

Approved March 24, 1992
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE M. J. JOHNSON at
Chairperson

1:30 ~~xx~~ p.m. on MARCH 19, 1992 in room 521-S of the Capitol.

All members were present except:

Representative Nancy Brown, excused

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Senator Gerald Karr
Ernie Mosher, Research Council for the League of Kansas Municipalities
Senator Sheila Frahm
Jerry J. Fear, City Administrator, city of Oberlin
Representative Carl Holmes
Frances Tutt, Executive Director of the Heart of Jackson Humane Society
Anne Pruett, volunteer with the Humane Society of Atchison
Marcia Gitelman, Helping Hands Humane Society of Topeka
Jack Jones, Director of Kennel Inspection
Dr. Daniel Walker, Animal Health Dept.

Chair called for hearings on SB 455.

SB 455 - Benefit districts for fire protection; governing bodies.

Senator Gerald Karr said SB 455 was introduced last year to deal with a specific problem in a benefit fire district in Reading, Kansas. He said the bill allows the board a transition from a two-member to a five-member board. It is a localized bill and involves two counties, Osage and Lyon, and said there were members from the fire board and the school board available to answer questions.

Senator Karr responded to questions from the committee.

There were no opponents to SB 455 and the Chair closed the hearing.

The Chair called for a hearing on SB 563 and SB 564.

SB 563 - Municipalities; consolidation of functions; petitions.

Ernie Mosher, League of Municipalities, said the League supports the two bills to open up the opportunities of governmental cooperation. He said the current general consolidation of functions, services, and operations law, K.S.A. 12-3961 et seq., does not adequately address what happens once an intergovernmental consolidation of functions proposition is approved by voters.

SB 564 - Municipalities, interlocal services contracts

Ernie Mosher, testified in support of SB 564 which allows cities and counties to contract with each other to perform any service or activity that each are authorized by law to perform. He said there are 32 cities which have contractual service agreements with their county. They enter contractual agreement with the sheriff and the board of county commissioners to provide law enforcement. Mr. Mosher responded to questions from the committee.

There were no other proponents or opponents to SB 563 and SB 564 and the Chair closed the hearings.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S, Statehouse, at 1:30 ~~XX~~ p.m. on MARCH 19, 1992.

Chair opened the hearing on SB 541.

SB 541 - City animal shelters or pounds; licensure

Senator Sheila Frahm requested the Senate Local Government Committee to introduce SB 541. She said the issue came to their attention following the review of Administrative Rules and Regulations 9-22-1 prepared by the Animal Health Department in response to SB 443 passed by the 1991 Kansas Legislature. Legislative action required that all cities which operate a pound or shelter must be licensed and inspected by the Animal Health Department. Until this action was taken in 1991, only cities of the first class would have been required to meet this criteria. (Attachment 1)

Jerry J. Fear, City Administrator, city of Oberlin, testified as a proponent to SB 541 and said in his opinion expecting local communities to provide the same kind of amenities in their pounds as dealers who keep animals permanently is unreasonable and unnecessary. (Attachment 2)

Ernie Mosher, testified in support of SB 541 and said one of the attorneys on the League staff doesn't think the bill as written does what it is suppose to do. He said it clearly eliminates the fee, but his observation is that it may not eliminate the application of the Administrative Rules and Regulations which was not a problem a few years ago with cities of the 1st class because these regulations were only issued on September 30, 1991. He said the League would like to support it and would like the assurance of staff that it does all it is intended to do.

Chair said she would have staff look into that and see if it is being covered the way the bill is written or if we need to provide new language.

Representative Carl Holmes, testified as a proponent to SB 541, and said this change has created problems for many small communities. (Attachment 3)

Representative Wempe asked if the main problem was the regulations that the facilities have to meet and not as much as the \$200 fee and the inspection. The conferees agreed.

Frances Tutt, Executive Director of the Heart of Jackson Humane Society, Inc., testified as an opponent to SB 541 and said stray dog problem is one that faces cities today and needs to be addressed and resolved the same as any other city problem. (Attachment 4)

Anne Pruett, volunteer with the Humane Society of Atchison, testified as an opponent to SB 541 and provided testimony and a signed petition opposing SB 541. (Attachment 5)

Marcia Gitelman, Assistant Executive Director for the Helping Hands Humane Society, Inc. in Topeka, testified in opposition to SB 541 and said if a pound or shelter cannot pass state inspection then it should not be allowed to operate, no matter what size town it is located in. (Attachment 6)

Ms. Gitelman also presented a letter from Kansas Companion Animal Association in opposition to SB 541 who were unable to testify. (Attachment 7)

The Chair called the committee's attention to three letters in opposition to SB 541. They are as follows: Kathy McKee, President of Johnson Co. Humane Society; Pam Binder, Hays, Kansas; and Marlene Green, Managing Director of the Labette Co. Humane Society's Animal Shelter. (Attachment 8)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S Statehouse, at 1:30 ~~X~~m./p.m. on MARCH 19, 19⁹²

Chair informed the committee that Susan Stanley, Kansas Animal Health Department, and Jack Jones, Director of Kennel Inspection were available to answer questions.

The Chair opened the floor for questions.

Mr. Jones said he had only been on the board for one month, but there are only 102 cities that are licensed at this time and that includes 1st, 2nd and 3rd class cities.

Representative Holmes expressed concern that if a building was built at a cost of \$25,000 in Plains, Kansas, that would be an 8 mill levy increase in property taxes.

Dr. Daniel Walker, Kansas Animal Health Department, was available to answer questions. The Chair asked Dr. Walker if the Reg's came out of his office and if they were reviewed every year. Dr. Walker said they were reviewed by the Joint Committee on Rules and Regs.

Vice-Chair Gomez asked Dr. Walker that if he read the regulations right you would have to 1) provide fresh air in summer, but that can be by a window; 2) Have a drainage system; and 3) Feed and water them once a day. So if you put a dog house on a concrete slab with a fence around it with a light, you would be in compliance. Dr. Walker said his interpretation of the regulations are if you have a yardlight, concrete slab, an insulated dog house, and cleaned, fed, and watered daily you would be in compliance with the spirit of this. He said somebody else in his position might give a different answer.

The Chair closed the hearing on SB 541.

The Chair appointed a Subcommittee on HB 2897, removal of traffic signals; approval of cities required, to meet on Monday, March 23, 1992, at 1:30 p.m. in room 521-S. The Subcommittee was composed of Vice-Chair Gomez, Chair; and Representatives Hayzlett and Wempe.

A motion was made by Representative Harder and seconded by Representative Watson to approve the minutes of March 17, 1992. The motion carried.

The meeting was adjourned at 2:52 p.m.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

DATE March 19, 1992

NAME	ADDRESS	REPRESENTING
Jerry Lear	Oberlin Kansas 67079 107 W. Commercial	City of Oberlin
Dean Jones	RR 2 Reading	Osage Co.
David M. Jones	RR2 Reading	Five District
TR Jones	RR2, Reading	
Randall Holmes	Phins	
Don Walker	Topoka	Kan. An. Health Dept
Chris Steineger	K.C.K.S.	K.C.K.S.
Sen Sheila Frasin		
BEV BRADLEY	Topoka	KS Assoc of Counties
John McHenry	Atchison	ATCHISON HUMANE SOCIETY
Quale Shell	Atchison	" "
Thomas Col	Atchison	" "
Anne Pruitt	Atchison	Atch. Humane Society
Lloyd Wood	Lawrence	Nancy Brown's intern
Russ Frey	Topoka	Ks Vet Med Assoc
Suzanne Stanley	712 SKS Topoka	Kansas Criminal Health Dept
Jack	712 SKS " "	" " " "
Frances Lott	Hoop, KS	Heart of Jackson Humane Soc
Marcia Hitehman	Topoka	Helping Hands Humane Society
Ed Carson	Paq	Legion of Ks
Donna J. West	PO Box 216 Genesee	Genesee County



TOPEKA

SENATE CHAMBER

SHEILA FRAHM

DISTRICT 40

CHEYENNE, DECATUR, GOVE, GRAHAM,
 LOGAN, RAWLINS, SCOTT, SHERIDAN,
 SHERMAN, THOMAS, WALLACE, WICHITA
 COUNTIES

985 S. RANGE

COLBY, KANSAS 67701

(913) 462-6948—HOME

COMMITTEE ASSIGNMENTS

CHAIRPERSON: CONFIRMATIONS
 CHAIRPERSON: JOINT COMMITTEE ON ADMINISTRATIVE
 RULES & REGULATIONS
 VICE CHAIRPERSON: EDUCATION
 VICE CHAIRPERSON: LOCAL GOVERNMENT
 MEMBER: AGRICULTURE
 ASSESSMENT & TAXATION
 ENERGY & NATURAL RESOURCES

March 18, 1992

REPRESENTATIVE MARY JANE JOHNSON
 Chair, House Local Government

SB 541

Madam Chairman and members of the committee:

Thank you for scheduling hearings of SB 541. I appreciate the opportunity to bring this bill to your attention.

SB 541 was introduced at my request by the Senate Local Government Committee. The issue came to our attention following the review of Administrative Rules and Regulations 9-22-1 prepared by the Animal Health Department in response to SB 443 passed by the 1991 Kansas Legislature. Legislative action required that all cities which operate a pound or shelter must be licensed and inspected by the Animal Health Department. Until this action was taken in 1991, only cities of the first class would have been required to meet this criteria.

It was brought to the attention of the Rules and Regulations committee that a notice was mailed to all cities dated November 6, with notice of a licensure requirements and a \$200 fee due by December 9, 1991. Certainly this came as a surprise to cities of the 2nd and 3rd class.

SB 541 returns the language of K.S.A. 1991 Sup. 47-1704 to the original language and would apply the pound or shelter language just to any city *of the first class*.

The fiscal note on SB 541 indicates that the bill would have minimal fiscal impact on the Department. Fee receipts would be reduced by \$13,300 and expenditures would be reduced by a like amount because of a reduction of inspections required.

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 3-19-92
 Attachment 1

Testimony on Behalf of Senate Bill 541
by Jerry J. Fear, City Administrator
City of Oberlin, Kansas

Ladies and gentlemen, My name is Jerry Fear. I am the City Administrator of Oberlin, a third class city of 2,200 in northwestern Kansas. I am here today to testify on behalf of Senate Bill 541 and to urge your support of that bill.

This bill amends the "**Kansas Animal Dealer Act.**" That Act, which I believe was originally passed in 1988, was intended to provide for licensing of profit-making animal breeding operations, to establish minimal standards for conditions and implement an inspection system. The Legislature determined that this was in the public interest and established state-wide control of these operations.

In a profit-making animal breeding operation, the animals perform at least a part of the work involved. They are therefor analogous to workers in any other industry. We adopt laws to protect workers from exploitation such as wage and hour laws and to require safe working conditions such as OSHA. But in the case of animals, they are also in a position of total dependency, unable to provide for themselves food and shelter and other necessities of life. In that sense they are like children, and we adopt laws to protect children from abuse and neglect.

The fundamental purpose of the original **Kansas Animal Dealer Act** was to protect animals from people. The purpose of local municipal animal control ordinances is to protect *people* from *animals*. Animals left to roam at will, respect no boundaries, dig up other peoples yards, bite mailmen, chase kids on bicycles, defecate anywhere, and can spread diseases. Local animal control programs are matters of public safety and public health, **not** animal protection.

In my opinion, expecting local communities to provide the same kind of amenities in their pounds as dealers who keep animals permanently is unreasonable and unnecessary. Pounds are at most temporary holding facilities, where miscreants are held for a few hours or two or three days at the most. The main purpose of local animal ordinances is to force animal owners to maintain control of their animals. The pound serves only as a place to control the animal while the owner is identified and found. I submit to you that this is a completely different situation from a place where animals are kept permanently for the profit of the owner. The Legislature has accepted the fact that exceptions should exist

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3-19-92
Attachment 2

by excluding veterinary clinics and animal hospitals from the Act. I submit to you that municipal pounds should also be excluded.

Since 1988, the twenty-four cities of the first class were covered under this Act. Whether their pounds should be included or not, is a matter for them to address. However, in the 1991 Amendments to the Act, "*of the first class,*" was stricken from the phrase, "*cities of the first class,*" in the House-Senate Conference Committee. The net result of this change was to include 602 cities of the second and third classes within the purview of the Act. Including those cities completely changed its scope and reach. Leaving out those four words required that Department of Animal Health to conduct up to 1,252 additional inspections per year, an increase of almost 3,000% over the 48 previously required for the first class cities.

Having no budget for this and insufficient staff, the Department used its statutory authority to raise license fees, and sent letters to all 626 cities to send a check for \$200 for each pound operated directly by the municipality or under contract. As I understand it, the Director of Animal Health is required by statute to raise sufficient funds to support the semi-annual inspection costs through license fees. By including municipalities under this Act, the State has created what is in effect a tax upon municipalities.

Beyond the problem of mixing apples and oranges by including cities with profit-making businesses, and the \$200 license fee, the major problem is the cost of meeting the requirements for the kind of facility called for under the regulations. Over the last few years, the City of Oberlin has averaged about \$1,500 a year from licenses and fines under our animal control program. Our expenses have often exceeded our income as it is. My best guess is that building a facility that would comply with the letter of the requirements would cost a minimum of \$25,000. I have included a copy of those regulations with my written statement so that you can see for yourselves what those requirements are. If any of you are from a small town, just imagine such a facility there. In addition to the facility requirements are the record keeping requirements, which would be particularly onerous and of no value at all. Operating and maintaining the facility and record keeping would add to the annual operating costs.

Since the State has seen fit to limit local autonomy over taxes through the various tax lid laws, we have no mil levy to cover these costs. Given the pressure on this body to cut property taxes and the general feeling that the tax burden is too high, I see no likelihood that local taxpayers would approve a

mil-levy increase to pay for such a facility. This is particularly true since most would see this facility as a motel for pets rather than a jail for lawbreakers.

I believe that Dr. Walker of the Department of Animal Health would agree that a strong argument can be made that the administrative requirements that govern these facilities exceed what is reasonable for a municipal pound in a small town. The problem is, that he has no statutory authority to make exceptions or establish different rules for pounds, since the Legislature, by leaving out four words, made the entire Act applicable to cities of the second and third class. SB541 simply puts those four words back in and returns the Law to its pre-1991 status. No other provision is changed.

At the Senate committee hearing on this bill, Dr. Walker responded to a question by stating that 62 municipalities had sent in their license fee. Of these 22 were cities of the first class, which means that 562 cities of the second and third class failed to register a pound. This means some may have made other arrangements, some do not have a pound, or some may have ignored the law. I'll leave the guess as to how many fall in each category to your good judgement.

Finally, for those who might worry about the welfare of the animals, I will assure you that animal owners act as constant inspectors of the way animals are housed and treated. The League of Municipalities will tell you they don't get abuse complaints about city pounds. There is no faster way for a local government to create an irate and determined constituent than to commit some real or imagined harm to his or her pet. On the other hand, we face equally irate and determined citizens if we do not protect their rights to be free from bother from other peoples pets. Anyone who has been involved with local government knows how tense these issues can become.

Municipalities are therefore, between the proverbial rock and hard place. We must have an animal control program to satisfy the needs of most of our citizens. And yet we cannot afford to operate a facility if governed by this Act. Our Veterinarians do not want to function as our animal control program. And we surely could not bar all animals from town. The House of Representatives has the opportunity to solve the problem, by putting back those four little words and returning the law to where it was before last year. Nothing was broke so it shouldn't have been fixed. The Senate has passed the bill and I urge you to recommend that the House do the same. I'll be happy to answer questions.

Thank you.

License Year: July 1, 1991
to June 30, 1992

Initial application
Renewal application

Ks. license #



STATE OF KANSAS

Animal Health Department

(913) 296-2326

Application for Kansas Animal Shelter or Pound License

Name of shelter/pound: _____

Name of operator: _____

Address: _____

Telephone: _____ County: _____

Usual business hours: (days) _____ (and hours) _____

Is the facility used or designed for use to house or contain animals? _____

Is the facility owned, operated or maintained by: (check one)

- an incorporated humane society
- an incorporated society for the prevention of cruelty to animals
- an incorporated animal welfare society
- other non-profit incorporated organization devoted to the welfare, protection and humane treatment of animals

Name of society/organization: _____

Board members: _____

Is the facility one operated by the state, or any political subdivision thereof, for the purpose of impounding or harboring any seized stray, homeless or abandoned animal? _____

Or, is the facility operated for such a purpose under contract with any municipality? _____ or incorporated society for the prevention of cruelty to animals? _____ or by another person under contract with such municipality? _____ or by a licensed veterinarian? _____

Has anyone on the board of directors been convicted of any crime, an essential element of which is misstatement, fraud or dishonesty, or relating to theft or cruelty to animals? _____ If "yes" give details: _____

Furnishing your social security number is voluntary. This request is pursuant to K.S.A. 1990 Supp. 74-139. The information shall be used to provide your name, address and social security number to the director of taxation upon his request.

Your SS # please _____

I understand that Kansas law requires that a humane shelter or pound be inspected twice a year. I hereby consent to the required inspections by the Kansas Animal Health Department.

The information contained within this application is true and correct to the best of my knowledge.

Signature Authorized Representative

Date

Application fee must be included with application: Shelter/pound license: \$ 200

Send to: Kansas Animal Health Dept.
Animal Facilities Inspection Program
712 Kansas Ave.—4B
Topeka, KS 66603

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ARTICLE 22 - ANIMAL POUNDS AND SHELTERS

9-22-1. Animal pounds and shelters. (a) Structures.

(1) Each animal pound and shelter shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each animal pound and shelter.

(3) Space shall be supplied in each animal pound and shelter to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for each pound and shelter shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a pound and shelter shall be provided at all times by natural or mechanical means. Each

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and shelter facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each animal pound and shelter shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each animal pound and shelter shall be provided with a drainage system which will effectively eliminate excess water from the research animal pound and shelter unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each animal pound and shelter shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each animal pound and shelter shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each animal pound and shelter shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T - _____, _____.)

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9-22-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal, in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals, contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal, shall be observed each day by the person in charge of the animal pound and shelter or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

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SEP 26 1991

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(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T - _____, _____.)

ATTORNEY GENERAL

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APPROVED BY FDL

9-22-3. Records. Each operator of an animal pound and shelter shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired, and the transportation motor vehicle license number if the animal was acquired from an animal operator.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccinal information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T - _____, _____.)

ATTORNEY GENERAL

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APPROVED BY *[Signature]*

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SEP 22 1991

APPROVED BY FDL

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SEP 2 1991

APPROVED BY FDL

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CARL D. HOLMES
REPRESENTATIVE, 125TH DISTRICT

P.O. BOX 2288
LIBERAL, KANSAS 67905
(316) 624-7361



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
RANKING MINORITY MEMBER: ENERGY AND
NATURAL RESOURCES
MEMBER: ADMINISTRATIVE RULES AND
REGULATIONS
LOCAL GOVERNMENT
NATIONAL CONFERENCE OF STATE
LEGISLATURES—ENERGY COMMITTEE

STATE CAPITOL, RM. 156-E
TOPEKA, KANSAS 66612
(913) 296-7670

March 19, 1992

Chairman Johnson, Members of the Committee:

Thank you for the opportunity to comment on SB 541 as a proponent. This bill is in response to a change made in the statutes last year including second and third class cities in the Kansas Animal Dealers Act.

This statutory change has created problems for many small communities. As a way of background, I served in city government in Plains, first as city commissioner for 4 1/2 years and as mayor for 7 1/2 years. Animal control issues demand an over abundance of time at city commission meetings. Whenever city officials of smaller communities get together, they all have their "dog problems."

Cities have animal control ordinances for several reasons including: (1) prevention of rabies; (2) protection of citizens while walking, riding bicycles, etc.; (3) protecting other peoples property; (4) sanitation; and (5) controlling stray animals. Many small communities become the "dumping grounds" for unwanted pets. Many small communities do not have veterinarians; therefore, no space is available to house animals during the three day holding period. The nearest vet willing to work with Plains was 25 miles away in Liberal.

The cost of animal control in small cities is too high--in Plains it amounted to over 1 mill of property taxes per year. Picking up a pet is war in a small community. Neighbors become bitter enemies if animals either are or are not picked up. Animals owners who allow their pets to stray hate "the authorities." The facilities in Plains, over the years, where continually upgraded with concrete floors (so the owner could not dig their pet out), steel hardened locks (so the owner could not use bolt cutters), special ordered locks from Master Lock Company (so the owner could not find master keys), 1/2 inch pipe (so owners could not cut the wire), 3/4 inch steel rods (so the owners could not bend the pipes--however, that did not withstand the cutting torch), steel anchor bolts into the concrete(so the owner could not lift the pens with a heavy duty machine jack--however, that could not stand the power of a winch truck). I hope you get the point.

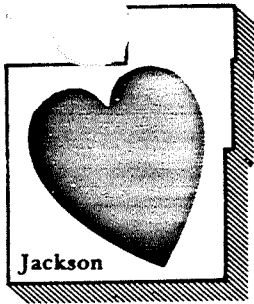
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Attachment 3

Then the state came along with another mandate. This one will cost the small cities thousands of dollars and will increase the property tax mill levy again or mean cutting services such as libraries, street maintenance, street lighting, police protection, or what many will probably do--not pick up the animals.

Lets be real--most animals are not held over the 3 day limit before they are either returned to the owner or destroyed. The average cost per animal picked up for the city of Plains when I retired as mayor in 1989 was over \$100 per animal.

Please pass SB 541 favorably.

I stand for any questions.



Heart of Jackson Humane Society Inc.

BOX 106 - HOYT, KANSAS 66440 PHONE (913) 935-2353

Nonprofit organization - Your contribution is tax deductible

March 19, 1992

TO: Rep. Mary Jane Johnson, Chairperson Local Government Committee, and Members

RE: SB-541

We urge you to vote against SB-541 which would exclude dog pounds and animal shelter facilities in 2nd and 3rd class cities from state licensure.

Kansas has been attempting for the past five years, through very significant legislation, to improve conditions under which companion animals are raised and sold in the state and to rid Kansas of the puppy mill image.

Why should local governments be allowed to reduce their dog pound standards and contribute to this image?

Attached to my testimony is a newspaper article showing what can happen to local government stray animals if the state would release some cities from compliance with decent kennel standards. I understand that the City of Onaga does now take their stray dogs to a veterinary clinic in Onaga for the legal holding time.

For cities to say it is too costly for a state license and that it is too costly to spend anywhere from \$15,000 to \$25,000 to construct a decent dog pound without even exploring alternatives shows lack of ingenuity. There are alternatives to building a dog pound. Some small towns in order to comply with their leash law ordinances contract with local veterinary clinics in their county or nearby county to board their strays for the required time. Just to name a few small towns in NE Kansas that do this are: Holton, Denison, Hoyt, Mayetta, Valley Falls and Onaga. Some small towns contract with nearby humane society shelters to board their strays.

If cities have a large enough stray dog problem and they need a city dog pound, then it should be a decent place to keep animals and the structure and care should conform with state law.

The stray dog problem is one that faces cities today and needs to be addressed and resolved the same as any other city problem. Usually a city with such a problem

Ms Johnson

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March 19, 1992

has a population large enough to be working with their local humane society, if there is one, or they could search out citizens who care about the treatment of animals and perhaps even have a fund raiser for a decent pound.

Cities just can't throw up their hands and say the law shouldn't apply to them and they just won't pick up strays. The reason they pick up stray dogs is because of their own leash law ordinances, something their citizens demanded. If they are going to have leash laws, then they need to plan for the end result.

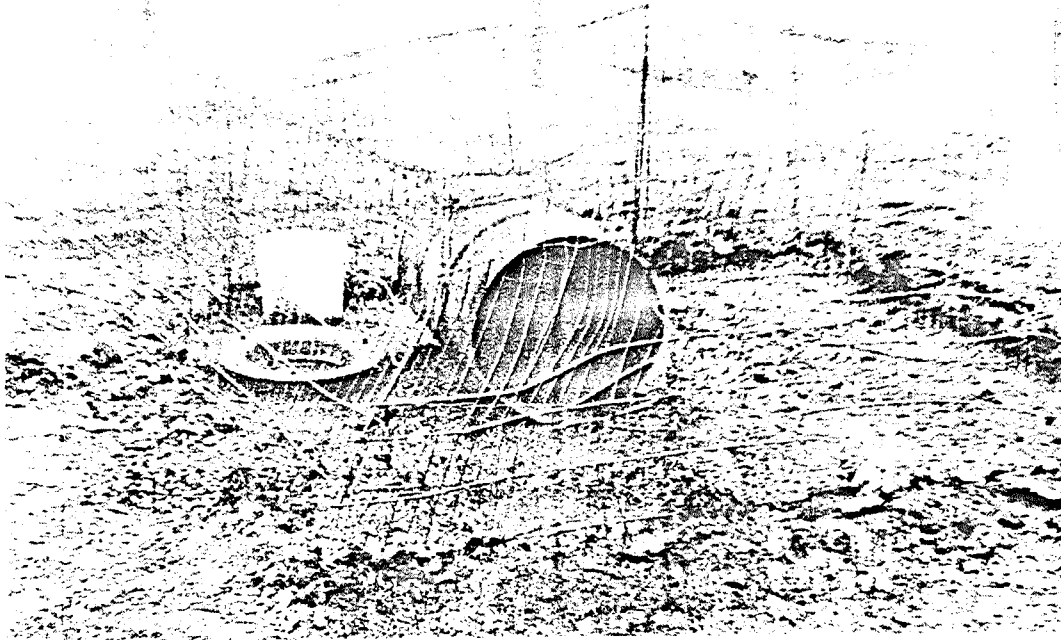
Licensure of pounds for all cities has been in effect barely a year and to pass SB-541 would be an about face of the original objectives of the Kansas Animal Dealer's Act.

Thank you for your consideration in this matter.

Sincerely,

Frances Tuttt

Frances Tuttt
Executive Director



City of Onaga - Dog Pound ?

Just Around - - -

By Cathy Harder

For several weeks after the "dog" ordinance was passed, it looked to us as if it weren't very effective as more dogs than ever were observed roaming around town. For the past week, however, we've noticed that the usual wanderers weren't wandering any more, at least in our neighborhood. We think the ordinance is a good one but perhaps didn't go far enough in warning people, or allowing enough time for them to reclaim their pets. We had no idea where the pound is located or how bad the situation is there, but found out this week. It's located at the airport and consists of a broken down wire fence encircling a not very large area: an old oil barrel turned on its side for protection from the weather, and a bucket (formerly used for paint) for water. Perhaps the responsibility of looking after one's pet does lie with the owner, but at the same time, we doubt if Onaga's "dog pound" would pass inspection by the SPCA. Pet owners, be sure your dog has a current city license; if its missing, check

the pound site immediately; and be sure your method of restraining your pet is secure. On the other side of the coin, perhaps the dogs aren't kept long enough for owners to claim them. Seventy-two hours doesn't seem to leave much leeway. A word to suburban dwellers who are not required to buy dog licenses —if your dog disappears, check the pound first.

Just Around - - -

It seems we opened a can of worms with our column and the picture about the dog pound in last week's paper. Someone sent a clipping to the Heart of Jackson Humane Society Inc. at Hoyt and this Monday morning we got a copy of a letter to the mayor and councilmen from Ms. Frances Tutt, president of the society. From her letter, we gather she has no authority to force the City of Onaga to do anything, but she did point out that the city is in violation of Kansas Statute 21-4310. We have been informed that it would cost \$1,000 to build a pound that conformed with acceptable standards. Whether this figure is accurate, we do not know. Ms. Tutt suggested the alternative of boarding animals with a veterinarian for the three working days required before the animal can be destroyed. That would be fine if the animal were claimed and the owner paid the fee. Perhaps it would be cheaper in the long run to build a pound. Even though worms are crawling all over the place, we still think the dog ordinance a good idea and hope some sort of amenable solution can be worked out, though from the scarcity of dogs roaming the street it might appear that a place of detention will not be necessary.

★★★

Elsewhere in this week's issue is a letter to The Herald stating that ten years ago an acceptable kennel was built (but had to be torn down because of its close proximity to the sewer plant) and the writer wonders where the photographer and reporter were then. We're not clairvoyant and no one bothered to inform us that such a facility had been built. However, we can see no significance in what once was but is no more. Had we known of the kennel four years ago, rest assured, we would have made every effort to let our readers know about it, just as we did in the article last week.

Anne Prue 2

We the undersigned oppose Senate Bill #541. The Research Department suggests that we would let the dogs go stray rather than comply with mandate. At the present time our city pound is active which supports the opposite of the bill. Our pound needs to comply with state regulations despite the size of the city. To exclude cities of the second and third class would contribute to the problem of pet overpopulation. Let the dogs go stray will lead to abuse, neglect, cruelty and discourage others to be responsible pet owners. If people have city pride in their town then what image would they have to visitors in their community? Could a pound then operate without a license? Operate without meeting state requirements? What becomes the condition of the existing pound? Improvements will not be met since it is not required. What will be done is only what is felt like doing - nothing. Unless someone inspects: our floors will be wet; concrete not sealed; poor lighting; rusted pipes; torn fencing with expose wire; a broken window; a broken ventilation fan and backwash in the outside runs (only 4 out of 14 work) will remain or worsen. Our city plans on working on these conditions ONLY because it was in the inspectors report. This bill is a cop-out. Cities of the second and third class shouldn't be exempted. They have a problem with these dogs turning their back on it will create a large number of dogs to face later. Then what becomes of these dogs? Target practice? Starvation? Disease? And then these people will not want to spend any time outdoors or go for a walk because a pack of wild dogs control the streets. These cities can have proper animal control or the dogs will have street control.

HUMANE SOCIETY OF ATCHISON
and the
UNDERSIGNED CITIZENS
OF ATCHISON

Le
3-19-92
Attach 5

The Humane Society of Atchison and the following individuals are opposing Amendment #541 to discontinue the State Inspections of smaller city pounds/shelters:

1. Mary Lee Said
2. Betty Flynn
3. Kathleen M. Clark
4. Kathryn L. Lovelady
5. Mary Ann Ellsworth
6. Susan & Jeff
7. ~~Mark Anderson~~
8. Jerry Z. Batts
9. Rebecca A. Hawk
10. Julia A. Hansen
11. Wanda Olson
12. Priscilla Smith
13. Jamie Goodert
14. Gary Whitmarsh
15. Virginia Durrill
16. Christina Melice
17. Scott Dasey
18. Rhonda Madrik
19. Dana Smith
20. Courtney Kimmi
21. Douglas G. Adair
22. Beulah Sailbey
23. William M. Long
24. Susan Falk
25. Beatrice Seidl
26. Cindy Sullivan
27. Mrs. M. M. Munn
28. J. Michael Fisse
29. Todd Dugstad
30. Charles A. Perdue
31. Cynthia L. Perdue
32. Sharon Rains
33. Leo Haine
34. Pat Trauner
35. Rosella J. Nestor
36. Edward Swinford
37. John Nease
- 38.
- 39.
- 40.

We the undersigned strongly oppose S.B. 541.
This bill amends to exclude dog pounds & animal
shelter facilities in cities of the second & third class
from state licenses & inspection requirements.
Small cities would simply not pick up stray dogs.

Aune Brunt
Tamara Pol

Brenda Kilbourn

John McHenry

~~AMY AMY JAY~~

Steve Long

~~Patricia~~

Doris K. Blair

Bonnie Hunt

Theresa Master

Shannon Kemp

Kathryn Hansen

~~Tamara~~

Donna Lee

Barb Jacht

Pam Langan

Bonnie Langan

Linda Vanderweide

Marilyn Jacobsen

Gene Koenig

Mary Lindblom

Jackie Jasper

Grace Kramer

Jannette Kypus

Joan Kypus

Jeanne Espelting

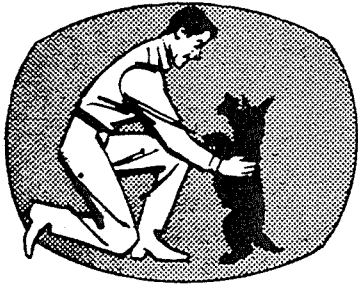
Cheryl Myers

Marjorie Willoming

Walter Willoming

Robin Henning

Danielle Henning



Helping Hands Humane Society, Inc.

OFFICE AND ANIMAL SHELTER
2625 Rochester Road
Topeka, Kansas 66617
Telephone 233-7325

March 19, 1992

TO: Representative Johnson and committee members

RE: SB 541

My name is Marcia Gitelman. I am Assistant Executive Director for the Helping Hands Humane Society in Topeka, Kansas. I am before you today to testify in opposition to SB 541.

I am opposed to this bill because there are many pounds and shelters in smaller towns that need to be inspected. Many of these are allowed to be maintained in substandard conditions due to the lack of priority these facilities usually receive under local government. Since most smaller towns do not view their animal shelters as a priority, there is no incentive for them to ensure that the animals are being maintained in humane conditions. This is what the state program is designed to address.

If a pound or shelter cannot pass state inspection then it should not be allowed to operate, no matter what size town it is located in.

The second and third class cities who do not want to be inspected have other options besides paying a license fee to the state. If they choose not to run their own facility they can contract with local shelters or veterinarians. The HHHS has many area towns that contract with us to take their animals.

It is in the best interests of the animals in this state that they be housed in adequate conditions. Please defeat SB 541 to ensure that these animals can be maintained in a humane manner.

Respectfully submitted,

Marcia Gitelman

Marcia Gitelman
Assistant Executive Director

LH

3-19-92

Attach. 4



KANSAS COMPANION ANIMAL ASSOCIATION

P. O. Box 3197 • Olathe, Kansas 66062

913-829-0102

March 19, 1992

TO: Representative Johnson and committee members

RE: SB541

The Kansas Companion Animal Association would like to voice it's opposition to SB 541.

Many smaller towns do not adequately fund or maintain their animal shelters and pounds. By making them subject to state inspections, these places will have to keep their facilities in accordance with state regulations. Without state regulation, the pounds and shelters will be allowed to fall into disrepair without any control over the conditions.

Complaints of how animals are housed in some of these facilities are filed all the time. However, with no state regulation nothing can be done about the situation.

Animals that live in towns of the second and third class deserve the same protection as those in cities of the first class. Please vote against SB 541 so that these animals may be protected under state law as well.

Sincerely,

Jan Price
President, KCAA

JY
3-19-92
attach. 7



JOHNSON COUNTY HUMANE SOCIETY
P.O. Box 23508 • Overland Park, Kansas 66223
(913) 829-2505



March 18, 1992

VIA FAX

The Honorable Mary Jane Johnson
 Chairperson, Local Government Committee
 House of Representatives
 State Capitol
 Topeka, KS 66612

RE: Testimony in Opposition to SB-541

Dear Representative Johnson:

The Johnson County Humane Society strongly opposes SB-541, as we oppose any and all exemptions from the Animal Dealers Act. If second- or third-class cities cannot afford to bring their dog pounds into compliance with state regulations, or afford their measly \$200 annual license fee, those municipalities should pursue alternate arrangements for holding impounded or stray animals, rather than seeking exemption from the law.

Indeed, in Johnson County, only the City of Olathe maintains its own animal shelter. The other municipalities in this county, as well as Johnson County itself, have contractual arrangements for holding impounded and stray animals either at veterinary clinics, boarding kennels, or private shelters which do meet State regulations. Contracting with existing compliant animal facilities is the prevailing practice not only in Kansas, but throughout the entire country.

With State regulations for animal facilities as minimal as they are, can you imagine a facility so deficient it couldn't meet even those minimum standards? The purpose of the State program is to ensure that animals are kept and cared for in a clean and healthful environment. The Animal Dealers Act was amended last year to include ALL cities because it was obvious that many smaller cities' facilities needed regulation as much as the puppy mills. Any facility which doesn't meet state standards--whether it's a puppy mill, a humane society shelter, or a city dog pound, must be upgraded or alternate arrangements made for the animals involved. Seeking permission from the Legislature for exemption from these minimum standards is inhumane and irresponsible, and cities pursuing passage of SB-541 ought to be ashamed.

We hope this Committee and the House readily recognize that facilities which seek exemption from the State's Companion Animal Program need to be prohibited, not protected. We urge you to reject SB-541.

Sincerely,

Kathy McKee

KATHY MCKEE, President

3-19-92
 JY
 Attach. 8

TO REP. MARY JANE JOHNSON, CHAIR PERSON, OF THE COMMITTEE ON LOCAL GOV'T; FOR THE HEARING MARCH 19, AT 1:30, IN ROOM 521-S CONCERNING ANIMAL POUNDS AND SHELTER LICENSURE.

TO THE COMMITTEE ON LOCAL GOV'T:

Please consider this FAX as my testimony on SB 541, as illness prevents my being in Topeka.

ANY facility that harbours and cares for any animal as defined by the Animal Dealer's Act, should be licensed and inspected at least once a year.

As a member of two Humane Societies that own and operate shelters (HI-Plains in Hays and S.W. Ks. in Liberal), I believe it's important that we uphold and exceed the standards set by state law. Even with our small budgets we are licensed and always pass our inspections as should every shelter owned by a Humane Society.

I am greatly concerned that city shelters and pounds either don't know or care about humane treatment of animals and no matter how small they are these facilities should and need to be licensed and inspected for the sake of the animals!

It appears that small municipalities are concerned only with the fee charged by the state. In conversations with Dr. Dan Walker, he has assured me that his department is working to set a more equitable fee based on the size of pounds and shelters. The new fee schedule then would not be a burden on their small budgets.

If very small Humane Societies with shelters don't mind paying a fair fee and being inspected for humane standards, then why should small city shelters and pounds?? What are they possibly hiding?

I ask you to kill SB 541 in committee!

Thank you for considering my point of view and opinions.

Pam Binder
2303 Walnut
Hays, Ks. 67601 913-625-2912

LABETTE HUMANE



ANIMAL RESCUE AND SAFE HAVEN

TESTIMONY IN OPPOSITION OF AMENDING SB-541

March 18, 1992

~~The Honorable Mary Jane Johnson~~
Chairperson
House Local Government Committee
State House
Topeka, Kansas

Dear Representative Johnson;

My name is Marlene Green and I am Managing Director of the Labette County Humane Society's Animal Shelter.

SB-541 should NOT be amended. First class cities are desperately in need of state inspection. Most have a long history of irresponsibility concerning animal control. Amending SB-541 would allow that history to continue.

To say they cannot afford to construct dog pounds is a cop-out. The answer is to contract with a local humane society or veterinarian to care for impounded animals. There is no reason why first class cities in our state should be exempt from obeying the law.

Respectfully,

Marlene Green
Marlene Green
Managing Director

LABETTE COUNTY HUMANE SOCIETY

MARLENE GREEN, MANAGING DIRECTOR • GIL MICHAELS, EXECUTIVE DIRECTOR • COLE MCFARLAND, PROJECT DIRECTOR

RT. 3, Box 325] • PARSONS, KS 67357 • SHELTER (316) 421-0668 • COMMUNITY PROJECTS (316) 421-1888 • FAX (316) 421-8661

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