

Approved \_\_\_\_\_  
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

The meeting was called to order by Representative Kathleen Sebelius at  
Chairperson

1:30 ~~xxx~~/p.m. on Monday, February 24, 19<sup>92</sup> in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Mary Galligan, Kansas Legislative Research Department  
Lynne Holt, Kansas Legislative Research Department  
Mary Torrence, Office of the Revisor of Statutes  
Connie Craig, Secretary to the Committee

Conferees appearing before the committee:

Chair Sebelius called the meeting to order, and brought to the Committee's attention HB 2691, Family Court Model Project, for action.

Representative Sprague made a motion to change on line 16 of HB 2691, the number 3 to relative to the number of counties. Representative Lawrence made a second to the motion, which passed on a voice vote.

Chairperson Sebelius brought to the Committee's attention a balloon, Attachment #1, with a change suggested by Judge Buchele. She explained that the use of the term "division" in some jurisdictions is not applicable. In response to Committee discussion, Chairperson Sebelius suggested changing the second shall to may with the adoption of the balloon amendment.

Representative Sprague made the motion to adopt the balloon of HB 2691, Attachment #1, with the exception that the second "shall" on line 24, section 1, subsection (b) would be "may". Representative Wagon made a second to the motion, which passed on a voice vote.

In response to a Committee member's question of whether this will preclude a judge, Chairperson Sebelius suggested that on page 2 of HB 2691, conceptually add some sort of broader language in other jurisdictional sections that might be appropriate.

Representative Hamilton made a motion to add a conceptual section at the bottom of page 2, HB 2691, that would include language to encompass other jurisdictions as the court deems appropriate. Representative Baker made a second to the motion, which passed on a voice vote.

Representative Wagon made a motion to report favorably HB 2691 as amended. Representative Graeber made a second to the motion.

Chair Sebelius concluded Committee discussion by explaining that the fiscal note for the first year planning given to us by the Office of Judicial Administration was approximately \$65,000. She added that there is no request for this money as an appropriation at this time.

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

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS,

room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Monday, February 24, 1992

The motion to report favorably HB 2691 as amended passes on a voice vote.

**HB 2697**

Representative Gjerstad explained that HB 2697 is the bill that dealt with the children's budget, and asked each of the agencies to list separately the programs that dealt with children and families. She stated that she has had several discussions with people, including IBM, asking them to help develop cost-benefit analysis criteria.

Representative Gjerstad made the motion to report favorably HB 2697. Representative Wagnon made a second to the motion.

Committee Discussion:

- Was there a fiscal note? The one response the Committee had to a fiscal statement was an indication from S.R.S. that they would think about hiring an additional full time employee to keep this documentation current, if this were to be passed into law. They estimate the fiscal effect to be \$47,000 for a management assistant #3 for S.R.S.
- That is only one agency, how many agencies do we have? That is the fiscal note given to us by Gloria Timmer, Director, Budget. The feeling was that S.R.S. and KDHE are the two agencies to be fundamentally affected by this bill.
- Nebraska was the state that put this statute into place, and has been completely rejected and never used.
- At a NCSL meeting two years ago, staff was discussing the whole concept of a children's budget and how viable they were for states to use them. In many cases, children's budgets are prepared by advocate groups, and they often are suspect because they push a point of view or are incomplete because of a lack of information. The people from NCSL, at that time, were holding up the Nebraska Family Policy Budget Act as one way to incorporate that information from within agency sources. The person who led the charge in the Nebraska Legislature, subsequently, after getting that passed, became part of the executive branch, so they lost their will to do it.
- The question asked over and over at the Special Committee on Children's Initiatives was, "How much money do we spend on kids?" and "Where does that money go?" It took three and one-half months to reconstruct a pattern to figure out that we spend a billion dollars in this state on kids. We couldn't even match up a billion dollars, 20% of the state's total budget, with whether or not it matched our priorities.

The motion to report HB 2697 favorable for passage passed on a voice vote.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:30 ~~xxx~~/p.m. on Monday, February 24, 1992

**HB 2699**

Attachment #2 is a report on HB 2699 from Christine Ross, Kansas Department of Health and Environment, and was passed out to all Committee members. Mary Torrence explained the compromise language suggested on the balloon, page four of Attachment #2.

Representative Gjerstad made a motion to adopt the balloon amendments, page 4, Attachment #2, of HB 2699. Representative Baker made a second to the motion.

After discussion by the Committee as to whether the Department of Health wanted this bill and school boards entering into contract with profit making entities, the question of the motion was called.

Upon a call for the question, the motion to adopt the balloon amendments, page 4, Attachment #2, passed on a voice vote.

Representative Wagon made a motion to report favorable for passage HB 2699 as amended. Representative Jones made a second to the motion, which passed on a voice vote.

Representative Gilbert made a motion to approve minutes for the January 16, 1992 and January 23, 1992 meetings. Representative Hamilton made a second to the motion, which passed on a voice vote.

**HB 2739**

Dr. Azzie Young read her testimony, her department's position on HB 2739, Attachment #3.

Questions from the Committee:

- Is there some kind of regulatory relationship with the KDHE and cattle feedlots? She replied that there is enforcement responsibility in the area of feedlots. Dick Morrissey deals with the environmental side of feedlots, i.e. runoff.

Dr. R. Daniel Walker, DVM, Commissioner, Kansas Animal Health Department, read his testimony giving an update on the progress in his department, Attachment #4.

Questions from the Committee:

- On the 2nd page of Attachment #4, Item #5, where it talks about from July 1, what took place the first year you were here? Did you have kennel inspections, close down anyplace, issue any fines?
- When did the things that took place under Item#5 occur? Did they start right away on July 1?
- Why was there a period of time that there wasn't a director for the inspection program?

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

room 526-S, Statehouse, at 1:30 ~~a.m.~~/p.m. on Monday, February 24, 1992

- You did have three inspectors who were in the field, even though there wasn't a director?
- Are new licensing fees due on July 1? Were these paid in a timely manner? When did this money come in?
- Do you feel that this \$138,000 represents compliance with the law? What if somebody doesn't pay their fee, what does your office do about this? Do you have any way to check and make sure that people are complying with the new law?
- Were there two unlicensed kennels found through inspections?
- Do you think there is a problem in our state with kennels, licensed or unlicensed of a major magnitude?
- What do you base your statement that the U.S.D.A. is doing better inspections? Do they close down kennels and give out fines?
- What happened to all of the reports from those three inspectors from December, 1990, when we assumed they were conducting inspections, and how did you handle those reports from the time that you were hired up until September, 1991, concerning inspections? Were they finding nothing? The Committee member went on to say that she has seen those reports and they show that the inspectors did not nothing. Dr. Walker stated that question should be addressed to council, but the answer will often times be the report is not worthy of litigation, etc.
- You were not concerned about the conditions the inspectors were finding? But you took no action? Dr. Walker stated that counsel consistently found problems with the reports.
- How did you respond to the inspectors to insure that the reports were timely and did provide the kind of documentation that you needed?
- Since you became Commissioner, how many actual inspections have you made, how many facilities have you seen in a bad state?
- Why should we leave this program with you?
- What should we expect to see happen now that you have resources?
- Do you think that the enforcement and litigation have not been adequate in this state?
- At this point, do you have adequate staffing and finances to carry on the responsibilities expected for this fiscal year? Dr. Walker answered yes, for a modest program for this fiscal year. He added that for next fiscal year, they will not have the EDIF money that they have this year.
- Do you keep a list of complaints on unlicensed dog kennels?

Lynne Holt, Principal Analyst, Kansas Legislative Research Department, gave to Committee members a report on Animal Facilities Inspection Program, Attachment #5. There was discussion about the Animal Health Department's budget, and whether there are adequate resources to run the department? One Committee member asked who appointed Dr. Walker as Commissioner?

Chair Sebelius adjourned the meeting.

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GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE February 24 1992

(PLEASE PRINT)

| NAME              | ADDRESS                     | WHO YOU REPRESENT    |
|-------------------|-----------------------------|----------------------|
| Marian Dick       | PO Box 342 Natoma, KS 67651 | self                 |
| Laura McClure     | Glen Elder                  | self                 |
| Jim McBride       | Topeka                      | OLDSCHOOL            |
| Mary Ann Eury     | 1333 Collins                | Topeka               |
| Jan Bruce         | 1610 Hugh                   | Topeka               |
| Kathy Mueke       | 14508 ASHTON                | OLATHE               |
| Maguinita Rose    | 3805 Menlo                  | Wichita              |
| Carol Stebbins    | 3101 S.W. Newton            | Topeka               |
| Maria Mielman     | 2625 NW Rochester Rd        | Topeka               |
| Frances Tuttle    | Rt 1 Hoyt                   |                      |
| Russell A. Freely | 7125 Ks, Topeka             | Ks. Vet. Med. Assoc. |
| Whitney Parker    | Manhattan                   | Ks. Farm Bureau      |
| Paul Scarborough  | Rt 110 - Wintery            | APPDT                |
| SHARON MURK       | MENLO, KS                   | APPDT                |
| Jo Anne Kieffer   | Box 158 - Glen Elder, KS    | APPDT                |
| Dr Wilbur P. Jay  | Box 42 LeCross, KS          | Animal Health Dept.  |
| S. G. Stanley     | Ks Dept of AH               | " " "                |
| J. S. Jones       | Ks DEPT OF AH               | " " "                |
| Jerry Bahr        | Rt 2 Pratt                  | " " "                |
| Mark M'Lee        | Rt 1 ENNA                   | " " "                |
| Dale Holzman      | Rt 1 Scott City             | " " "                |
| Gene Brinkman     | Rt 5 Arkansas City          | " " "                |
| LARRY D. WOODSON  | Topeka                      | KBOA                 |
| Arlan Holmes      | Topeka                      | DOB                  |
| Michelle Lester   | Topeka                      | KGP                  |
| Don Waldman       | Top                         | KAHD                 |

GUEST LIST

DATE 2/24/92

(PLEASE PRINT)

NAME

ADDRESS

WHO YOU REPRESENT

| NAME              | ADDRESS | WHO YOU REPRESENT |
|-------------------|---------|-------------------|
| Richard Morrissey | Topoka  | KDHE              |
| Camille Nohe      | Topoka  | Attorney General  |
| Lana Vanderplas   | Topoka  | Intern            |
| Azzie Young       | Topoka  | KDHE              |
| Connie Huesel     | Topoka  | SL Bd of Ed       |
| Jack Keene        | Topoka  | KSHK              |
| Chris Ross        | Topoka  | KDHE - CCR        |
| Laura Kelly       | Topoka  | KRFA              |
| Jim Coder         | Topoka  | KS FM             |
| Jerry D. Hamblin  | Topoka  | Attorney General  |

HOUSE BILL No. 2691

By Special Committee on Children's Initiatives

1-14

8 AN ACT concerning courts; relating to a family court system; es-  
9 tablishing a grant program for certain pilot projects.

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

Section 1. (a) There is hereby established a grant program for family court systems. Subject to appropriations, the program shall provide grants for three years for two pilot projects. One pilot project shall be located in a judicial district in an urban area and one shall be located in a rural area comprised of three or more counties located in one or more judicial districts. Each grant awarded for the fiscal year ending June 30, 1993, shall be used to plan and implement a family court system in the judicial district or districts and grants awarded for the fiscal years ending June 30, 1994, and June 30, 1995, shall be used only for implementation of such system.

(b) Pilot projects awarded grants pursuant to this section shall provide for a separate division of ~~the district court which shall have jurisdiction of all proceedings:~~

- (1) Relating to any traffic offense in violation of chapter 8 of the Kansas Statutes Annotated, committed or alleged to have been committed by a person under 18 years of age;
- (2) relating to any violation of the provisions of chapter 32 of the Kansas Statutes Annotated, committed or alleged to have been committed by a person under 18 years of age;
- (3) relating to a violation of K.S.A. 41-727, 41-804 or 41-2719, and amendments thereto, committed or alleged to have been committed by a person under 18 years of age;
- (4) pursuant to the Kansas code for care of children (K.S.A. 38-1501 *et seq.* and amendments thereto);
- (5) pursuant to the Kansas juvenile offenders code (K.S.A. 38-1601 *et seq.* and amendments thereto);
- (6) pursuant to the interstate compact on juveniles (K.S.A. 38-1001 *et seq.* and amendments thereto);
- (7) pursuant to the Kansas parentage act (K.S.A. 38-1101 *et seq.* and amendments thereto);
- (8) pursuant to the interstate compact on placement of children (K.S.A. 38-1201 *et seq.* and amendments thereto);

or department of the district court to which there shall be assigned

House Journal, State Affairs  
February 24, 1992  
Attachment #1



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**Department of Health and Environment**

Azzie Young, Ph.D., Secretary

Reply to:

**REPORT TO THE COMMITTEE ON FEDERAL AND STATE AFFAIRS****HOUSE BILL 2699****February 18, 1992**Background

House Bill 2699 is sponsored by the Special Committee on Children's Initiatives which has identified the removal of licensing barriers for child care programs operated in schools and recreation centers as a goal in their "blueprint for Kansas." The bill is based on the premise that certain regulations are unduly restrictive and removing them as barriers to licensing these programs will strengthen families by allowing more child care programs to be developed in schools and recreation centers.

Testimony presented by proponents and opponents of the bill on February 3 and 4, 1992, resulted in the House Committee requesting KDHE to work with proponents and opponents of the bill in identifying factual issues and any real concerns with regulatory barriers. The committee specifically requested KDHE report back to the committee on the results of that collaborative effort with any recommendations to the bill that may be appropriate. A listing of those persons participating in person or by consultation is attached.

Discussion

Participants identified that many of the issues providers have identified as being regulatory barriers are not, in fact, required. Examples would be carpeting on flooring, and location of laboratories. KDHE does have authority within regulation to waive certain requirements and has done so, particularly when the child care program is housed in a school. It seems that potential licensees decide not to apply for a license nor inquire into the granting of an exception due to inaccurate information or not knowing how or where to access correct information. Nevertheless, it was also identified that certain physical design requirements normally applied to a licensed child care program are not necessary in a school or recreation center facility. Other group discussion centered around the need to revise or clarify state regulations so that potential licensees know which regulations will need to be met and which regulations will be waived or exceptions granted. We intend to deal with this at KDHE through the regulation revision process and by improving communication from the state to the local level so that potential licensees have accurate information about what is required, know how to request exceptions and have access to pre-application consultation concerning regulatory requirements and the licensing process.



Recommendations

Revised wording to House Bill 2699 is being suggested as part of this report. This revised wording will define what fire and building codes are to be applied to child care programs provided in recreation centers or schools. It is the intent of this wording that the same codes that apply to the school during the school day and to the recreation center during the center's hours of operation will also apply to the licensed child care program's hours of operation. In this way, neither the safety of the children in school or the recreation center is compromised nor are the requirements placed on the school or recreation center to provide child care beyond what is normally expected for such facilities.

We believe that the suggested revision to House Bill 2699, as a part of this report, is not just a compromise negotiated between proponents and opponents of the original bill but rather an actual solution to a very real problem. We believe that the development of programs for school age children in schools and recreation centers should be facilitated and we will support the Special Committee on Children's Initiatives' position in the adoption of the revised regulations and in the licensing process.

I will be happy to answer any questions.

Presented

by: Christine Ross, Director, Child Care Licensing and Registration  
Bureau of Adult and Child Care  
Kansas Department of Health and Environment  
February 18, 1992

Persons Participating in Person and by Consultation are as follows:

Ross Bolin, State Fire Marshal's Office

Melissa Cilley, Office of the Speaker

Jim Coder, State Fire Marshal's Office

Kay Coles, KNEA

Jolene Grabill, Office of the Speaker

Connie Hubbell, KS State Board of Education

Karen Juola, SRS

Laura Kelly, KS Recreation and Parks Assoc.

Joseph F. Kroll, KDHE

Shirley Norris, KS Assoc. for the Education of Young Children

Christine Ross, KDHE

Peggy Scally, Douglas County Health Dept.

Mark Tallman, KS Assoc. of School Boards

House Federal & State Affairs  
February 24, 1992  
Attachment #2-4

Session of 1990

# HOUSE BILL No. 2699

By Special Committee on Children's Initiatives

1-14

8 AN ACT concerning child care; relating to application of certain  
9 licensing requirements to certain recreation centers and schools.

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. (a) As used in this section:

12 (1) "Recreation center" means any building used by a political  
13 or taxing subdivision of this state, or by an agency thereof, for  
14 recreation programs which serve children who are 16 years of age  
15 or younger.

16 ~~(2) "School" means any building used by a unified school district~~  
17 ~~or an accredited nonpublic school for student instruction or atten-~~  
18 ~~dance of pupils enrolled in kindergarten or any of the grades 1~~  
19 ~~through 6.~~

20 (b) No license for a child care center, group day care home or  
21 day care home shall be denied on the basis that the building does  
22 not meet requirements for licensure if-

23 ~~(1) The building is a recreation center or school; and~~  
24 ~~(2) the center or home does not provide care for children under~~  
25 ~~kindergarten age.~~

26 Sec. 2. This act shall take effect and be in force from and after  
27 its publication in the statute book.  
28

"Child care program" means a day care center,  
group day care home or day care home.

(2)

(3)

program for school age children

the building:

(1) Is a recreation center or school;

(2) complies, during all hours of operation of the child care program, with the Kansas fire prevention code or a building code compliance with which is by law deemed to be compliance with the Kansas fire prevention code;

(3) subject to subsection (c), complies, during all hours of operation of the child care program, with all local building code provisions that apply to recreation centers, if the building is a recreation center, or schools, if the building is a school; and

(4) as a recreation center or school, is used by school age children and the same age children are cared for in the child care program.

(c) In the case of an inconsistency in standards with which a building is required to comply pursuant to subsections (b)(2) and (b)(3), the standards provided by subsection (b)(2) shall control



Department of Health and Environment  
Azzie Young, Ph.D., Secretary

Reply to:

Testimony Presented to  
House Federal and State Affairs Committee

by

The Kansas Department of Health and Environment

H.B. 2739

Summary/Background:

HB 2739 proposes to transfer the Companion Animal Program from the Animal Health Department to the Kansas Department of Health and Environment (KDHE).

The mission of the Kansas Department of Health and Environment is to prevent disease and disability, promote health and assure access to effective, affordable and high quality health and support care services for all Kansans, regardless of age, economic status, or place of residence. The prevention of disease and promotion of health are accomplished through educational and informational services to the public and health professionals, the support and promotion of basic health services, and the identification and amelioration of social and environmental conditions which may adversely affect health. It is the goal of the agency to identify, monitor and alleviate those environmental conditions which threaten human health and well-being.

This program is inconsistent with the mission of the Department of Health and Environment. HB 2739 addresses a program which is designed to protect the overall health and welfare of animals. KDHE has no staff experienced in animal health or with related issues.

As currently administered, the Attorney General provides enforcement support for the program. In that situation, the program has had to compete with other programs, often of higher priority. At this time, however, an attorney has been assigned to the program on a full-time basis. Also, an experienced investigator and enforcement administrator has recently been hired to direct the companion animal program. It would seem wise to permit additional time in which to assess the effectiveness of the current arrangement.

Testimony - HB 2739

Page Two

Governor Finney has proposed to create separate Departments of Health and Environment, in part to avoid conflicting priorities between those functions within the agency. Administrative and program priority conflicts between the animal health program and human health concerns would be inevitable and unfortunate. Certainly, human health and environmental issues would come first, undermining the intent of the program move.

Recommendation:

KDHE has expertise in dealing with human health and environmental issues. This legislation is not consistent with the KDHE mission. However, if statutorily mandated, we will, of course, take those steps to assure implementation of the Companion Animal Program.

Presented by:

Azzie Young, PhD, Secretary  
Kansas Department of Health and Environment  
February 24, 1992

*House Federal & State Affairs  
February 24, 1992  
attachment #3-pg 2*



STATE OF KANSAS  
Animal Health Department

Committee on Federal and State Affairs  
Testimony concerning HB 2739  
Representative Kathleen Sebelius-Chairperson  
February 24, 1992

In 1988, the Kansas Legislature mandated that the Animal Health Department implement a program to regulate, through registration or licensure, facilities that produce or maintain for sale companion animals, facilities operated as animal pounds or shelters and private research facilities where animals are used to benefit mankind.

Initial calculations based on outdated and incorrect estimates on the number of such facilities in the State indicated incorrectly that revenues in excess of \$300,000 would be received from licenses to totally fee fund this program. Under that fee schedule \$73,000 was received during Fiscal Year, 1991. In simple terms, the program was not able to function for lack of funding.

I was appointed as agency head in December, 1990. I want to briefly bring this body up to speed as to the progress made during the first year of my administration as it relates to the Animal Facility Inspection Program.

Initially I began working with the advisory board established to study this program by the Hayden administration. With the support from the Kansas commercial kennel industry, the Kansas Federation of Humane Societies and the Kansas Animal Health Board legislative changes were enacted to improve the enforcement of this regulatory scheme and provide funding for this current fiscal year to operate with a director, an office assistant and 3 field inspectors. To date in excess of \$138,000 has been collected in fee funds.

One of the accomplishments of this past year was the passage of SB443, which I helped author and I supported.

Those legislative changes are noted in the follow-up report concerning the August 1990 post audit that I have provided to this committee. This report also includes a very brief summary of agency changes and improvements I initiated in my first eight months as commissioner.

Other accomplishments that I would like the committee to be aware of from the last year are:

- 1.) Employment of Dr. Paul Grosdidier as state field

veterinarian. Dr. Grosdidier's background includes extensive experience working both with the owners of large and and small animals in providing quality health care. His involvement with the rehabilitation of injured wildlife and volunteer service to the Lawrence Humane Society are assets as well. Dr. Grosdidier has already assisted this program with his expertise including coordinating an animal seizure and impoundment action in Washington County in January of 1992.

2.) Purchase of two personal computers and a printer, which are currently on line and in use. These computers will allow this program to process and handle information quickly and will greatly enhance the programs management and accountability.

3.) Personnel changes in the Topeka office to obtain an office assistant more appropriate to the programs needs.

4.) Training sessions on a monthly basis with the kennel inspectors, including sessions conducted by the KBI and the attorney generals office.

5.) July 1 marked the new licensing year and the beginning of focus on enforcement of the animal dealers act through various means. In the last six months, the agency has

- a. denied the applications of three animal dealers,
- b. obtained a permanent restraining order prohibiting an unlicensed kennel operator from continuing to do business without a license and fined that operator \$250,
- c. has fined the operator of another kennel \$250 for operating without a license (that facility is now licensed by the state),
- d. closed several substandard facilities, by allowing operators to surrender their animals in lieu of litigation,
- e. held a hearing scheduled to remove animals endangered from a local cattery that was circumvented by a cruelty to animals case brought by the city of Topeka
- f. removed more than seventy dogs from a kennel in north-central Kansas after I personally investigated and determined that the health, safety and welfare of these animals was endangered.

I have attempted to act as director of this program along with my other duties as commissioner, but the program can not be effective without the services of a full time director. The program had a director during October, November and December of this Fiscal Year. That director resigned under pressure from animal rights activitists.

HF SA  
2/24/92  
#4 -pg 2

Just this month I employed Captain Jack Jones as program director. Captain Jones has distinguished himself by the work he has done as Director of the Animal Control/Humane Care unit of the Kansas City, Kansas Police Department.

In December of of last year, after meetings with Attorney General Bob Stephan, Ms. Susan Stanley joined the agency as full time prosecutor assigned to and employed by the Animal Health Department. The purpose of that move was simply to accelerate the agency enforcement efforts by providing full time litigation council.

In brief, what I have attempted to do is rebuild from top to bottom to provide proper funding for this program to operate at it's current level of 6 FTE's to amend the statutes when necessary to improve the effectiveness of the law, provide modern information processing systems for the program and most of all to staff the program with the most capable personnel available to administer, inspect and enforce. With the modest resources now available, this program is beginning to work.

Funding for the future is an issue to be worked out during this legislative session. There are not 2,000 to 3,000 unlicensed substandard kennels in this state as some who have testified before you, would have you believe. They are just not there. There has in fact been major shrinkage over the last few years as kennels have closed for various reasons. I estimate that there are less than one hundred unlicensed kennels operating in Kansas, most of those being very small. Representatives of the USDA have independently placed that figure at less than one hundred fifty.

One hundred percent fee funding of this program is going to place a large burden on several hundred private citizens that have a small kennel facility producing and selling a few litters of puppies or kittens each year to supplement their incomes.

The reality is that this program is making an impact on this problem. As long as this program is maintained by the Animal Health Department and resonable resources are provided to the agency for this program, the Animal Health Department will be dedicated to the regulation of animal facilities in Kansas and enforcement of the Animal dealers Act.

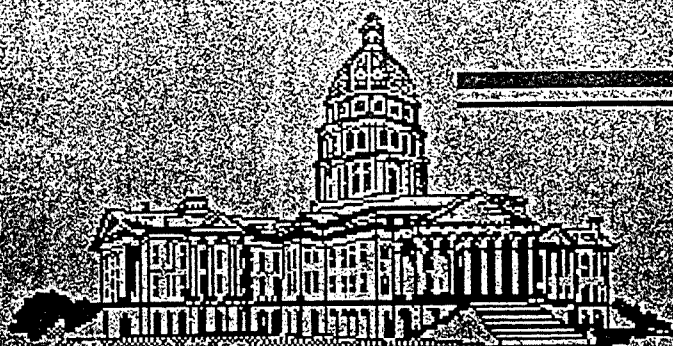
Respectfully submitted,

*R. Daniel Walker* *DVM*

R. Daniel Walker, DVM  
Commissioner  
Kansas Animal Health Department

HF 25A  
2/24/90  
#4-953





**ANNUAL REPORT  
FISCAL YEAR 1991**

**FOLLOW-UP REPORT ON  
AUDIT RECOMMENDATIONS**

**LEGISLATIVE POST AUDIT COMMITTEE AND  
LEGISLATIVE DIVISION OF POST AUDIT**

State of Kansas

92-33

HF 3 SA  
2/24/92  
24-654

~~families so that funeral homes and cemeteries can be told what assets were used to reduce Department payments.~~

## Reviewing State Regulation Over Animal Breeders and Sellers in Kansas (90-50) (August 1990)

**Main Findings:** The Companion Animal Program has not been administered, managed, funded or staffed to the extent needed to efficiently and effectively carry out its responsibilities to regulate the Companion Animal industry. The Animal Health Department has neither established procedures for operating the Program nor provided oversight of the staff responsible for implementing it. The Department has not adequately identified the people it should be regulating, inspected regulated animal breeders and dealers, taken appropriate enforcement actions, or responded to complaints. Fees were not sufficient to support the Program in fiscal years 1989 and 1990, and are not likely to be sufficient to operate the Program in fiscal year 1991, even at very reduced staffing levels.

**Audit Recommendations:** We made numerous recommendations to improve the operation and management of this program. Specific recommendations were made in the areas of overall program management; standards for the health and humane treatment of animals; proper licensing, registration, and payment of fees; inspections; complaint handling; and enforcement actions.

**Legislative Action:** This audit was presented to the Legislative Post Audit Committee and the House Agriculture Committee. A number of bills were introduced during the 1991 legislative session that related to animal breeders and sellers. S443 was the major piece of legislation passed during the session. It does a number of things:

- doubles license and registration fees
- creates the Kansas Companion Animal Advisory Board
- allows the Commissioner to bring action in a court to prevent a person from continuing to operate in violation of the animal dealer act
- requires all class of cities to obtain licenses to operate pounds
- states that the application for a license gives consent by the applicant to the right of entry and inspection with the owner present and notes that refusal of such entry shall be grounds for refusal of a license
- and mandates the adoption of U.S. Department of Agriculture rules and regulations relating to companion animals as well as a requirement that animal dealers file with the Commissioner evidence that animals leaving or entering the State are free from visible symptoms of communicable disease.

Several other bills were introduced during the 1991 session and will be carried over to the 1992 legislative session. S78 would transfer the companion animal program to the Department of Health and Environment, while H2514 would create the Kansas Animal Dealers Commission. S431 would statutorily create the companion animal advisory board. S434 would authorize the Livestock Commissioner to register original veterinary certificates of inspection. H2281 would remove some of the exceptions for licensing. Finally, H2522 would change some definitions,

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such as removing the definition of hobby kennel and adding definitions for animal retailers and wholesalers, and would clarify requirements for hearings.

**Agency Action:** According to the new Livestock Commissioner, the agency has taken a number of steps to implement the audit recommendations. A third inspector was added to the program's staff and the agency is in the process of hiring a person to administer the program. A tracking system for complaints and for inspection activities is under development. In addition, inspectors can only allow licensees one 30-day extension to correct identified deficiencies without the approval of the Livestock Commissioner. Steps also have been taken to improve the efficiency of the inspection process: inspectors contact licensees the night before they conduct an inspection to set up an appointment, inspectors are on the road at least two nights a week, and monthly training sessions are held for inspectors.

Another step that has been taken to improve the management of the program is a redesign of all the application forms so that they are specific to the type of license being issued. As noted above, fees have been increased for the program—in most cases, they have been doubled. In addition, the Kansas Companion Animal Advisory Board has reviewed the U.S. Department of Agriculture standards for animal care. These standards were adopted by the agency. Finally, the agency is working closely with a national animal broker group and is obtaining access to broker records so that they can better identify persons who should be licensed.

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HF § 5A  
2/24/92  
#4-1996

KANSAS ANIMAL HEALTH DEPARTMENT  
ANIMAL FACILITIES INSPECTION PROGRAM  
POLICY AND PROCEDURE REGARDING  
ANIMAL HEALTH, SAFETY OR WELFARE

**STATE OF KANSAS**

**Animal Health Department**

It is the policy of this agency that in cases where, in the course of inspections conducted by authorized representatives of the Kansas Animal Health Department, Animal Facilities Inspection Program, situations are found in which the health, safety or welfare of an animal in the possession of a person licensed or registered, or subject to licensing or registration, under K.S.A. 47-1701, et seq., is endangered, it shall be reported promptly to the program director.

The following definitions are presented to aid inspectors in determining when the health, safety or welfare is indeed endangered:

HEALTH: That condition of bodily soundness in which the functions are performed normally, a state of physical and mental well-being and freedom of disease, i.e.:

Adequate veterinarian medical care to all sick, injured, or animals in need of medical attention; insect, pest, vermin control; sanitation/contamination: food, water, facility, food preparation areas; waste disposal and drainage; appropriate temperature, heat and cooling; ventilation; lighting; impervious to moisture; removal of dead animals.

SAFETY: Freedom from danger or risk, protection from accident, security, i.e.:

Exposure to nails, sharp edges, jagged edges, points, metal or wood; all interior surfaces; floor construction, inside and outside; shelter from elements; tether construction and length; running loose, not provided with safe environmental enclosure; protection from disease, accepted preventative veterinary medical care, isolation from contagious disease; protection from outside predators.

WELFARE: State of faring or doing well; state of condition in regard to well-being; especially state of health, i.e.:

Adequate space; overcrowding; compatibility grouping, age and breed; clean and dry bedding; resting surfaces; social interaction; handle in a manner not to cause discomfort, stress or physical harm.

ENDANGER: To expose to danger or harm; to place in jeopardy or to jeopardize.

TO INSURE THE STATE OF OPTIMUM CONDITION

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2/20/92  
#4 - 197

# Animal control director honored

By JOHN CARRAS  
Kansan Staff Writer

Today has been proclaimed Jack Jones Day in Kansas City, Kan.

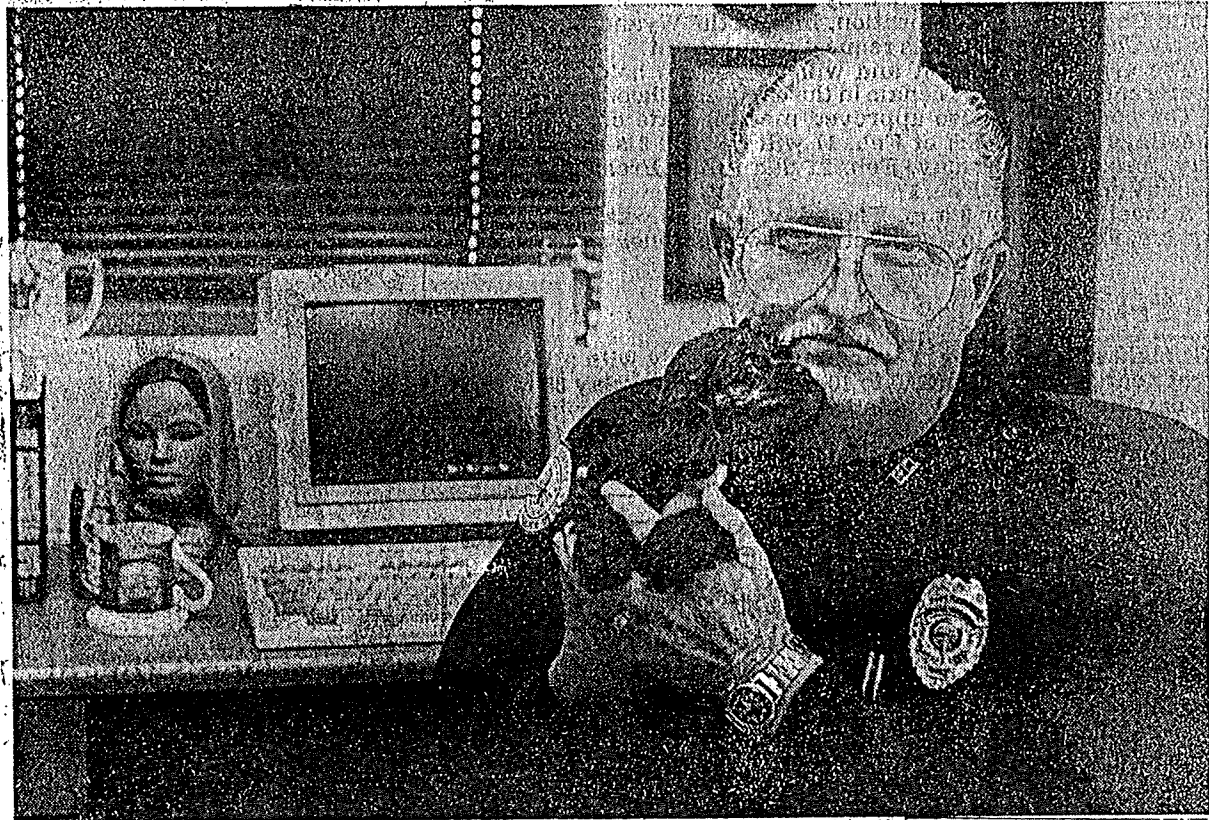
No, not Jack Jones the singer, but Jack Jones, the city's animal control director the past several years.

Jones is resigning his city post to take a new job in Topeka as director of the Kansas pet facility inspection program.

At Thursday's city council meeting, Mayor Joe Steineger issued a proclamation approved by the council declaring the day in honor of Jones who is credited with professionalizing the city's animal control function. He is the first full-time director of animal control the city has had.

The mayoral proclamation reads, "On behalf of Kansas City, Kansas I extend a heartfelt appreciation to Jack Jones for the meritorious service he has rendered as this city's director of animal control. And I further extend him congratulations on his appointment as the director

(See JONES, page 2)



Kansan Photo by Larry Moore

Jack Jones, the first Kansas City, Kan., animal control director, plays with a dog at the animal control shelter at 33rd and Park Drive. By mayoral proclamation, today is Jack Jones Day in the city. Jones is resigning his city job to take a position with the state government in Topeka.

## Jones

(Continued from page 1)

of the Kansas Pet Facility Inspection Program.

"The office of animal control, under the leadership of Jack Jones, has received noteworthy recognition and is considered one of the most efficiently run shelters for animals in the state

of Kansas. Jack displays a deep concern for the welfare of animals and exercises his ability above and beyond the call of duty to make life better for them.

"His service and contributions to the city are deeply appreciated, and we want him to know that he takes this city's respect and admiration with him as he continues his service from the state level of government."

Jones accepted the proclamation and said he didn't do it alone. He had help from his subordinates, police and city officials, and the support of the public.

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**STATE OF KANSAS**  
**Animal Health Department**

# Number of Puppies Sold FY 1991

0-50  
51-100  
101-150  
151-200  
201-250  
251-300  
301-350  
351-400  
401-450  
>451

# Of Licensed Breeders

217  
109  
53  
21  
15  
7  
1  
6  
1  
5  

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2-24-92  
#4-P99

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2/24/92  
#4-1010

LICENSE AND REGISTRATION STATUS AS OF JANUARY 21, 1992

FISCAL YEAR 1992

| FACILITY            | APPLICATIONS<br>AND RENEWALS | FEEES<br>GENERATED   |
|---------------------|------------------------------|----------------------|
| A DEALERS           | 444 @ \$ 150.00              | \$ 66,600.00         |
| HOBBY KENNEL        | 194 @ \$ 75.00               | \$ 14,550.00         |
| NFL DEALERS         | 7 @ \$ 300.00                | \$ 2,100.00          |
| PET SHOPS           | 105 @ \$ 300.00              | \$ 31,500.00         |
|                     | 7 @ \$ 150.00                | \$ 1,050.00          |
| POUNDS/SHELTERS     | 92 @ \$ 200.00               | \$ 18,400.00         |
| RESEARCH FACILITIES | 10 @ \$ 150.00               | \$ 1,500.00          |
| BOARDING/TRAINING   | 36 @ \$ 75.00                | \$ 2,700.00          |
|                     |                              | <u>\$ 138,400.00</u> |



**STATE OF KANSAS**

**Animal Health Department**

| TOTALS     | YEAR - JULY-DECEMBER 1991 |               |                |              |           |  |
|------------|---------------------------|---------------|----------------|--------------|-----------|--|
| CON-TACTS  | NO CON-TACTS              | MILES DRIVEN  | MILES/ CONTACT | MILES/ VISIT | LODGING   |  |
| 112        | 23                        | 8,668         | 78             | 66           | 23        |  |
| 138        | 10                        | 12,077        | 90             | 85           | 26        |  |
| 127        | 17                        | 9,242         | 85             | 69           | 7         |  |
| <u>377</u> | <u>50</u>                 | <u>29,987</u> | AV.84          | AV.73        | <u>56</u> |  |

HF 15A  
2/24/92  
114-1911



# MEMORANDUM

## Kansas Legislative Research Department

Room 545-N - Statehouse  
Topeka, Kansas 66612-1586  
(913) 296-3181

February 24, 1992

**To:** House Committee on Federal and State Affairs  
**From:** Lynne Holt, Principal Analyst  
**Re:** Animal Facilities Inspection Program

At its meeting on February 18, the Committee asked for information on the following: the budget for and staffing assigned to the Animal Facilities Inspection program; other states' health certification procedures for animals which are sold and are transported from one state to another; and the types of regulations adopted by other states' inspections of licensed kennels, dealers, pet shops, and other premises.

### Background and Budgetary Information

K.S.A. 47-1709 requires the Livestock Commissioner to inspect the premises of each breeder or dealer who applies for an initial license. After the initial license is issued, the Commissioner is required to inspect the facilities of licensees. Licensees who have both a state and federal (USDA) license are inspected at least once a year. Licensees who have only a state license are inspected at least twice a year.

The Companion Animal program, now referred to as the Animal Facilities Inspection program, was established by 1988 H.B. 2219. When the bill was enacted, it was estimated that receipts would total \$307,175 annually. At no time since the inception of the program have receipts approached this amount. Because of insufficient fee funds, State General Funds were appropriated in FY 1989 (July 1, 1989 to June 30, 1990) and FY 1990 to supplement the program.

For FY 1991, the agency was appropriated \$67,500 from the State General Fund and \$83,008 from fee funds for a total of \$150,508 to run the program. During the 1991 Legislative Session, the agency was instructed to increase the ceilings on existing license and registration fees to allow the program to become self-sustaining.

S.B. 443, passed during the 1991 Legislative Session; increased the statutory maximum for fees for the Animal Facilities Inspection program, and established the Animal Dealer Fee Fund (currently a no-limit fund). Other significant changes occurred as well. Under current law, K.S.A. 47-1701 *et seq.*, require animal dealers, pet shop operators, research facilities, and shelters and pounds to be licensed, whereas kennel operators and hobby kennels are registered with the state. The registration of kennel operators, which excludes veterinarians, was a new provision in the statute, as was the decision to license

*House Federal & State Affairs  
February 24, 1992  
attachment #5 - page 1*

pounds and shelters in all cities, as opposed to Class A cities only. Some other new provisions:

- make it unlawful for a person to knowingly purchase a dog or cat from a licensed breeder or dealer with the intent to resell it;
- establish a nine-member Companion Animal Advisory Board;
- permit the Livestock Commissioner to bring an action in court to prevent or restrain a person from operating in violation of the law;
- eliminate the responsibility of owners of animals seized and impounded from paying the cost of the impoundment and seizure, if the owner was found not guilty of violating the provisions of the animal dealer law;
- require that the Livestock Commissioner only adopt federal rules and regulations for animal dealers and animal dealer premises;
- require that the Livestock Commissioner adopt rules and regulations requiring animal dealers licensed by the state to file with the Livestock Commissioner evidence that animals entering or leaving the state are free from communicable diseases;
- eliminate the category of seizure and impoundment from the list of topics for which the Commissioner can promulgate rules and regulations; and
- clarify that maintaining animals for sale is presumed whenever 20 or more dogs or cats, or both, are maintained by any person.

For FY 1992, the Governor's recommendation for program expenditures total \$163,055. Of that amount, \$50,000 is from the EDIF and \$113,055 is from fee receipts. The Governor projects fee receipts totaling \$160,250 for FY 1992, the amount initially projected by the agency. According to recent agency projections, however, fee receipts as of January 21, 1992, total \$138,400 (see attached table), or \$21,850 less than the Governor's recommendation. The agency does not believe that a significant amount of additional fees will be forthcoming during this fiscal year.

Expenditures recommended by the Governor for the Animal Facilities Inspection program in FY 1993 total \$170,857. This recommendation is also based on an assumption of \$160,250 in fee receipts. At the time that the Governor's recommendation was made, this sum appeared to be adequate to maintain the program at current levels. In January, however, the program director resigned and a Special Investigator III was hired in her stead at a significantly higher salary. (The Special Investigator was formerly animal control supervisor of Kansas City, Kansas and will not only run the program, but will also act as a part-time investigator.) Moreover, the agency acquired an attorney to address a backlog of cases dealing with substandard kennels or cruelty issues. These new positions, combined with the current staff of three Inspectors and an Office Assistant, bring the program's projected salaries and wages for FY 1993 to approximately \$176,371. In addition, the

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#5 - page 2

recommendation for program operating expenditures (primarily for travel) is \$38,152 for a total program cost of \$214,513. The Senate Ways and Means Committee added \$38,716 from the State General Fund, to fund the salary of the attorney for FY 1993.

The Senate Ways and Means Committee, at the request of the agency, recommended the introduction of legislation which eliminates the definition of hobby kennels, redefines "animal breeder" to include a person who sells 20 or more animals a year, redefines pet shop as animal retailer and imposes an increased fee structure for animal breeders, animal brokers, and animal retailers. The Committee noted that if legislation is passed which implements the new fee structure, fee receipts would be at maintenance level only; the agency would not have sufficient resources to add personnel or enhancements to this program. The Committee also made no recommendation regarding H.B. 2836, which imposes an inspection fee on pet food. This bill was assigned to the House Agriculture and Small Business Committee. According to the agency, this bill would fully fund the Animal Facilities Inspection program.

Given existing facilities, a minimum of 862 inspections must be done per year. These inspections consume the attention of three investigators and roughly one-fourth of the special investigator's responsibilities. In addition to conducting investigations of these facilities, inspectors are required to inspect facilities suspected of violations. Inspections are also conducted to ensure that deficiencies are corrected.

### **Health Certification**

At staff's request, the Kansas Animal Health Commission contacted its counterparts in four states (Iowa, Missouri, Oklahoma, and Nebraska) to inquire about health certification procedures. All four state animal health agencies have health certification systems but do not charge licensees for the certificates.

### **Regulation of Inspection Programs**

In the inquiry to its counterparts about health certification procedures, the Kansas Animal Health Commission also asked about regulations governing these states' kennel inspection programs. Missouri, Oklahoma, and Nebraska reported that their respective states offered no such programs. Only Iowa reported having a kennel inspection program which was governed by different regulations than U.S. Department of Agriculture regulations.

**LICENSE AND REGISTRATION STATUS AS OF JANUARY 21, 1992\***

**Fiscal Year 1992**

| Facility  | Applications<br>and<br>Renewals | Fees<br>Generated |
|---|---------------------------------|-------------------|
| Animal Dealers Federally Licensed                   | 444 at \$150                    | \$ 66,600         |
| Animal Dealers Not Federally Licensed               | 7 at 300                        | 2,100             |
| Hobby Kennels                                       | 194 at 75                       | 14,550            |
| Pet Shops   | 105 at 300                      | 31,500            |
| Breeders Who are Retail Brokers                     | 7 at 150                        | 1,050             |
| Pounds/Shelters (cities of any size)                | 92 at 200                       | 18,400            |
| Research Facilities                                 | 10 at 150                       | 1,500             |
| Boarding/Training Kennels (excluding veterinarians) | 36 at 75                        | 2,700             |
| TOTAL   |                                 | <u>\$ 138,400</u> |

\* Source: Animal Health Department.

HF 3 SA  
2/24/92  
#5 - 1994