

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 8, 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:

Renee Harris, Lawrence Humane Society  
Kelli Larkins, Olathe, Kansas Animal Control Association (written only)  
Ellen Querner, Sedgwick County Humane Society (written only)  
Craig Weinaug, Douglas County Administrator (written only)  
Irene Hart, Sedgwick County Bureau of Community Development (written only)  
Representative Melvin Neufeld  
George Teagarden, Livestock Commissioner, Kansas Animal Health Department  
Darrell Monte, Wildlife and Parks  
Dr. Jennifer Calder, Department of Health and Environment

Others attending: See attached list

**Hearing on HB 2645 - Care of animals who are in custody pursuant to the cruelty to animals statutes by an animal shelter.**

Raney Gilliland, Legislative Research Department, briefed the committee on **HB 2645**. This bill sets out the procedures animal shelters may take when animals taken into custody in animal cruelty cases are placed in their care. The shelter must notify the owner of the animal, if known or is reasonably ascertainable. In animal cruelty cases, the Board of County Commissioners shall establish and approve procedures whereby the shelter may petition the District Court to be allowed to place the animal for adoption or euthanize the animal at any time after 20 days after the owner is notified, if known, or 20 days after the animal is taken into custody, unless the owner of the animal files a renewable cash or performance bond with the County Treasurer in an amount equal to not less than the cost of care and treatment of the animal for 30 days. The court shall make the final determination as to whether the animal can be placed for adoption or euthanized.

Renee Harris, Shelter Manager at the Lawrence Humane Society, testified in support of **HB 2645**. She stated that there was a 30 percent increase in animal cruelty complaints in her area last year. This bill would influence less than one percent of the cases investigated as most situations are resolved through education. She listed several reasons why this bill is necessary. Her first concern is the extended period of confinement for the animals making the expenses for care and rehabilitation extremely costly. Although restitution is usually part of the judgment, seldom do they receive payment. Secondly, severe neglect and abuse, as well as dog fighting, are often allowed to continue simply because the agencies are unable to accept the financial burdens. Third, as long as these animals are being required to be held, other animals are being euthanized due to lack of space. The burden of financial responsibility of the care and treatment of these animals belongs on the owner, not the agencies who are enforcing our state and local laws. (Attachment 1)

Kelli Larkins, President, Kansas Animal Control Association, Olathe, provided written testimony in support of **HB 2645**. She addressed the issues of enforcement of animal cruelty laws, the expenses the shelters incur in these cases, as well as the long confinement of the animals. (Attachment 2)

Ellen Querner, Wichita, submitted written testimony in support of **HB 2645**. She related a specific dog fighting case involving 32 pit bulls in Butler County and the costs involved. She states that Butler County officials have said that they will no longer seek to prosecute such cases unless a law such as this is passed

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 8, 1996.

which would insure that the cost of care of the dogs will not fall on the counties nor on the organizations helping to care for the dogs. (Attachment 3)

Craig Weinaug, County Administrator of Douglas County, provided written testimony in support of HB 2645, with two suggestions. This bill places responsibility for holding a renewable cash or performance bond with the County Treasurer, these bonds are usually held by the County Clerk or the Clerk of the District Court. Secondly, rather than placing the responsibility for determining a reasonable schedule of charges for holding animals pursuant to court orders with the Board of County Commissioners, he would prefer this responsibility be assigned to the District Court. (Attachment 4)

Irene Hart, Director, Sedgwick County Bureau of Community Development which oversees the Department of Animal Control, submitted testimony supporting HB 2645 placing a limit of 20 days in which shelters must care for animals in animal cruelty cases. The shelter may then adopt or euthanize the animals, unless the owner posts a bond to cover the expenses of sheltering the animals. (Attachment 5)

This concluded the hearing on HB 2645.

Chairperson Flower stated that she had received a request from Representative Jennison for introduction of a committee bill. This bill would include in the definition of cruelty to animals the intentional use of a wire, pole, stick, rope, or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment. Punishment would be a Class A non-person misdemeanor. Representative Howell moved to introduce this legislation as a committee bill. The motion was seconded by Representative Hutchins. The motion passed.

### Hearing on HB 2787 - Livestock commissioner licensing prairie dog dealers.

Raney Gilliland, Legislative Research Department, briefed the committee on HB 2787 which would require prairie dog dealers to be licensed by the Livestock Commissioner. Each prairie dog sold would require a form certifying that such prairie dog is in sound health. This bill makes it unlawful to enter onto or remain on another person's land to hunt, trap, or capture live prairie dogs without written permission from the landowner. A prairie dog dealer is defined as any person who hunts, traps, or captures live prairie dogs and such prairie dogs are sold or offered or maintained for sale. Any violation will be considered a Class A non-person misdemeanor.

Representative Neufeld stated that he had introduced HB 2787 at the request of a constituent. Kansas pet shop operators had received a letter from the Kansas Animal Health Department dated December 12, 1995, concerning the sale of plague infected prairie dogs. Prairie dog dealers are concerned about the possibility that the Kansas Animal Health Department will prohibit the importation or sale of prairie dogs in the state. They feel that there are already sufficient inspection laws in Kansas. (Attachment 6)

George Teagarden, Livestock Commissioner, Kansas Animal Health Department, offered some comments on HB 2787. The bill would require prairie dog dealers to register with their agency, but it doesn't give them any authority to regulate. The bill does not specify a fee fund to credit for the license fee. He stated that the department currently requires all health certificates to be signed by licensed veterinarians. His department has no authority to prohibit anyone from entering another person's land for the purpose of trapping or capturing prairie dogs. Violations would be a Class A non-person misdemeanor requiring prosecution by the County Attorney. He didn't think this would be considered a priority for County Attorneys. He stated that the letter to pet shop operators from his department was simply to notify them of the potential health risk associated with prairie dogs. (Attachment 7)

Darrell Montei, Department of Wildlife and Parks, expressed several concerns regarding HB 2787. Management of native wildlife is a responsibility of his department, this bill places those responsibilities under the Livestock Commissioner. Trapping techniques and the authority to regulate trapping techniques are not addressed in this bill. The impact on other wildlife associated with prairie dog towns are not certain. He does feel public health and safety are of concern. He commented on the growing concern nationwide over the commercialization of wildlife. (Attachment 8)

Dr. Jennifer Calder, Department of Health and Environment, appeared in opposition to HB 2787. The department is concerned because of the threat of plague. Plague is common in the rodent population in 15 western states including Kansas. Plague is transmitted by the bite of infected fleas, direct contact with plague infected animals, or exposure to the respiratory droplets of a plague infected animal. Prairie dogs are extremely susceptible to plague. The department opposes licensure of prairie dogs for several reasons: 1)

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 8, 1996.

probable increase in human and pet contact with prairie dogs, 2) the Center for Disease Control and Prevention's concern about the threat of plague, 3) difficulty in determining proof of sound health, and 4) the expense an outbreak of animal plague would be to the state. (Attachment 9)

This concluded the hearing on HB 2787.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for February 13, 1996.



February 7, 1996

Lawrence Humane Society  
Renee Harris, Shelter Manager  
1805 E. 19th Street  
Lawrence, KS 66046  
(913) 843-6835 Phone  
(913) 843-6369 FAX

House Committee of Agriculture  
House Bill 2645

Members of the Committee:

Good Morning. My name is Renee Harris and I am the Shelter Manager at the Lawrence Humane Society. Our facility investigates cruelty complaints in the following geological areas: City of Lawrence, Douglas County, Jefferson County, Johnson County, Franklin County, Miami County, Leavenworth County and Anderson County. We responded to seven hundred and twenty complaints in 1995. This was nearly a thirty percent increase from the previous year. This particular bill would only influence less than one percent of all cases investigated. Most of the situations are resolved through education. I presently have six dogs, on five separate cases being held in my facility. The longest an animal has been required to be held has been one and a half years. To allow some insight to the severity of the cruelty cases in which charges are brought I have brought several photos each with its own synopsis. Only one of the dogs being held presently would be considered adoptable.

There are several points I wish to make as to the necessity of such a bill. Firstly, the animals themselves are required to be confined for long extended periods of time. Their expenses in care and rehabilitation are extremely costly. The holding facilities involved will most likely incur costs ranging in the high hundreds to thousands of dollars per case. Although restitution is generally part of the judgment we seldom receive even a partial payment. This presents a huge burden to the not-for-profit organizations involved, and in the case of municipal pounds, cost to the taxpayers. Secondly, across the state cases of severe neglect and animal abuse, as well as, dog-fighting are allowed to continue simply because the agencies are unable to accept the financial burdens. The final point is the simple fact that as long as these animals are being required to be held other animals are being euthanized due to lack of space. For example, for each of the six dogs I am holding presently, twelve other dogs or pups are being euthanized every week. This means that twelve potentially adoptable companion animals are being destroyed weekly to make room for five unadoptable dogs and one that will have to wait for up to a year to be placed up for adoption with a slim chance at that.

The burden of the financial responsibilities of the care and treatment of these animals belongs on the owner not the agencies who are enforcing our state and local laws. This law would provide just that. This law would allow the agencies involved to petition the court for disposition if financial responsibilities are not met. I ask the committee members to support this bill.

Thank you for your time and consideration to this issue.

*House Agriculture  
Attachment 1  
2-8-96*

"GINNY"

A four year old English Setter. Found unable to walk, severely emaciated. Radiographs revealed old fracture to the right rear leg, as well as a fractured pelvis. There were over thirty buckshot noted on the radiographs. No veterinary treatment had been provided for either fractures, which occurred in separate incidents of approximately six-eight weeks apart. She is weighed only 32 pounds upon admittance. She has sustained nerve damage, unable to control bladder and unable to use either of her back legs to any degree. She literally walks on her front legs either dragging her rear or holding it in the air. She was being kept in a pen, no shelter in temperatures below 0\* On-going case - charges being brought

"KAVIK"

A eight year old tri-color Collie. Found chained on a four foot chain, no shade, no water, outside temperature 98\*. Upon examination he was found to be in severe heat distress of body temperatures over 106\*. It was literally off the thermometer. The chain and separate collar were both grown into his neck where an infestation of maggots were found. The wound went down his chest under both front legs. His coat was matted to the skin. He weighed only 30 pounds. It took over two days on IV fluids to lower his body temperature to normal. Was positive for the following parasites: roundworms, hookworms, whipworms, and heartworms. Only after a week and a half was he able to eat more than a quarter cup of food at a time. This dog was at the Lawrence Humane Society for a year. When adopted Kavik weighed 78 pounds. Owner was convicted of cruelty. Judgment was to included the thousands of dollars spent in caring for Kavik during that year span. No payment has been received to date. To hold this animal for that year a minimum of 300 other dogs and/or puppies were destroyed.

"SINBAD"

A one year old Pitbull. Found stumbling stray. Bite wounds to the shoulder and right front leg were evident. The front leg was five inches in diameter from shoulder to toenail due to cellulitis. According to veterinary testimony this was an old bite wound of at least five days old, untreated. He weighed 37 pounds. Was positive for the following parasites: severe hookworms and whipworms. This dog is extremely dog aggressive. Will respond to verbal commands to become aggressive. Good possibility of history of owner this dog has been trained to fight.

"SPORT"

A two year old Pointer mix. Severely emaciated. He weighed only 27 pounds. Was positive for the following: hookworm and whipworm. Sport was found in a dog run with six to seven inches of feces. No food or water available. Second dog found already dead. Necropsy report indicated the animal was severely malnourished. And interestingly enough the deceased dog also had a broken front leg. This pointer weighed only 20 pounds. Case is still pending.



P.O. Box 446, Olathe, Kansas 66061

February 7, 1996

re: House Bill No. 2645

Dear Chairman & Committee Members,

My name is Kelli Larkins and I am from Olathe, Kansas and I am the President of the Kansas Animal Control Association (KACA). I am here in support of House Bill No. 2645.

The Kansas Animal Control Association is a not-for-profit organization representing over 30 animal care & control agencies across the state of Kansas.

Right now an act of cruelty to an animal is being committed. Sometimes animal care and control is notified and sometimes not. If it is reported sometimes the agency will press charges and sometimes not. Why not? Because it will cost too much money and there will not be enough space to house an animal or several animals for the length of time the law takes to complete a criminal case. A criminal case involving animals can last more than 8 months but more realistically it will take at least 12 months and closer to 24 months to complete. So to illustrate, take one animal and house that one animal for an average of 18 months and on the low end, say it cost the shelter \$8.00 a day to care for that animal, it will cost the shelter approximately \$4300 per animal for basic care. This does not include any medical expenses that the shelter may incur. Then consider that animal being caged for 18 months, 540 days with minimal exercise and limited human contact.

Why do we continue to punish these animals? You can change this by passing House Bill #2645. Let the adoptable animals be adopted and let us euthanize those that we know need to be euthanized. Let the shelters recover their costs. Let the animal care and control professionals do their jobs and put a stop to the cruelty.

Sincerely,

Kelli Larkins, President  
Kansas Animal Control Association  
PO Box 446  
Olathe, KS 66051

*House Agriculture*  
*Attachment 2*  
*2-8-96*

"Promoting Performance & Professionalism"

February 7, 1996

RE: HOUSE BILL 2645

Chairman and Committee Members,

My name is Ellen Querner, I reside in Wichita, Kansas. I am here to speak in favor of House Bill 2645..

On November 4th, 1993 the Butler Co. Sheriffs office seized 32 pit bulls in a dog fighting case. I was involved in picking up and finding housing for these dogs. The owner was also charged with selling drugs. Unlike the drugs, which were placed in safe keeping until the case proceeded through the courts, the dogs had to have special care. These dogs were very aggressive to not only themselves, but to all other animals. They required special cages and runs as they were adept at chewing through fencing and breaking through kennel doors. They were placed through out the state of Kansas at various animal shelters, humane societies, and veterinarian clinics. Housing and caring for these dogs was very expensive.

Dog fighting cases take a long time to proceed through the court system. This case was no exception. The case was plagued with continuances and the expense of caring for the dogs continued to grow. It was not until August 1994 that the case came to an end. As in most dog fighting cases it finally ended in a plea bargain as all those housing the dogs could no longer bear the cost or continue to tie up their kennels. The defendant plead guilty, he did not have to serve jail time, he did not have to pay any expenses for the dogs, because the dogs were extremely dangerous the courts ordered that they be destroyed. The cost of the care of the dogs, estimated at over \$48,000.00, was born by those organizations and individuals that housed them as the county had no funds to reimburse them.

Other dog fighting cases filed through out the state, have followed the same pattern. The defendants know how expensive it is to care for the dogs. They know that the key to a lesser sentence, if any at all, is to drag the case out in the courts. The longer it takes for the case to go through the courts, the more likely they will be able to plea bargain and end up with no jail time, and no responsibility for the care of the dogs, even though the statutes say that they must pay the costs.

Those organizations who paid the bill have stated that they will probably not offer to house such dogs again unless measures are taken to make the owner of the dogs responsible for their care. Butler County officials stated that they will no longer seek to prosecute such cases unless a law such as this is passed, which would insure that the cost of the dogs will not fall on the counties nor on the organizations helping to care for the dogs, but instead, on those responsible... those who chose to break the laws.

*House Agriculture  
Attachment 3  
2-8-96*



Testimony of Craig Weinaug, County Administrator of  
Douglas County with Regard to House Bill 2645 Concerning Animals

House Agriculture Committee Hearing  
February 7, 1996 at 9:00 a.m.

The primary purpose of House Bill No. 2645 appears to be the provision of a procedure whereby animal shelters can be reasonably reimbursed for their costs in holding animals pursuant to court orders. Under existing law, humane societies are occasionally asked by a court to hold an animal for an extended period of time. At the end of that time, the owner is sometimes not willing to pay for the cost of the confinement, and as a result the animal shelter has no way to be reimbursed for its costs.

The bill as written would give the counties two new responsibilities in helping to solve this problem. First, the county would become the holding agent for cash or performance bonds to assure that the cost of caring for an animal was paid by the owner. Second, the county commissioners would determine the procedures for adoption or euthanasia of animals not claimed by the owner.

Most county commissions would probably prefer that this problem were solved without the involvement of the counties. It could be argued that this bill mandates additional responsibilities on the county without funding.

However, the procedures mandated by this bill do appear to provide a reasonable solution to the problem. We do have a couple of minor suggestions:

- 1) Sec. 1 subpara. (a) and Sec. 2 subpara. (b) place responsibility for holding a renewable cash or performance bond with the County Treasurer. Bonds of this type are normally held by the County Clerk or the Clerk of the District Court, rather than the County Treasurer.
- 2) Sec. 2 subpara (b) places responsibility for determining a reasonable schedule of charges for holding animals pursuant to court orders with the Board of County Commissioners. Most county commissions would prefer that this responsibility was assigned to the District Court based upon the circumstances in each case. However, if the legislature feels the county commission should assume this responsibility, such changes could be set once for all cases by resolution of each county commission, and updated as necessary.

*House Agriculture  
Attachment 4  
2-8-96*



# SEDGWICK COUNTY, KANSAS

## BUREAU OF COMMUNITY DEVELOPMENT

IRENE HART

*Director*

510 N. MAIN ● ROOM 601 ● WICHITA, KANSAS 67203 ● TELEPHONE: (316) 383-8041

TESTIMONY ON HB 2645

HOUSE AGRICULTURE COMMITTEE

Irene Hart

The Sedgwick County Bureau of Community Development oversees operation of several County departments, one of which is the Department of Animal Control. I have been in the position of Bureau Director for six months, but have been closely involved with Animal Control activities for the last several months since we were "between" Animal Control Directors. Sherdeill Breathett has been hired for the position, and in future sessions he will testify before you with considerably more knowledge and authority than I bring today.

HB 2645 has been reviewed by our Animal Control Advisory Board, a Commission-appointed volunteer board with membership representing veterinarians, breeders, dealers, animal welfare organizations, and citizens. They reported occasions in which numbers of animals such as pit bulls and horses have been found to be in dangerous situations, were picked up and placed in shelters, and their owners charged with animal cruelty. Under current statute, the shelters must retain the animals until the case has progressed through the court system, often months later.

*House Agriculture  
Attachment 5  
2-8-96*

Meanwhile, the animals are fed and receive medical treatment at no cost to the owner, unless there is a judgement against them. In practice, sheltering these animals has nearly bankrupted non-profit and charitable shelters, and subsequent recovery of costs is not a usual event.

We therefore support HB 2645 which will put a limit of 20 days in which shelters must care for animals in animal cruelty cases, and then the shelter may adopt or euthanize the animals unless the owner posts a bond to cover the expense of sheltering the animals.

February 5, 1996

5-2

STATE OF KANSAS  
**KANSAS ANIMAL HEALTH DEPARTMENT**  
George Teagarden, Livestock Commissioner

712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808  
Phone 913/296-2326 FAX 913/296-1765

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MEMORANDUM

TO: Kansas Pet Shop Operators/Research Facilities  
FROM: Debra Duncan, Director  
Animal Facilities Inspection Program  
RE: Prairie dogs - disease warning  
Date: December 12, 1995

Occasionally we run across pet stores with Prairie Dogs for sale. The Centers for Disease Control (CDC) has recently received reports of Prairie Dogs being trapped from the wild and sold as pets or research animals. In two known instances, trapped animals were infected with the plague (*Yersinia pestis* infection).

Although no human cases of plague are known to have occurred as a result of contact with Prairie Dogs caught in the wild, the CDC feels there are significant health risks associated with these animals.

Humans handling infected Prairie Dogs can be infected via the bites of infectious fleas or as a result of direct contact with infected animals or tissues.

The Kansas Animal Health Department is in the process of revising regulations to prohibit the importation or sale of Prairie Dogs in the state of Kansas. In the meantime, we strongly suggest you do not sell any of these animals which have been trapped from the wild, or which are from an unknown origin.

If you have any questions, please call this office.

*Melvin this is the letter the pet stores  
are getting. Thanks*

*J. W. Vandepool*

*House Agriculture  
Attachment 6  
2-8-96*

February 6, 1996

Dear Mr. Neufeld:

This is the first time I have sent a letter to a Government Official. I have been selling prairie dogs now for 27 years, I've had Prairie Dog Town Zoo for 28 years. Last year our local game protector gave me some static about selling prairie dogs, after showing him my receipt of purchase of 20 pairs to get my business started, he decided to stop bothering me. I ask him to show me the law that it was illegal for me to sell my own prairie dogs. I am still waiting for him to show me. I estimate I have sent to the State of Kansas in the past 27 years over \$100,000.00 in State Sales Taxes I've collected from the Tourists in animal sales, souvenirs, and admission fees, not to forget 27 years of Game Breeder fees, 27 years fees for maintaining outdoor advertising at \$50.00 a year. I just can't figure out why the State of Kansas would try to punish somebody who has had such a successful business for so long.

Also there is another issue, House Bill 2607 that the House Agriculture Committee Members are trying to pass. It has to do with more inspections, now the Kansas Animal Health Department. We already have; 1. Kansas Wildlife and Parks, 2. Federal Animal inspections, 3. Local Vet. inspections required by Federal law, and 4. Humane Society inspections usually done by the city police or sheriff. We really don't need another expensive department to do a job already being done.

Sincerely yours,

Larry R. Farmer  
Larry R. Farmer  
Prairie Dog Town  
Gardey, Kansas



**J. W. Vanderpool**  
25048 - 15 Road  
Meade, Kansas 67864  
316-873-5200



**Feb. 7, 1996**

**Ref: Prairie Dog Bill**

**To Whom it may Concern:**

**It seems like there is a conspiracy against the Farmers who Farm Exotics. The Exotic Animal Farmers are being permitted, Licensed, and Inspected to death by U.S.D.A., Fish and Game, Livestock Commissioner, Dept. of Health, and the Humane Society. We have all these regulatory bureaucracy to keep Farmers from mistreating animals and being irresponsible with the public in mind when the ultimate Regulating factor is the Farmer Himself. If a Farmer beats, starves and mistreats his animals, do you think they will be healthy, productive, or friendly critters? We may need these Regulatory Bureaucracies to find the 1 in 1,000 who mistreats or is not responsible with his animals.**

**According to the Merck Veterinary Manual, 5th Edition, Cattle, Ducks, Fowl, Dogs, and Cats have Plague. No mention of Prairie Dogs. It also says that the Plague is about like the Flu and can be treated easily with Modern medicine, not deadly like it used to be.**

**The Prairie Dog makes an extremely affectionate Pet. They are nearly impossible to breed in captivity, so must be farmed naturally in Dog Towns.**

**The Flea is the one with Plague and he likes any warm blooded critter, so why is the Prairie Dog being blamed? The Merck Veterinary Manual says the 3 cases of Plague in the USA in the later 70's came from house cats.**

**The taxpayer is the one who is paying for all these permitting and Regulating Bureaucracies and thousands of \$\$\$\$ go for Prairie Dog Poison.**

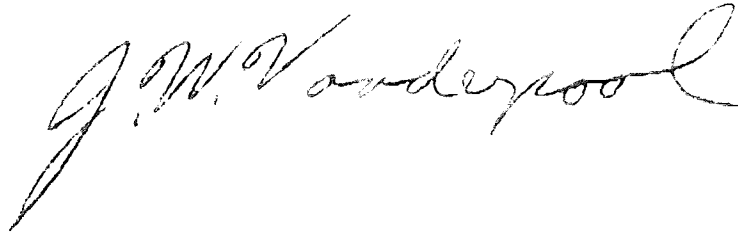
The Meade County Noxious Weed Dept. spent \$7,904 of Kansas State Tax Money on Prairie Dog Poison in 1995 alone. Figure that times 105 counties. Look how much the Kansas State Taxpayer is paying each year!!!!

A Prairie Dog Dealer would be bringing money to Kansas from other states and other countries and paying taxes. He would also be helping farmers get shed of unwanted Prairie Dogs without Tax Dollars by relocating them instead of the needless slaughter of this unique little western survivor.

Don't forget, the Farmer is the ultimate caretaker of our land and critters, not the Political Bureaucracies!!!

One of the Endangered Species:

A FARMER

A handwritten signature in cursive script that reads "J. W. Vanderpool". The signature is written in black ink and is positioned to the right of the underlined text "A FARMER".

**STATE OF KANSAS**  
**KANSAS ANIMAL HEALTH DEPARTMENT**

George Teagarden, Livestock Commissioner

712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808  
Phone 913/296-2326 FAX 913/296-1765

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February 8, 1996

Madame Chair and Members of the House Committee on  
Agriculture:

Thank you for the opportunity to speak to H.B. 2787. I am here neither in support or opposition of this bill, but I wish to offer some brief comments.

New section 1(a) establishes a fee, not to exceed \$50 but does not specify a fee fund for the fee to be credited to.

Section 1(c) allows us to require the prairie dog dealer to fill out a form, that we provide, certifying the prairie dog is in sound health. We currently require health certificates on many different types of animals. These health certificates must be signed by a licensed veterinarian. This section would create an exception to this rule for prairie dog dealers.

Section 1(d) prohibits a prairie dog dealer from entering another person's land without permission. We have no authority to stop this from happening. The only way this Department could enforce this provision is if we have a complaint from a landowner.

Section 1(e) makes any violation of or failure to comply with this section a class A nonperson misdemeanor. This would require us to ask the County Attorney to prosecute a prairie dog dealer who refused to buy a \$50 license. I believe this may not be a priority for County Attorneys.

Thank you. I will try to answer any questions you may have.

*House Agriculture*  
*Attachment 7*  
*2-8-96*





STATE OF KANSAS  
DEPARTMENT OF WILDLIFE & PARKS

Office of the Secretary  
900 SW Jackson, Suite 502  
Topeka, KS 66612  
913/296-2281 FAX 913/296-6953



H.B. 2787

Testimony Presented To: House Agriculture Committee

Provided By: Kansas Department of Wildlife & Parks

February 8, 1996

H.B. 2787 creates a prairie dog dealer license which allows a person to hunt, trap or capture live prairie dogs and to sell or offer to sell the prairie dogs. The license would be administered by the Livestock Commissioner with a fee of not more than \$50 as set by the Commissioner. The Commissioner may require prairie dogs sold to be accompanied by a written instrument issued by the dealer certifying that such prairie dog is in good health. It also amends a Wildlife and Parks law that requires a commercial license from the Department in order to take native wildlife in Kansas for commercial purposes. The amendment is in the form of an exemption from that requirement.

The Department has several concerns regarding this bill which were discussed with the Committee. The following points were made during that discussion:

- Management of native wildlife is a responsibility of the Department which includes harvest for whatever purpose including commercial purpose---or to not allow harvest. This bill places some of those responsibilities under the Livestock Commissioner.
- The bill is silent on trapping techniques or authority to regulate trapping techniques and other attending matters.
- Impacts on other wildlife associated with prairie dog towns are not certain.
- Public health and safety is a question. A pending regulation of the Livestock Commissioner would prohibit the

*House Agriculture  
Attachment 8  
2-8-96*

selling of prairie dogs as pets in Kansas.

- There is a growing concern nationwide over the commercialization of wildlife which a public resource. That concern is mounting due to the growing amount of illegal commercialization which is occurring. Some opinions credit that increase in illegal activity to an expanding "legal" commercialization.

State of Kansas

Bill Graves



Governor

Department of Health and Environment

James J. O'Connell, Secretary

Testimony presented to

House Agriculture Committee

by

The Kansas Department of Health and Environment

House Bill 2787

House bill 2787 relates to the licensing of prairie dog dealers. This bill amends K.S.A. 32-941. The Kansas Department of Health and Environment is concerned about this bill because of the threat of plague. Plague is common in the rodent population in 15 western states including Kansas. Plague is transmitted by the bite of infected fleas, direct contact with plague infected animals, or exposure to the respiratory droplets of a plague infected animal. Prairie dogs are extremely susceptible to plague and are major amplifying hosts for *Yersinia pestis*, the bacterium which causes plague. Some fleas which transmit plague in rodents can also feed on humans and other animals and transmit plague to them. In this way if plague is present among wildlife animals (like prairie dogs) it can also be introduced among other animals likely to come in contact with humans, and through them it can eventually be transmitted to humans and their pets.

In 1993-1994, 11 cases of human plague were reported from Colorado, Texas, California, New Mexico, and Utah. Although some neighboring States reported cases of human plague in the past, fortunately no case has ever been reported from the State of Kansas. Hunting prairie dogs and residence in an area where animal plague is common or in rustic dwellings which attract rodents are all factors that increase the risk of human infection. Dogs and cats may become infected and infect their owners. More than half of the people who contract plague will die, if not treated.

The Kansas Department of Health and Environment opposes the proposal to license prairie dog dealers for several reasons. First, this act will probably increase human and pet contacts with prairie dogs that may be infected with plague. Second, the Centers for Disease Control and Prevention in a letter dated December 5, 1995 alerted all State Public Health Veterinarians that the sale, exportation, and importation of prairie dogs should be restricted because of the threat of plague. Third, the bill requires the dealer to provide "proof of sound health" for the prairie dogs. This would be technically difficult because plague infection can only be proven by growing the bacterium in a laboratory. Fourth, an outbreak of animal plague in Kansas could be costly to the State. Kansas currently conducts no active surveillance for plague. If faced with an outbreak of animal plague, the State would be forced to initiate active surveillance to protect the people. This would include (1) systematic monitoring of rodent plague activity in populated areas and controlled flea eradication in areas near to human activity; (2) bleeding dogs as sentinel animals to monitor plague activity; (3) monitoring rodent die-off; and (4) public education. The costs of these activities (in terms of both human and financial resources)

could be high.

For these reasons the Kansas Department of Health and Environment opposes House bill 2787

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