

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 6, 1996, in Room 423-S of the Capitol.

All members were present except: Representative Crabb - Excused

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Others attending: See attached list

Chairperson Flower welcomed members of the Kansas Livestock Association Young Stockmen's Leadership Conference that were in attendance.

Minutes of the January 30 and February 1 meetings were distributed. Chairperson Flower asked members to notify the secretary of any corrections or additions before 5:00 p.m. today or the minutes will stand approved as presented.

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, provided copies of the department's newsletter, "The Companion Animal Quarterly," that had been sent to all licensed animal dealers in Kansas notifying them of the changes in Substitute HB 2607. (Attachment 1)

Discussion and action on HB 2641 - Grain inspection department; increase in hourly fee rate; repeal statute concerning Kansas City, Missouri; earnings tax relating to department no longer applicable.

Raney Gilliland, Legislative Research Department, briefed the committee on HB 2641 stating that this bill would raise the maximum charge for amending a warehouse license and raise the hourly maximum charge for additional voluntary audits of an elevator. This bill would also repeal the Kansas statute which allows their agency to reimburse employees for the Kansas City, Missouri, earnings tax they were required to pay when their inspection laboratory was located in Kansas City, Missouri. This section is no longer applicable.

Representative Lloyd moved to pass HB 2641 favorably. Representative Weiland seconded the motion. The motion carried.

Discussion and action on HB 2643 - Amendments to the grain inspection department statutes relating to cooperative agreements, grain warehouse charges and establishing fees.

Raney Gilliland reviewed HB 2643 for the committee stating that this bill would allow the Grain Inspection Department to license elevators in bordering states when their operations are headquartered in Kansas. It would permit elevators to file their maximum and minimum handling charges once, instead of annually, unless there is a change. This bill would also give the department more authority to set inspection fees.

Jamie Clover Adams, Kansas Grain and Feed Association, had expressed concern at the hearing that an amendment might be necessary concerning the exemption of inspection fees from the formal rules and regulation process. In HB 2643 the director of the Grain Inspection Department would set the inspection fees with the approval of the Grain Advisory Commission and the Federal Grain Inspection Service. The legislature would still set the maximum fees. To keep these fees within the rules and regulations structure,

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 6, 1996.

they would need to be listed as exempt rules and regulations in the statutes. Exempt rules and regulations are subject to the same hearing and publication requirements as other rules and regulations. Representative Lloyd moved to accept the conceptual amendment to **HB 2643** listing the inspection fees as exempt from the rules and regulations process. The motion was seconded by Representative Sloan. The amendment passed.

Representative Sloan moved to make **HB 2643** effective upon publication in the Kansas Register, rather than in the Statute Book. Representative Humerickhouse seconded the motion. The amendment passed.

Representative Bryant moved that **HB 2643** be passed favorably as amended. It was seconded by Representative Weiland. The motion carried.

The meeting was adjourned at 9:30 a.m. The next meeting is scheduled for February 7, 1996.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: 2/6/96

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NAME	REPRESENTING
Mike Jensen	Ks Pork Council
John Krauss	Cedar Creek Ranch
Bill W. Jones	KLA
Chad Cargill	KLA - Barber Co. Cattlemen
Lori Finch	KLA - Riley Co.
Umbro Smith	KLA
Ed Durst	KLA - Washington Co.
Kevin Kniebel	KLA - Morris Co.
Kyle Hemmert	KLA - Logan Co.
Kim Harms	KLA - Marion Co.
Don Allen	KLA - Sheridan Co.
Troy Strahm	KLA - Maple Hill
Simon M'Gee	KLA - Wabunsee Co.
Don Reno	KLA - Leay Co.
GREG RENO	KLA - KINGMAN Co.
Tim Burnet	Harper Co.
Ron Scheibmeier	Ks. Grain Insp. Dept.
Gary M. Bothwell	- - - -
Jamie Clover Adams	KGFA

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NAME	REPRESENTING
George Teagarden	K's Animal Health
DENNIS HAWVER	CONSTITUENT OF CHMN
Mark Barcellona	KDOGH
Todd Johnson	KLA
Karl McCune	KLA

The Companion Animal Quarterly



The Newsletter of
The Kansas Animal
Health Department
712 Kansas Ave, Suite 4B
Topeka, KS 66603

Feb. 5, 1996

---BULLETIN---

The House Committee on Agriculture did not agree with some of the language in proposed H.B. 2607 which modifies the Kansas Animal Dealer Act. The Committee introduced and passed a Substitute Bill for H.B. 2607. The Substitute bill clarifies and renames the definitions for hobby breeders, animal dealers and retail breeders. For example, a hobby kennel operator will be called a hobby breeder, an animal dealer will be called an animal breeder, a breeder with a pet shop license will be called a retail breeder. It does not change current law.

The Committee also changed the definition of animal wholesaler and the definition of pet shop. The rest of the bill is pretty much as it was introduced. (see attached pages for a summary of the bill).

Those of you who sell birds, reptiles or small mammals other than dogs and cats please note the following:

- gamebirds and animals raised exclusively for food for human or animal consumption are not included in this act;
- because bird breeders, small mammal (other than dogs or cats) and reptile breeders often sell animals or birds for less than \$10 each, we anticipate pro-rating the fees for the people who raise these animals for sale.

This bill has passed out of the House Committee and is waiting for a vote by the 125 representatives of the House. Any of these members can amend this bill. If it passes the House, the bill will be referred to the Senate Committee on Agriculture. At that time, the bill will again be scheduled for public hearings. If you would like a copy of the bill please call:

The Statehouse document room (913)296-4096 or the Statehouse reference library (913)296-2149. Be sure to ask for the Substitute for House Bill 2607.

*House Agriculture
Attachment 1
2-6-96*

New - • the bill allows kennels and catterys to obtain a closing permit for \$75. Currently, they must pay either \$150 or \$300 to sell off their breeding stock.

Clarifies current law

the bill more clearly defines, but does not change, current breeder definitions. It will still be 3 to 5 litters (less than 30 animals) for Hobby, 6 litters or 30 or more animals for Animal breeders and retail breeders). Instead of the three breeder categories that we currently have (Hobby Kennel, Animal Dealer, Pet Shop) categories will be Hobby Breeder, Animal Breeder, Retail Breeder and Distributor. Fees do not change. Drops requirement that hobby breeders

Clarifies current law

the bill combines animal shelters, animal pounds and no-kill shelter definitions into one definition.

new -

the bill contains a new category of licensee - animal wholesaler - to regulate those people who have 20 or more female birds, reptiles and small mammals (other than dogs, cats, fish, or animals raised for food) who sell to pet shops or brokers.

new -

the bill contains a new category of licensee - out of state distributor - to require people residing in another state who buy Kansas dogs and cats for resale in their state to obtain a permit.

changes current law.

the bill modifies the definition of pet shop. Current law exempts people who sell only the offspring of birds, small mammals, and reptiles that they raise from their home. The bill would require anyone operating a retail business from their home to obtain a pet shop license. If they breed 20 or more female birds, reptiles and small mammals, and sell their offspring at retail sale, there is a presumption that they are operating a business.

new -

the bill defines adequate veterinary care and requires an on-site visit to each kennel or cattery by a licensed veterinarian at least once a year. It also states that diseased, ill, lame or blind animals should receive whatever care is necessary for their health and well-being. This definition does not apply to USDA licensed facilities because the USDA already requires this.

changes current law.

the bill eliminates the category "registration" and calls everyone a licensee. All licensees will be inspected upon initial application. (Right now, hobby breeders and boarding kennels are inspected only upon complaint; they are not inspected when they first apply).

updates current law

the bill changes the euthanasia statute to require all licensees to follow the AVMA guidelines on euthanasia when euthanizing their animals.

clarifies current law

the bill makes it clear to pounds and shelters that animals must be held three full days before they can be adopted out or euthanized.

new -

The bill allows the agency to assess a late fee of \$50 for any application that is more than 45 days late. (This would not apply to new applicants).

changes current law

The bill restructures the advisory board so there are 10 members - one each for each license category. The advisory board would represent the following:

raise and sell animals from premise where they reside. If we were to strictly enforce this - people who sell at places other than their home would need a \$300 pet shop license rather than a \$75 hobby license.

a licensed animal shelter or pound, a licensed research facility, a licensed animal breeder, a licensed animal wholesaler, a licensed pet shop operator, a licensed veterinarian (selected from a list of 3 names presented to the governor by the KVMA), a private citizen with no link to the industry, a licensed animal distributor, a licensed hobby breeder and a licensed kennel operator.

All members must be affiliated with an organized pet animal association. (Note: all license categories are included except retail breeder. This additional member will be requested as a technical amendment). Current advisory board members will continue to serve out his or her term.

adds to current law

- Current law makes it unlawful for a distributor or pet shop to knowingly purchase dogs or cats from a person required to obtain a license. The bill would also make it unlawful for breeders to sell to animal distributors, out-of-state distributors (who are required to be licensed) or pet shops who are unlicensed.

codifies our current policy

- the bill provides that premises required to be licensed need obtain only one license. If more than one operation is ongoing at the premise, each operation shall comply with the applicable statutes and rules and regulations.

new

- The bill requires the agency to pro-rate fees for new applicants. If the applicant has been operating without a license the fee will not be pro-rated.

clarifies intent of the law.

- The bill makes it clear that veterinarians who operate a pound or shelter which is unrelated to their veterinary clinic are required to have a pound license. Vet examiners can inspect vet clinics but not a pound

codifies current policy

- The bill makes it unlawful to threaten, harass or hinder a state official carrying out duties under the act. Right now we consider this a refusal of inspection - the only action we can take is suspension or revocation of a license.

no change

- The bill combines the definition of pound, shelter and no-kill shelter into a single definition.

clarifies current law

- The bill clarifies the definition of kennel operator to specifically state that the license covers boarding and training. This is not a change in current law.

This change will allow a lesser penalty - imposition of a fine.

advisory board felt that once they've paid their dues anyone should be able to obtain a license unless

- The bill amends the grounds upon which the commissioner may refuse to grant a license. Current law provides that a license can be denied or suspended for the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty or relating to the theft of or cruelty to animals. This amendment strikes the language "an essential element of which is misstatement, fraud or dishonesty". Under the proposed bill, the only crime that the commissioner could refuse or revoke a license for is a conviction of theft or cruelty to animals.

the crime directly relates to animals.

codifies our current policy.

- Current law allows the Commissioner to prohibit the sale or gift of animals which constitute a hazard to human health or safety. The proposed amendment strikes the words "within the state" and the phrase "exotic pet animals" because it is redundant. The Commissioner already has the authority to ban "animals" which include exotic animals. The second paragraph, which requires a pet shop to produce a written instrument indicating the animal is in sound health is deleted from the law. We have never enforced this provision. Pet shops believe it would force them to have a full time veterinarian on staff. Consumers have other types of remedies.