employees
27 of the commissioner as necessary to carry out the duties of their
28 employment.

29 (e) Any person making inspections under this section shall be
30 trained by the commissioner in reasonable standards of animal care.

31 (f) The commissioner may request a licensed veterinarian to assist
32 in any inspection or investigation made by the commissioner or the
33 commissioner's authorized representative under this section.

34 (g) Any person acting as the commissioner's authorized repre-
35 sentative for purposes of making inspections and conducting inves-
36 tigations under this section who knowingly falsifies the results or
37 findings of any inspection or investigation or who intentionally fails
38 or refuses to make an inspection or conduct an investigation pursuant
39 to this section shall be guilty of a class A misdemeanor.

40 (h) No person shall act as the commissioner's authorized repre-
41 sentative for the purposes of making inspections and conducting
42 investigations under this section if such person has a beneficial in-
43 terest in a person required to be licensed or registered pursuant to

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1 K.S.A. 47-1701 et seq., and amendments thereto.

2 (i) Records of inspections pursuant to this section shall be main-
3 tained in the office of the Kansas animal health department. Records
4 of a deficiency or violation shall not be maintained for longer than
5 three years after the deficiency or violation is remedied.

6 (j) *Research facilities which have been certified by the American*
7 *association for the accreditation of laboratory animal care shall be*
8 *inspected by the commissioner only upon receipt of a complaint.*

9 Sec. 6. K.S.A. 1991 Supp. 47-1712 is hereby amended to read
10 as follows: 47-1712. (a) The commissioner is hereby authorized to
11 adopt rules and regulations for ~~hobby kennels~~, *hobby kennels*, ken-
12 nel operators ~~operator premises~~, pounds, animal shelters, ~~pet shops~~
13 *animal retailer premises*, *no-kill shelters* and research facilities. Such
14 rules and regulations shall include, but not be limited to, provisions
15 relating to: (1) Reasonable treatment of animals in the possession,
16 custody or care of a licensee or registrant or being transported to
17 or from licensed or registered premises; (2) a requirement that each
18 licensee and registrant file with the commissioner evidence that
19 animals entering or leaving the state are free from any visible symp-
20 toms of communicable disease; (3) identification of animals handled;
21 (4) primary enclosures; (5) housing facilities; (6) sanitation; (7) eu-
22 thanasia; (8) ambient temperatures; (9) feeding; (10) watering; (11)
23 adequate veterinary medical care; (12) inspections of licensed or
24 registered premises, investigations of complaints and training of per-
25 sons conducting such inspections and investigations; and (13) a re-
26 quirement that each licensee keep and maintain, for inspection by
27 the commission, such records as necessary to administer and enforce
28 the provisions of the Kansas animal dealer act.

29 (b) The commissioner shall only adopt as rules and regulations
30 for animal dealers and ~~brooders~~, *animal brokers*, animal dealer
31 ~~breeder premises and animal broker facility operators and animal~~
32 *facility operators premises*, the rules and regulations promulgated
33 by the secretary of the United States department of agriculture,
34 cited at 9 C.F.R. 2.40, 2.50, 2.75 and 3.1 through 3.12, pursuant
35 to the provisions of the United States public law 91-579 (7 U.S.C.
36 & 2131 et seq.), commonly known as the animal welfare act and a
37 requirement that each animal dealer ~~breeder or animal broker~~
38 *facility operator* file with the commissioner evidence that animals
39 entering or leaving the state are free from any visible symptoms of
40 communicable disease.

41 Sec. 7. K.S.A. 1991 Supp. 47-1721 is hereby amended to read
42 as follows: 47-1721. (a) Each application for issuance or renewal of
43 a license or certificate of registration required under K.S.A. 47-1701

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1 *et seq.* and amendments thereto shall be accompanied by the fee
2 prescribed by the commissioner under this section. Such fees shall
3 be as follows:

4 (1) For a license for premises of a person licensed under public
5 law 91-579 (7 U.S.C. & 2131 *et seq.*), an amount not to exceed
6 ~~\$150~~ ~~\$775~~ ~~\$150~~.

7 (2) For a license for any other premises, an amount not to exceed
8 ~~\$300~~ ~~\$875~~ ~~\$250~~.

9 (3) For a certificate of registration, an amount not to exceed \$75.

10 (b) The commissioner shall determine annually the amount nec-
11 essary to carry out and enforce K.S.A. 47-1701 *et seq.* and amend-
12 ments thereto for the next ensuing fiscal year and shall fix by rules
13 and regulations the license and registration fees for such year at the
14 amount necessary for that purpose, subject to the limitations of this
15 section. In fixing such fees, the commissioner ~~may~~ *shall* establish
16 categories of licenses and registrations, based upon the type of license
17 or registration, size of the licensed or registered business or activity
18 and the premises where such business or activity is conducted, and
19 may establish different fees for each such category. The fees in effect
20 immediately prior to the effective date of this act shall continue in
21 effect until different fees are fixed by the commissioner as provided
22 by this subsection.

23 (c) If a licensee, registrant or applicant for a license or registration
24 requests an inspection of the premises of such licensee, registrant
25 or applicant, the commissioner shall assess the costs of such in-
26 spection, as established by rules and regulations of the commissioner,
27 to such licensee, registrant or applicant.

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

30 (e) The commissioner shall remit all moneys received by or for
31 the commissioner under this section to the state treasurer at least
32 monthly. Upon receipt of each such remittance, the state treasurer
33 shall deposit the entire amount in the state treasury and shall credit
34 it to the animal dealers fee fund, which is hereby created in the
35 state treasury. Moneys in the animal dealers fee fund may be ex-
36 pended only to administer and enforce K.S.A. 47-1701 *et seq.*, and
37 amendments thereto. All expenditures from the animal dealers fee
38 fund shall be made in accordance with appropriation acts upon war-
39 rants of the director of accounts and reports issued pursuant to
40 vouchers approved by the Kansas ~~livestock~~ *animal health* commis-
41 sioner or the commissioner's designee.

42 (f) *Any renewal for a license received after August 31 shall be*
43 *considered an application for an original license and the premises*

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1 shall be subject to inspection pursuant to K.S.A. 47-1709, and
2 amendments thereto.

3 (g) Premises required to be licensed under the Kansas animal
4 dealers act shall obtain a license for the business such premises is
5 primarily engaged in and shall not be required to obtain more than
6 one license.

7 (f) ~~(g)~~ (h) This section shall be part of and supplemental to K.S.A.
8 47-1701 et seq. and amendments thereto.

9 Sec. 8. K.S.A. 1991 Supp. 47-1725 is hereby amended to read
10 as follows: 47-1725. (a) There is hereby created the Kansas companion
11 animal advisory board, consisting of ~~nine~~ ~~[11]~~ members. Members _____ nine
12 shall be appointed by the governor as follows:

13 (1) One member shall be a representative of the Kansas feder-
14 ation of humane societies;

15 (2) one member shall be an employee of a research facility li-
16 censed under K.S.A. ~~1990~~ 1991 Supp. 47-1720, and amendments
17 thereto;

18 (3) one member shall be a companion animal breeder, actively _____ or a companion animal broker, actively
19 engaged in the breeding of companion animals, licensed under the _____ engaged in buying and selling companion
20 Kansas animal dealer act and shall be selected from a list of three _____ animals or both a companion animal breeder and
21 names presented to the governor by the American professional pet _____ companion animal broker,
22 distributors, inc.;

23 (4) one member shall be a ~~companion animal broker, actively~~ _____ kennel operator registered
24 ~~engaged in buying and selling companion animals, licensed~~ _____
25 the Kansas animal dealer act ~~and shall be selected from a list of~~ _____
26 ~~three names presented to the governor by the American professional~~ _____
27 ~~pet distributors, inc.~~ _____

28 (5) one member shall be a ~~pet shop operator an animal retailer,~~
29 licensed under the Kansas animal dealer act and shall be selected
30 from a list of three names presented to the governor by the pet
31 industry joint advisory council;

32 (6) one member shall be a licensed veterinarian and shall be
33 selected from a list of three names presented to the governor by
34 the Kansas veterinary medical association;

35 (7) one member shall be a private citizen with no link to the
36 industry;

37 (8) one member shall be a companion animal breeder, actively
38 engaged in the breeding of companion animals, or a companion
39 animal broker, actively engaged in buying and selling companion _____ and
40 animals, licensed under the Kansas animal dealer act and shall not
41 be affiliated with an organized companion animal association; and _____

42 (9) one member shall be a ~~hobby hobby~~ kennel operator, reg-
43 istered under the Kansas animal dealer act ~~and~~ _____ and shall be selected from a list of three
names presented to the governor by the Kan-
federation of kennel clubs.

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1 ~~[(10) one member shall be a hobby kennel operator, licensed~~
2 ~~under the Kansas animal dealers act and shall be selected from a~~
3 ~~list of three names presented to the governor by the cat fancier's~~
4 ~~association; and~~

5 ~~[(11) one member shall be a hobby kennel operator, licensed~~
6 ~~under the Kansas animal dealers act and shall be selected from a~~
7 ~~list of three names presented to the governor by the American kennel~~
8 ~~club.]~~

9 (b) Of the members first appointed to the board, the governor
10 shall designate three whose terms shall expire June 30, 1992; three
11 whose terms shall expire June 30, 1993; and three whose terms shall
12 expire June 30, 1994. After the expiration of such terms, each mem-
13 ber shall be appointed for a term of three years and until a successor
14 is appointed and qualified.

15 (c) A vacancy on the board of a member shall be filled for the
16 unexpired term by appointment by the governor.

17 (d) The board shall meet at least once every calendar quarter
18 regularly or at such other times as the chairperson or a majority of
19 the board members determine. A majority of the members shall
20 constitute a quorum for conducting board business.

21 (e) The members of the board shall annually elect a chairperson.

22 (f) The board shall have the following duties, authorities and
23 powers:

24 (1) To advise the Kansas livestock animal health commissioner
25 on hiring a director to implement the Kansas animal dealer act;

26 (2) to review the status of the Kansas animal dealer act;

27 (3) to make recommendations on changes to the Kansas animal
28 dealer act; and

29 (4) to make recommendations concerning the rules and regula-
30 tions for the Kansas animal dealer act.

31 Sec. 9. K.S.A. 1991 Supp. 47-1726 is hereby amended to read
32 as follows: 47-1726. K.S.A. 47-1701 through ~~47-1722~~ 47-1718 and
33 K.S.A. 1991 Supp. ~~47-1723~~ 47-1719 through 47-1727, and amend-
34 ments thereto, shall be known and may be cited as the Kansas animal
35 dealers act. This act shall license, register and regulate the conditions
36 of certain premises and facilities within the state of Kansas where
37 animals are maintained, sold or offered or maintained for sale.

38 Sec. 10. K.S.A. 1991 Supp. 47-1731 is hereby amended to read
39 as follows: 47-1731. (a) No dog or cat may be released for adoption
40 from any pound or animal shelter, as defined by K.S.A. 47-1701,
41 and amendments thereto, or from any duly incorporated or unin-
42 corporated humane society, unless:

43 (1) Such dog or cat has been first surgically spayed or neutered;

Members of the board shall represent only the association who presented such members' name to the governor and shall not be a member of or associated with any other organization that presents names to the governor for appointment to the board. The provisions of this subsection shall not apply to licensed veterinarians who belong to professional veterinarian associations. (c) [reletter accordingly]

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1 or

2 (2) the adopting party signs an agreement to have the dog or cat
3 spayed or neutered and deposits with the pound or animal shelter
4 funds sufficient to ensure that the dog or cat will be sterilized. Any
5 funds deposited pursuant to such an agreement shall be refunded
6 to the adopting party upon presentation of a written statement signed
7 by a licensed veterinarian that the adopted dog or cat has been
8 spayed or neutered.

9 (b) No person shall spay or neuter any dog or cat for or on behalf
10 of a pound, animal shelter or humane society unless such person is
11 a licensed veterinarian *or a student currently enrolled in the college*
12 *of veterinary medicine, Kansas state university, who has completed*
13 *at least two years of study in the veterinary medical curriculum and*
14 *is participating in a spay or neuter program as part of the curriculum*
15 *under the direct supervision of a licensed veterinarian who is a*
16 *faculty member at the Kansas state university veterinary medical*
17 *center. No pound, animal shelter or humane society shall designate*
18 *the veterinarian which a person must use, or a list from which a*
19 *person must select a veterinarian, to spay or neuter a dog or cat*
20 *adopted by such person from such pound, shelter or society, nor*
21 *shall such pound, shelter or society in any way penalize a person*
22 *for such person's selection of a veterinarian to spay or neuter a dog*
23 *or cat adopted from such pound, shelter or society.*

24 (c) Nothing in this section shall be construed to require sterili-
25 zation of a dog or cat which is being held by a pound or animal
26 shelter and which may be claimed by its rightful owner.

27 ~~New Sec. 11. It shall be unlawful for any person to act as~~
28 ~~or be an animal breeder unless such person has obtained an~~
29 ~~animal breeder license for each animal breeder premise op-~~
30 ~~erated by such person. Application for each such license shall~~
31 ~~be made in writing on a form provided by the commissioner.~~
32 ~~The license period shall be for the license year ending on June~~
33 ~~30 following the issuance date.~~

34 Sec. 12 11. K.S.A. 1991 Supp. 47-1832 is hereby amended to
35 read as follows: 47-1832. The livestock *animal health* commissioner
36 is hereby authorized to establish rules and regulations on the *def-*
37 *inition*, sale and importation into Kansas of exotic animals. As used
38 in this section "exotic animal" means the definition given by
39 rules and regulations in 9 C.F.R. 1.1, pursuant to 7 U.S.C.
40 2131 *et seq.*

41 ~~New Sec. 12. (a) Any person required to be licensed or registered~~
42 ~~under the Kansas animal dealers act shall remit to the commissioner,~~
43 ~~on [a quarterly] basis, a housed animal registration fee in an amount~~

_____an annual

6-6
7-9

1 not to exceed \$.10 for each dog or cat acquired, produced or main-
2 tained on such person's licensed or registered premises during any
3 part of the license or registration year. No animal shall be charged
4 such registration fee more than once per license or registration year.
5 The commissioner shall remit such funds to the state treasurer and
6 such funds shall be credited to the animal dealers fee fund, pursuant
7 to K.S.A. 1991 Supp. 47-1721, and amendments thereto. Reports
8 and registration fees shall be remitted to the commission within 30
9 days of the end of each ~~quarter~~ year. If the amount owed by the licensee
10 pursuant to this section is less than \$10, the licensee shall remit \$10
11 along with the registration report. Registration reports shall be filed
12 on a form prescribed by the commissioner.

13 Sec. 13. K.S.A. 1991 Supp. 47-1701, 47-1702, 47-1703, 47-1704,
14 47-1709, 47-1712, ~~47-1719~~, 47-1721, 47-1722, 47-1725, 47-1726, 47-
15 1731 and 47-1832 are hereby repealed.

16 Sec. 14. This act shall take effect and be in force from and after
17 its publication in the statute book.

7-10

TESTIMONY HOUSE AG COMMITTEE HEARING ON SB 752

by Arnold L. Gideon

The figures which I am going to use are all reliable, calculated from information received from such sources as the American Pet Food Institute, Washington, D.C.; Dr. Charles D. Stumpff, Area veterinarian in charge of U.S.D.A.; Dr. Kimmel, Kansas Livestock Commission; and later, Dr. Dan Walker, Kansas Livestock Commission; AKC, CFA, ACFA, and calculations made therefrom.

In 1984, the state's annual income from dogs, cats, and their related products and services was \$580,000,000., or in excess of ONE-HALF BILLION DOLLARS annually. The rate of increase from 1980 through 1986 was averaging 5 PLUS PERCENT per year. Twenty-five million (25,000,000) pounds of dog and cat food was being consumed daily, of which Kansas is a large producer.

According to the U.S.D.A., in 1985 Kansas produced 140,000 dogs and production was increasing. According to Dr. Kimmel, 1988 production was up to 180,000 and still increasing. According to Dr. Dan Walker, reports from 1990-1992 we LOST TWENTY-SEVEN PER CENT of our kennels and our production dropped to 50,000 per year. The number of kennels in Kansas stayed stable from 1985-1990. In other words, in the two years 1990-91, we lost two-thirds of our state's production. We lost in excess of \$380,000,000. of dog and cat-produced revenue in two years. I challenge anyone to site any legislative catastrophies which have, in fact, lost two-thirds of total revenue in a two-year period as well as rendering all capitol and investments useless.

SB 752 should in no way be funded; but, in fact, should be revoked. It is the largest catastrophe that has happened to any one group in the state of Kansas since statehood.

I recommend you accept all of the changes recommended by Margaret Kerr. I would also suggest on page 8, line 6, be changed to \$150.00 or \$1.00 per head;

*Hs. Ag.
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ATTACHMENT 8*

page 8, line 8, \$250.00 or \$1.00 per head. The reason being, line 6 would be charging a person raising 26 puppies \$5.77 per puppy per license. To me, that constitutes a fine, not a licensing fee. In cases of some breeds, \$5.77 would be equivalent to ten percent of the total price of the puppy. It is only equitable to put a \$1.00 per head maximum fee on each puppy.

There is a considerable amount of controversy over who should serve on the Kansas Companion Animal Advisory Board. The board should consist of no more than nine members. In the past, it has been a political football to see which special interest group could control the board. Such as, at the present time APPDI has three members on the board. Humane and welfare groups have several members on the board. We must regulate this board so that no special interest group has more than one representative.

Again, if you would like to help save the industry, I recommend you accept the changes as recommended by Margaret Kerr.

We trust you will see fit to make licensing fees equitable for not only those who produce 26 puppies per year, but also for those who handle 25,000 puppies per year. We also trust you will pass legislation which will encourage the industry rather than discouraging it as requested by some special interest groups.

Thank you for the opportunity to testify.