

Approved: March 25 '96  
Date

## MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on March 14, 1996 in Room 423-S of the Capitol.

All members were present.

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

Conferees appearing before the committee:  
Allie Devine, Secretary of Agriculture  
Jamie Clover Adams, Kansas Grain and Feed Association  
Michael Engeman, Big Springs, KS  
Mike Suman, United States Department Agriculture  
Debra Duncan, Kansas Animal Health Department

Others attending: See attached list

Chairperson Corbin welcomed and introduced Marc Beise from Germany.

Senator Clark moved to adopted the minutes of March 12. The motion was seconded by Senator Morris. Motion carried.

Staff was asked to follow up on the information requested from Roger Lambert that Sharon Munk was to fax to Chairperson10 Corbin.

### **HB 2983 - concerning plant pests; relating to fees.**

Chairperson Corbin opened the hearing and called on Allie Devine.

Allie Devine said the bill would increase both the fee limits and the current fees charged for phytosanitary certificates for shipments of Kansas produced commodities moving in international commerce. The increase in fees would be used to support a field position in the Wichita-Hutchinson area (Attachment 1). Responding to a question Secretary Devine stated they could live with the changes the House in the bill.

Jamie Clover Adams summarized her statement by pointing out that grain companies do not like increased costs anymore than anyone else. However, they realized the phytosanitary certificates are absolutely necessary to insure grain shipments to foreign markets. The increased fees would allow the Department to provide the same level of servicés, or provide increased services should NAFTA and GATT lead to increased exports (Attachment 2).

Secretary Devine responded to questions regarding the Karnal Bunt question. She stated that membership in the Interstate Pest Control Compact that was passed this year will help control plant pest in Kansas. Secretary Devine said she has arranged for the funding to be available for Tom Sims from her Department to attend the Compact's meetings.

Mike Suman, USDA, said the fee increase would put people out in the field. It would give the Department funds they need to carry out their responsibilities.

The hearing was closed and Chairperson Corbin called for discussion on **HB 2983**. Senator Morris moved that **HB 2983** be passed. Senator Steffes seconded the motion. Motion carried.

### **HB 2989 - concerning crimes and punishment; relating to cruelty to animals.**

Chairperson Corbin opened the hearing and called on Michael Engeman.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE Room 423-S-Statehouse, at 10:00 a.m. on March 14, 1996.

moving into the state and his organization requested the intentionally tripping of a horse for the purpose of sport or entertainment be declared cruel and inhumane (Attachment 3). He responded to questions.

The hearing was closed. Chairperson Corbin called for discussion or action on the bill. Senator Wisdom moved to amend the bill on page 2, in line 17, by striking "statute" and inserting "Kansas Register". The motion was seconded by Senator Morris. Motion carried. Senator Morris moved the bill be passed as amended. Senator Steffes seconded the motion. Motion carried.

**HB 2607 - concerning the Kansas Animal Dealer Act; renaming the act the Kansas Pet Animal Act.**

Chairperson called for discussion on **HB 2607**. Staff distributed a balloon copy of the bill, and explained the amendment. The amendment would strike the reptiles and birds from the bill and change the definition of a pet shop, these changes would be made in all of the appropriate sections, and on page 18, line 31, concerning board members, strike "wholesaler" and insert "retail breeder" (Attachment 4). Senator Wisdom moved that the amendments drawn up in the balloon copy be adopted. Senator Morris seconded the motion. Motion carried.

Debra Duncan responded to some questions regarding the Greyhound Association.

Senator Wisdom moved the bill be passed as amended. Motion was seconded by Senator Morris. Motion carried.

The meeting adjourned at 11:03 a.m.

The next meeting is scheduled for March 18, 1996.

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 3-14-96

| NAME                 | REPRESENTING                                 |
|----------------------|--|
| Jamie Clover Adams   | KS Grain & Feed Assn.                        |
| Clay Beth Moore      | Waskell County Farm Bureau                   |
| Henry & Shirley Bell | Chetopa KS R1 Farm Bureau<br>Cherokee County |
| Dorcas Lubin         | Farm Bureau                                  |
| Claron Bonnik        | Capitol Experience "Farm Bureau"             |
| Laura Driver         | "  |
| Marc Beise           | Hanoversblatt, Germany                       |
| Jolie McElwain       | Capitol Experience                           |
| Karen Engle          | " "  |
| Jimmi Burdette       | " "  |
| Heslie Kaufman       | Kansas Farm Bureau                           |
| Ben Evans            | Capitol Experience "Farm Bureau"             |
| Rich McKee           | KLA  |
| Debra Duncan         | KANSAS Animal Health Dept                    |
| KYLE RENYEF          | Visitor Q 2 McCune Ks.                       |
| Melba Pugh           | Visitor 802 W Larch Cherokee Ks.             |
| Nathan Jaeger        | Capitol Experience                           |
| Myra Smith           | Capitol Experience                           |
| ANDREA GARDEN        | CAPITOL EXPERIENCE                           |

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 3-14-96

| NAME              | REPRESENTING       |
|-------------------|--------------------|
| Elin Steinbrink   | Capital Experience |
| Brock Campbell    | Capital Experience |
| Ryan Engle        | " "                |
| Alana Edwards     | Capital Experience |
| Melissa Cannon    | Kansas Farm Bureau |
| James Eric Benham | " "                |
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STATE OF KANSAS

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Alice A. Devine, Secretary of Agriculture  
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KANSAS DEPARTMENT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE

TESTIMONY

TO THE

SENATE COMMITTEE ON AGRICULTURE

by

Alice A. Devine  
Secretary of Agriculture

Presented March 14, 1996

Re: House Bill 2983

Good morning Chairman Corbin and Members of the Committee. I am pleased to be here to present information to you about House Bill 2983.

This bill proposes to increase both the fee limits and the current fees charged for phytosanitary certificates for shipments of Kansas-produced commodities moving in international commerce.

Before I discuss the specifics of this proposal, it might be useful to give you a brief synopsis of the state's plant protection program. Generally, it is the mission of public pest prevention agencies to protect agriculture, the environment, and citizens from the damaging effects of plant pests. We try to accomplish this through two basic functions. One is to prevent the entry and spread of plant pests into the state from other areas, and the second is to attempt to keep the pests we have here in Kansas so that they do not become problems in other states or foreign countries. This is accomplished through commodity inspections and plant pest detection activities.

Most plant pests do not move very far on their own. However, it has long been recognized that plant pests are able to move long distances through man's activities by accompanying the plants and plant products that are moved in commerce.

Each country in the world has established specific entry requirements for commodities entering their borders with regard to plant pests. International convention provides a mechanism for plant pest regulatory officials in the shipping country to certify plants and plant products as meeting the phytosanitary requirements of the importing country. The Kansas Plant Pest Act provides the authority to provide these services and the Kansas Department of Agriculture plant protection staff has been certified by USDA to provide export commodity certification services to Kansas exporters.

Information regarding the occurrence and distribution of plant pests in Kansas is essential in the export certification process. This information is used to ensure a commodity meets the importing country's phytosanitary requirements.

The enactment of the North American Free Trade Agreement (NAFTA) and the General Agreement on Trade and Tariffs (GATT) has placed added importance on export commodity certification. These agreements have abolished artificial trade barriers. They have also reserved to each participating country the right to establish its own phytosanitary standards. Some countries may attempt to use phytosanitary standards as trade barriers. However, NAFTA and GATT state that all phytosanitary requirements are to be based on science and not be used as artificial trade barriers. It is in Kansas' best interest to continue its export facilitation efforts through a solid pest detection function. This information should be considered a value-added component to the commodity and can be used to facilitate the movement of Kansas-produced commodities throughout the world.

Increasingly, importing countries are requesting pest occurrence and distribution information as they purchase commodities. For example, a team of Australian plant regulatory officials visited our agency last spring to determine the risk of importing Kansas grain sorghum for use in its feed lot industry. A prolonged drought in Australia had reduced its feed grain production to the point where they needed to import grain to sustain their industry. Our program was able to provide accurate distribution information on several plant diseases and weeds of quarantine significance to Australia.

Last fall, the Kansas Wheat Commission hosted a visit by a Brazilian trade team seeking to purchase wheat. Again, our program was able to provide accurate pest occurrence and distribution information to the Brazilians to assist them in obtaining wheat that would satisfy their pest quarantine requirements.

In calendar year 1995, our office inspected and certified the shipment of 28 different Kansas-produced commodities to 49 foreign countries. The number of certificates issued annually has risen from 875 in FY 1988 to 1,721 in FY 1995. Fluctuations have occurred in this time period, but the trend continues upward.

In the past 20 years of the state's plant protection program, there has not been a single shipment of any commodity certified by our program being rejected by a foreign country for failure to meet its phytosanitary requirements.

The current limit and fee for phytosanitary certificates is \$5 for both interstate and international certificates. This rate has been in effect since the mid-1960's. When our FY97 program budget was assembled last summer, we projected receipts for international certificates using a \$20 fee and suggested a fee limit of \$50. The bill currently under consideration would have raised the limit on these certificates to \$100 and established the actual certificate fee at \$35 as suggested by the Agriculture Advisory Board. However, it is our agency's desire, following further discussions with industry, to return to the figures as contained in our agency's proposed FY97 budget. These figures are also contained in the governor's FY97 budget recommendations. These changes were amended into the bill by the House Agricultural Committee and are reflected as follows:

On page 2, line 10, \$100 changed to \$50. This establishes the certificate fee limit authority at \$50.

On page 2, line 16, \$35 changed to \$20. This establishes the actual certificate fee at \$20.

The increase in fees received will be used to support a field position in the Wichita-Hutchinson area. This will provide an increased level of both pest detection activities and phytosanitary inspection services in that area. The addition of this position will increase the number of area plant protection staff from five to six. This position is not a new FTE, but a reclassification of an existing vacant clerical position. In addition to pest detection and export inspection responsibilities, this position will perform duties in other regulatory plant pest functions such as nursery and nursery dealer inspections and noxious weeds.

Administrative support to exporters will remain at the current level. Once a commodity has been inspected and authorized for export, the exporter will generally fax a request for a phytosanitary certificate to our office when a sale is made. If that request is received by noon, the certificate is prepared and express delivered that same afternoon.

Some summary information is provided on the attached tables. One table lists the phytosanitary fees for the states in the Central Plant Board as of last August. The second table compares updated fee information as well as export commodity certification program components for Kansas, a number of our neighboring states, and USDA.

Thank you for your consideration in this matter and for allowing me to present this information. I will try to answer any questions you might have.

Central Plant Board Phytosanitary Fees (8/29/95)

|              |  |
|--------------|--|
| Illinois     | \$10 per certificate.<br>\$15 per hour of inspection time.   |
| Indiana      | \$30 for each inspection and subsequent certificate.   |
| Iowa         | \$30 per federal certificate.<br>\$30 per state certificate.<br>\$30 per re-export certificate.<br>\$20 per plant product certificate.<br>\$10 for each re-issued certificate.                         |
| Kansas       | \$50 for each authorization inspection and \$5 per certificate<br>or<br>\$30 per hour plus mileage and no certificate fee<br>or<br>\$15 per hour plus mileage and no certificate fee (growing season). |
| Kentucky     | \$35 per certificate (linked to federal rate).   |
| Michigan     | \$21 per hour plus mileage and no certificate fee (rising to \$30 per hour on January 1, 1996).  |
| Minnesota    | \$35 per certificate.  |
| Missouri     | \$10 per certificate.<br>\$25 for first hour of inspection time.<br>\$20 for each additional hour.   |
| Nebraska     | \$10 per certificate.<br>\$5 for each application for certificate.<br>\$12 per hour inspection time plus \$0.21 per mile.  |
| North Dakota | inspection fee of \$10 if performed at a duty station plus \$5 per certificate.<br>inspection fee of \$20 plus mileage if performed away from duty station plus \$5 per certificate.                   |
| Ohio         | no charge for phytosanitary certification.   |
| South Dakota | inspection fee only - \$30 per hour. Field inspection is \$30 for first acre and \$0.30 for each additional acre.  |
| Wisconsin    | \$15 per certificate.<br>\$20 per hour inspection fee plus \$0.26 per mile.<br>field inspection - \$50 minimum or \$1.50 per acre.   |



Export Commodity Certification Program Component Comparison

|  | <u>Kansas</u>      | <u>Nebraska</u>           | <u>Missouri</u>                  | <u>Colorado</u> | <u>Texas</u>       | <u>Oklahoma</u>    | <u>USDA</u>       |
|--|--------------------|---------------------------|----------------------------------|-----------------|--------------------|--------------------|-------------------|
| Current Certificate Fee  | \$ 5               | \$ 10                     | \$ 10                            | \$ 30<br>(1/96) | \$ 25 -            | \$ 0               | \$ 35             |
| Proposed Certificate Fee   | \$ 20              | \$ 30<br>(pending)        | -                                | -               | \$ 50<br>(pending) | -                  | \$ 50<br>(3/1/96) |
| Associated Inspection Fee  | \$ 50              | \$12/hour +<br>\$.21/mile | \$25 first hr.<br>\$20 add'l/hr. | \$ 0            | \$ 0               | \$ 0               | \$ .29/mile       |
| Authorization Period On<br>Commodity                               | 60 days<br>maximum | 6 months on<br>facility   | 30 days<br>maximum               | none            | none               | none               | none              |
| Utilize Field Pest Detection<br>Information - Grain                | Yes                | No                        | No                               | from CSU        | No                 | No                 | Yes               |
| Utilize Field Pest Detection<br>Informations - Seeds               | Yes                | Yes                       | Yes                              | Yes             | Yes                | Yes<br>(declining) | Yes               |
| Inspect Commodity At Storage<br>Facility For Stored Grain<br>Pests | Yes                | rely on<br>others         | Yes                              | Yes             | Yes                | occasionally       | Yes               |
| Utilize NAFTA/GATT Principles<br>In Program                        | Yes                | becoming<br>aware         | becoming<br>aware                | No              | becoming<br>aware  | No                 | Yes               |

Mr. Chairman and members of the Committee, I am Jamie Clover Adams, Vice President of Government Affairs for the Kansas Grain and Feed Association (KGFA). We appreciate the opportunity to appear today in support of H.B. 2983.

KGFA is a voluntary state organization founded in 1896 to provide government representation, educational opportunities and a wide variety of other services to the vast and indispensable grain and feed marketing system. The 1200 members of the KGFA include both independent and cooperative country elevators, subterminal and terminal elevators, feed manufacturers, grain merchandisers and allied industries such as railroads, grain exchanges, equipment manufacturers and insurance firms.

H.B. 2983 raises the cap for phytosanitary certificate fees and establishes an increased charge that goes into effect on July 1, 1996 for the first time since the mid-1960s. KGFA supports the \$50 cap and \$20 per certificate fee amended into the bill by the House Agriculture Committee.

Phytosanitary certificates are documents issued by the Kansas Department of Agriculture (KDA) on lots of grain shipped to other countries -- primarily Mexico but also the Pacific Rim. They are required by these countries and verify that the grain does not contain insects or disease undesirable to the importing country. KDA derives its authority to issue these certificates from the United State Department of Agriculture (USDA). It is also important to understand that the phytosanitary certificate program is intrinsically linked to the pest detection program -- without pest data KDA cannot issue certificates. Without a credible pest detection program, foreign buyers may choose to buy from other states that can provide them with more tangible evidence that an undesirable pest or plant disease does not exist in their state. The recent detection of karnal bunt -- wheat smut -- in Arizona may illustrate the importance of "negative" data. Three years ago, Kansas initiated a survey and detection program<sup>1</sup> specifically for karnal bunt. It has not been found in Kansas. This information allows KDA to issue phytosanitary certificates that certify Kansas wheat free of karnal bunt and may allow Kansas to continue to ship to 21 countries that ban importation of wheat from countries known to have karnal bunt. Secretary Glickman will use this information in his negotiations with our trading partners. In the final analysis, grain companies cannot export grain without phytosanitary certificates. No certificate, no sale.

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<sup>1</sup> Kansas was joined by Texas, Oklahoma, Nebraska, and the Dakotas. Every county in Kansas has been surveyed.

*Senate Ag Co  
3-14-96  
Attachment 2 2-1*

There are only a handful of grain companies in Kansas currently shipping grain to Mexico. These include: Cargill, Collingwood Grain, Continental Grain, Farmland, Scoular Grain Co. and to a lesser extent Harvest States and DeBruce Grain. These companies will bare the cost of this increase. It will not be passed on to the producer since grain prices are set by the market. Added cost cuts into grain company margins. However, these companies agreed -- not without some spirited discussion -- that while they never want to increase cost, phytosanitary certificates are necessary to export grain. Secretary Devine told KGFA and some of these companies individually she was asking for the fee increase because she believes they do not have the funds to continue the current level of service and will certainly not have the funds to provide increased service should NAFTA and GATT lead to increased exports. Again, no phytosanitary certificate, no sale. Given her track record, KGFA had no reason to doubt the Secretary's assessment. However, as one exporter put it "We expect service in return for the increased revenue." The committee can reset assured that KGFA will hold KDA accountable for these extra monies.

According to KDA Plant Protection and Weed Control Section records and the KDA budget, field inspectors spend approximately 12% of their time performing inspections and issuing phytosanitary certificates. This does not include any portion of administrative overhead or pest detection activity. In contrast, the fees paid by KGFA member firms only provides about 4% of the section's resources. The remainder comes from nursery fees and state general fund dollars. In fiscal year (FY) 1988 KDA issued 875 phytosanitary certificates. In FY 1995, they issued 1721 on the same budget. It appears the Section is efficiently using the resources they currently have.

Finally, KGFA member exporters asked what other states were charging, specifically Texas and Oklahoma since they are Kansas' chief competitor in shipments to Mexico. With the increase proposed in H.B. 2983, Kansas will be somewhat higher. However, Oklahoma does not have a pest detection program and relies solely on USDA information (a risky prospect) while the Texas program is not a "full blown program." As markets tighten and competition increases, the pest detection program in Kansas may enable Kansas companies to increase sales to Mexico. Further, as Secretary Devine indicated, the money is necessary to keep the current level of service.

In closing, I would point out that grain companies do not like increased costs anymore than anyone else. However, we realize that it is highly unlikely that state general funds will be increased and the phytosanitary certificates are absolutely necessary to insure grain shipments to foreign markets. Thank you for this opportunity to appear in support of H.B. 2983. I would be happy to answer any questions you may have.



Testimony for Senate Agriculture Committee  
Re: H.B. 2989 Hearing: March 14, 1996  
Provided By: The Kansas Horse Council

Thank you for the opportunity to appear before the Committee today. I would like to share with you our support for H.B. 2989 and the urgent need for this bill's passage.

This bill was written in regards to a Spanish sport called horse tripping. This sport became popular in Mexico in the late 1800's and involves a charro (Spanish cowboy) with a lariat standing in the middle of an arena waiting to rope a horses front feet as it is herded past at top speed by mounted charro's. The object of the sport is to rope the horses front feet as it runs past, pulling it's legs out from under it, causing it to loose it's balance and fall.

Tripping a horse can inflict life-threatening injures including broken limbs, broken necks, dislocated stifles, fractured shoulders, knee and hock injuries, deep lacerations to the face, shoulders, hips, legs and heels, and broken teeth. Rope burns are common. The Veterinary Medical Association's "expert" opinion is that to purposely risk life-threatening injuries to a horse in this manner is cruel and inhumane.

The Kansas Horse Council is concerned that this type of activity is occurring in the state as we speak. Currently there are no laws prohibiting this inhumane sport from continuing it's reign of destruction on the unsuspecting equine of this state, therefore we encourage passage of H.B. 2989.

I thank you for your time and am available to answer questions.

*Senate Ag. Co  
3-14-96  
Attachment 3*

Substitute for HOUSE BILL No. 2607

By Committee on Agriculture

2-6

10 AN ACT concerning the Kansas animal dealer act; renaming the act the  
11 Kansas pet animal act; amending K.S.A. 47-1702, 47-1703, 47-1706,  
12 47-1707, 47-1709, 47-1711, 47-1713, 47-1715, 47-1718, 47-1719, 47-  
13 1720, 47-1721, 47-1723, 47-1724, 47-1725, 47-1726 and 47-1727 and  
14 K.S.A. 1995 Supp. 47-1701, 47-1704, 47-1710, 47-1712 and 47-1731  
15 and repealing the existing sections; also repealing K.S.A. 47-1722.

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

18 New Section 1. (a) Any licensee or permit holder required to be  
19 licensed or obtain a permit under the Kansas pet animal act, who is in  
20 the process of ceasing to do business on July 1, may be issued a temporary  
21 closing permit at the discretion of the commissioner.

22 (b) Application for such permit shall be made in writing on a form  
23 provided by the commissioner.

24 (c) The permit will be effective for 30 days. During the 30-day period,  
25 the licensee or permit holder shall be required to comply with the Kansas  
26 pet animal act and all rules and regulations adopted thereunder. By ac-  
27 cepting such permit, the licensee or permit holder agrees to allow an  
28 inspection of the facility at the end of the 30-day period to certify that  
29 the operation has ceased business. The licensee or permit holder shall  
30 provide records as to the disposition of the animals to the commissioner  
31 upon request.

32 (d) The permit may be renewed, at the discretion of the commis-  
33 sioner, for an additional 30-day period.

34 (e) This section shall be part of and supplemental to the Kansas pet  
35 animal act.

36 ~~New Sec. 2. (a) It shall be unlawful for any person to act as or be an~~  
37 ~~animal wholesaler unless such person has obtained from the commis-~~  
38 ~~sioner an animal wholesaler license for each animal wholesaler premises~~  
39 ~~operated by such person. Application for each such license shall be made~~  
40 ~~in writing on a form provided by the commissioner. The license period~~  
41 ~~shall be for the license year ending on June 30 following the issuance~~  
42 ~~date.~~

43 ~~(b) This section shall be part of and supplemental to the Kansas pet~~

*Senate Ag Committee*  
*3-14-96*  
*Attachment 4*  
*all*

*Senate Ag*  
*3-14-96*  
*Attachment 4*  
*4-1*

1 ~~animal act~~  
2 New Sec. 3. (a) It shall be unlawful for any person to act as or be an  
3 animal breeder unless such person has obtained from the commissioner  
4 an animal breeder license for each animal breeder premises operated by  
5 such person. Application for each such license shall be made in writing  
6 on a form provided by the commissioner. The license period shall be for  
7 the license year ending on June 30 following the issuance date.

8 (b) This section shall be part of and supplemental to the Kansas pet  
9 animal act.

10 New Sec. 4. (a) It shall be unlawful for any person to act as or be an  
11 out-of-state distributor of dogs or cats, or both, within the state of Kansas  
12 unless such person has obtained from the commissioner an out-of-state  
13 distributor permit. Application for each such permit shall be made in  
14 writing on a form provided by the commissioner. The permit period shall  
15 be for the permit year ending on June 30 following the issuance date.

16 (b) This section shall be part of and supplemental to the Kansas pet  
17 animal act.

18 New Sec. 5. (a) A licensee, permittee or applicant for a license or  
19 permit shall not interfere with, hinder, threaten; ~~or~~ abuse, including  
20 verbal abuse, ~~or harass~~ any representative or employee of the animal  
21 health department who is carrying out such representative's or employee's  
22 duties under the provisions of the Kansas pet animal act.

23 (b) This section shall be part of and supplemental to the Kansas pet  
24 animal act.

25 New Sec. 6. (a) It shall be unlawful for any person to act as or be a  
26 retail breeder unless such person has obtained from the commissioner a  
27 retail breeder license for each retail breeder premises operated by such  
28 person. Application for each such license shall be made in writing on a  
29 form provided by the commissioner. The license period shall be for the  
30 license year ending on June 30 following the issuance date.

31 (b) This section shall be part of and supplemental to the Kansas pet  
32 animal act.

33 Sec. 7. K.S.A. 1995 Supp. 47-1701 is hereby amended to read as  
34 follows: 47-1701. As used in the Kansas *pet animal dealers* act, unless the  
35 context otherwise requires:

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

40 (b) "Adequate watering" means a supply of clean, fresh, potable wa-  
41 ter, supplied in a sanitary manner and either continuously accessible to  
42 each animal or supplied at intervals suitable for the animal species, not  
43 to exceed intervals of 12 hours.

Remember remaining sections accordingly.

4-2

4-2

1 (c) "Ambient temperature" means the temperature surrounding the  
2 animal.

3 (d) (1) "Animal" means any live dog, cat, rabbit, rodent, nonhuman  
4 primate, bird or other warm-blooded vertebrate or any fish, snake or  
5 other cold-blooded vertebrate.

6 (2) Animal does not include horses, cattle, sheep, goats, swine, *ratites*,  
7 *domesticated deer* or domestic fowl.

8 (e) "Animal dealer breeder" means any person who operates animal  
9 dealer breeder premises.

10 (f) (1) "Animal dealer breeder premises" means any premises where  
11 all or part of six or more litters of dogs or cats, or both, or 30 or more  
12 dogs or cats, or both, are sold, or offered or maintained for sale, primarily  
13 at wholesale for resale to another.

14 (2) Animal dealer premises does not include: (A) Any pound, no-kill  
15 shelter or animal shelter; or (B) any premises described in subsection  
16 (m)(1).

17 (g) "Animal shelter" or "pound" means a facility which is used for  
18 the purpose of impounding or harboring or designed for use to house,  
19 contain, impound or harbor any seized stray, homeless, relinquished or  
20 abandoned animal and which is owned, operated or maintained by a duly  
21 incorporated humane society, animal welfare society, society for the pre-  
22 vention of cruelty to animals or other nonprofit corporate organizations  
23 devoted to the welfare, protection and humane treatment of animals or  
24 a person who acts as an animal rescuer, or who collects and cares for  
25 unwanted animals or offers them for adoption. Animal shelter or pound  
26 also includes a facility of an individual or organization, profit or non-  
27 profit, maintaining 20 or more dogs or cats, or both, for the purpose of  
28 collecting, accumulating, amassing or maintaining the animals or offering  
29 the animals for adoption.

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

32 (i) "Commissioner" means the livestock commissioner appointed by  
33 the Kansas animal health board.

34 (j) "Dog" means any animal which is wholly or in part of the species  
35 *Canis familiaris* but does not include any greyhound, as defined by K.S.A.  
36 74-8802 and amendments thereto.

37 (k) ~~"Dog warden"~~ "Animal control officer" means any person em-  
38 ployed by, contracted with or appointed by the state, or any political  
39 subdivision thereof, for the purpose of aiding in the enforcement of this  
40 law, or any other law or ordinance relating to the licensing or permitting  
41 of animals, control of animals or seizure and impoundment of animals,  
42 and includes any state, county or municipal law enforcement officer, an-  
43 imal control officer dog warden, constable or other employee, whose du-

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4-4

1 ties in whole or in part include assignments which involve the seizure or  
2 taking into custody of any animal.

3 (l) "Euthanasia" means the humane destruction of an animal, which  
4 may be accomplished by any of those methods provided for in K.S.A. 47-  
5 1718 and amendments thereto.

6 (m) (1) "Hobby kennel breeder premises" means any premises where  
7 only all or part of 3, 4 or 5 litters of dogs or cats, or both, which are  
8 produced and raised on such premises are for sale or sold, or offered or  
9 maintained for sale, by a person who resides on such premises, but only  
10 if the total number of dogs or cats, or both, which are produced and  
11 raised on such premises and are sold during the registration year is fewer  
12 than all or part of six litters of animals or. This provision applies only if  
13 the total number of dogs or cats, or both, sold, offered or maintained for  
14 sale is less than 30 individual animals, whichever is less, whether such  
15 animals are dogs or cats, or both.

16 (2) Hobby kennel does not include: (A) Any pound, no-kill shelter or  
17 animal shelter, or (B) any premises where fewer than all or part of three  
18 litters of animals, whether dogs or cats, or both, are sold during the reg-  
19 istration year.

20 (n) "Hobby kennel operator breeder" means any person who operates  
21 a hobby kennel breeder premises.

22 (o) "Housing facility" means any room, building or area used to con-  
23 tain a primary enclosure or enclosures.

24 (p) (1) "Kennel operator" means any person who operates an estab-  
25 lishment where animals four or more dogs or cats, or both, are maintained  
26 in any one week for boarding, training or similar purposes for a fee or  
27 compensation.

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

31 (q) "Kennel operator premises" means the facility of a kennel oper-  
32 ator.

33 (r) "License year" or "registration year" "permit year" means the 12-  
34 month period ending on June 30.

35 (s) "No-kill shelter" means a facility where 20 or more dogs or cats,  
36 or both, are maintained for the purpose of collecting, accumulating,  
37 amassing or maintaining the animals, or offering the animals for adoption.  
38 A no-kill shelter is a shelter that does not prescribe to euthanasia of un-  
39 wanted animals.

40 (t) (s) "Person" means any individual, association, partnership, cor-  
41 poration or other entity.

42 (u) (1) "Pet shop" means any premises where there are sold, or  
43 offered or maintained for sale, at retail and not for resale to another. (A)

4-4

4-5

1 ~~Any dogs or cats, or both, or (D) any other animals except those which~~  
2 ~~are produced and raised on such premises and are sold, or offered or~~  
3 ~~maintained for sale, by a person who resides on such premises animals~~  
4 ~~are bought, sold, exchanged or offered for retail sale to the general public.~~

5 (2) Pet shop does not include: (A) Any pound; ~~no-kill shelter~~ or animal  
6 shelter; (B) any premises where only fish are sold, or offered or  
7 maintained for sale; or (C) any animal dealer premises; or any premises  
8 described in subsection ~~(m)(1)~~, where the only animals, other than dogs  
9 or cats, which are sold, or offered or maintained for sale, are animals  
10 which are produced and raised on such premises and are sold, or offered  
11 or maintained for sale, by a person residing on such premises distributor  
12 premises, hobby breeder premises, animal breeder premises or animal  
13 wholesaler premises; or (D) any private home not normally operated as  
14 a business. Operation of a business is presumed whenever 20 or more  
15 female animals, other than fish, dogs, cats, food animals or any combi-  
16 nation thereof, are owned, maintained or housed on a premises for the  
17 primary purpose of breeding and where such animals are sold, offered or  
18 maintained for sale, ~~primarily at retail sale to the general public.~~

19 (3) Nothing in this section prohibits inspection of those premises  
20 which sell only fish to verify that only fish are being sold.

21 ~~(v)~~ (u) "Pet shop operator" means any person who operates a pet  
22 shop.

23 ~~(w)~~ "Pound" means a facility which is used for the purpose of im-  
24 pounding or harboring any seized stray, homeless or abandoned animal  
25 and which is operated.

26 (1) By the state or a political subdivision of the state; or

27 (2) under contract with any municipality or incorporated society for  
28 the prevention of cruelty to animals.

29 ~~(x)~~ (v) "Primary enclosure" means any structure used or designed for  
30 use to restrict any animal to a limited amount of space, such as a room,  
31 pen, cage, compartment or hutch.

32 ~~(y)~~ (w) "Research facility" means any place, laboratory or institution,  
33 except an elementary school, secondary school, college or university, at  
34 which any scientific test, experiment or investigation involving the use of  
35 any living animal is carried out, conducted or attempted.

36 ~~(z)~~ (x) "Sale," "sell" and "sold" include transfers by sale or exchange.  
37 Maintaining animals for sale is presumed whenever 20 or more dogs or  
38 cats, or both, are maintained by any person.

39 ~~(aa)~~ (y) "Sanitize" means to make physically clean and to remove and  
40 destroy, to a practical minimum, agents injurious to health, at such inter-  
41 vals as necessary.

42 (z) "Animal distributor" means any person who operates an animal  
43 distributor premises.

(t) (1) "Pet shop" means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another:

(A) Any dogs or cats, or both; or (B) any other animals except those which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.

(2) Pet shop does not include: (A) Any pound or animal shelter; (B) any premises where only fish are sold, or offered or maintained for sale; or (C) any animal distributor premises, hobby breeder premises, retail breeder premises or animal breeder premises.

4-5

1 (aa) "Animal distributor premises" means the premises of any person  
2 engaged in the business of buying for resale dogs or cats, or both, as a  
3 principal or agent, or who holds such distributor's self out to be so en-  
4 gaged.

5 ~~(bb) "Animal wholesaler" means any person who operates an animal  
6 wholesaler premises.~~

7 (cc) "Animal wholesaler premises" means any premises where 20 or  
8 more female animals, other than fish, dogs, cats, food animals or any  
9 combination thereof, are owned, maintained or housed primarily for the  
10 purpose of breeding and where such animals or their offspring are sold  
11 or offered or maintained for sale, primarily at wholesale for resale to  
12 another.

13 (dd) "Out-of-state distributor" means any person residing in a state  
14 other than Kansas, who is engaged in the business of buying for resale  
15 dogs or cats, or both, within the state of Kansas, as a principal or agent.

16 (ee) "Food animals" means rodents, rabbits, reptiles, fish or amphib-  
17 ians that are sold or offered or maintained for sale for the sole purpose  
18 of being consumed as food by other animals.

19 (ff) (1) "Adequate veterinary medical care" means:

20 (A) A documented program of disease control and prevention, eutha-  
21 nasia and routine veterinary care shall be established and maintained  
22 under the supervision of a licensed veterinarian, on a form provided by  
23 the commissioner, and shall include a documented on-site visit to the  
24 premises by the veterinarian at least once a year; and

25 (B) that diseased, ill, injured, lame or blind animals shall be provided  
26 with veterinary care as is needed for the health and well-being of the  
27 animal.

28 (2) As used in the Kansas pet animal act, "adequate veterinary med-  
29 ical care" shall not apply to United States department of agriculture li-  
30 censed animal breeders, animal distributors or animal wholesalers.

31 (gg) "Ratites" means all creatures of the ratite family that not indig-  
32 enous to this state, including, but not limited to, ostriches, emus and rheas.

33 (hh) "Retail breeder" means any person who operates a retail breeder  
34 premises.

35 (ii) "Retail breeder premises" means any premises where all or part  
36 of six or more litters or 30 or more dogs or cats, or both, are sold, or  
37 offered or maintained for sale, primarily at retail and not for resale to  
38 another.

39 (jj) "Retail" means any transaction where the animal is sold to the  
40 final consumer.

41 (kk) "Wholesale" means any transaction where the animal is sold for  
42 the purpose of resale to another.

43 Sec. 8. K.S.A. 47-1702 is hereby amended to read as follows: 47-

4-6

Re letter

7-7

1 date.

2 (b) This section shall be part of and supplemental to K.S.A. 47-1701  
3 *et seq.*, and amendments thereto.

4 Sec. 24. K.S.A. 47-1724 is hereby amended to read as follows: 47-  
5 1724. (a) It shall be unlawful for any person to knowingly purchase a dog  
6 or a cat for the purpose of resale to another from a person required to  
7 be licensed or registered ~~permitted~~ under public law 91-579, 7 U.S.C. §  
8 2131 *et seq.*, or K.S.A. 47-1701 *et seq.*, and amendments thereto, or both,  
9 if that person is not so licensed or registered ~~permitted~~.

10 (b) *It shall be unlawful for licensees to knowingly sell to out-of-state*  
11 *distributors, animal distributors or pet shops operating within the state*  
12 *who are not permitted or licensed in accordance with the Kansas pet*  
13 *animal act.*

14 Sec. 25. K.S.A. 47-1725 is hereby amended to read as follows: 47-  
15 1725. (a) There is hereby created the Kansas ~~companion pet~~ animal ad-  
16 visory board, consisting of ~~nine~~ 10 members. Members shall be appointed  
17 by the governor as follows:

18 (1) One member shall be a representative of ~~the Kansas federation~~  
19 ~~of humane societies a licensed animal shelter or pound;~~

20 (2) one member shall be an employee of a *licensed* research facility  
21 ~~licensed under K.S.A. 47-1720; and amendments thereto;~~

22 (3) one member shall be a ~~companion licensed~~ animal breeder; ac-  
23 ~~tively engaged in the breeding of companion animals; licensed under the~~  
24 ~~Kansas animal dealer act and shall be selected from a list of three names~~  
25 ~~presented to the governor by the American professional pet distributors;~~  
26 ~~inc.;~~

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

32 (5) one member shall be a *licensed* pet shop operator; ~~licensed under~~  
33 ~~the Kansas animal dealer act and shall be selected from a list of three~~  
34 ~~names presented to the governor by the pet industry joint advisory coun-~~  
35 ~~cil;~~

36 (6) one member shall be a licensed veterinarian and shall be selected  
37 from a list of three names presented to the governor by the Kansas vet-  
38 erinary medical association;

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

40 (8) one member shall be a ~~companion licensed~~ animal breeder; ac-  
41 ~~tively engaged in the breeding of companion animals; or a companion~~  
42 ~~animal broker, actively engaged in buying and selling companion animals;~~  
43 ~~licensed under the Kansas animal dealer act and shall not be affiliated~~

4-7

retail breeder

4-7

4-8

1 with an organized companion animal association distributor; and  
 2 (9) one member shall be a licensed hobby kennel operator, registered  
 3 under the Kansas animal dealer act; breeder; and  
 4 (10) one member shall be a licensed kennel operator.  
 5 (b) Of the members first appointed to the board, the governor shall  
 6 designate three whose terms shall expire June 30, 1992; three whose  
 7 terms shall expire June 30, 1993; and three whose terms shall expire June  
 8 30, 1994. After the expiration of such terms, each member shall be ap-  
 9 pointed for a term of three years and until a successor is appointed and  
 10 qualified.  
 11 (c) A vacancy on the board of a member shall be filled for the unex-  
 12 pired term by appointment by the governor.  
 13 (d) The board shall meet at least once every calendar quarter regu-  
 14 larly or at such other times as the chairperson or a majority of the board  
 15 members determine. A majority of the members shall constitute a quo-  
 16 rum for conducting board business.  
 17 (e) The members of the board shall annually elect a chairperson.  
 18 (f) The board shall have the following duties, authorities and powers:  
 19 (1) To advise the Kansas livestock commissioner on hiring a director  
 20 to implement the Kansas pet animal dealer act;  
 21 (2) to review the status of the Kansas pet animal dealer act;  
 22 (3) to make recommendations on changes to the Kansas pet animal  
 23 dealer act; and  
 24 (4) to make recommendations concerning the rules and regulations  
 25 for the Kansas pet animal dealer act.  
 26 (g) Board members who are required to be licensed shall be affiliated  
 27 with an organized pet animal association  
 28 (h) Upon the effective date of this act, the governor shall appoint a  
 29 licensed animal wholesaler. When the current board members' terms ex-  
 30 pire, the governor shall appoint persons or representatives in accordance  
 31 with this section.  
 32 Sec. 26. K.S.A. 47-1726 is hereby amended to read as follows: 47-  
 33 1726. K.S.A. 47-1701 through 47-1722 and 47-1721, K.S.A. 47-1723  
 34 through 47-1727, and sections 1 through 6 and amendments thereto, shall  
 35 be known and may be cited as the Kansas pet animal dealers act. This act  
 36 shall license, register permit and regulate the conditions of certain prem-  
 37 ises and facilities within the state of Kansas where animals are maintained,  
 38 sold or offered or maintained for sale.  
 39 Sec. 27. K.S.A. 47-1727 is hereby amended to read as follows: 47-  
 40 1727. Notwithstanding the existence or pursuit of any other remedy,  
 41 when it appears to the commissioner, as head of the licensing and reg-  
 42 istering permitting agency, that any person is violating any provisions of  
 43 the Kansas pet animal dealer act, the commissioner may in that capacity

except retail breeders

or a member of

[which is representative of the position such  
 person will hold on the board  
 Kennel operator

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