

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 14, 2000, in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
 Gordon Self, Revisor of Statutes Office
 Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department
Opal Featherston, Breeder Representative, Kansas Pet Animal Advisory Board, Whiting (written only)
Joleen Zimmerman, Dighton City Pound (written only)
John Maddux, El Dorado
Joyce Peckham, Meriden
Martha Bartels, Marysville
Rebecca Mosshart, Nashville
Audrey Rottinghaus, Baileyville
Margaret Kerr (written only)
Sam Mosshart, Protection
Suzanne K. Harvey, DVM, Buffalo, Oklahoma (written only)
B.C. Champlin, DVM, Director, and Margie Staggs, Manager, Dodge City Animal Shelter (written only)
Sheri Canfield, Executive Director, The Kansas Humane Society of Wichita (written only)

Others attending: See attached list

Discussion and action on HB 2674 - Structure of grain commodity commissions.

Chairman Johnson called for the subcommittee report on **HB 2674**. Raney Gilliland explained the changes proposed by the subcommittee and set forth in the balloon amendment. (Attachment 1) He reported that a number of technical changes were made in the bill. He said the first major change occurs on page 3 concerning election procedures. It was noted that "election officer" was not defined, but that the Kansas Department of Agriculture would serve as the election officer for the first three years. The second major change concerns the open records act on page 5 of the bill. It was noted this should also include the open meetings act. The change on page 6 clarifies that the administrator and other personnel of the commissions will not be employees of the state and removes the authority of the commissions to prosecute in the name of the state. Page 7 amendments specify details to be included in the annual reports, outline new duties, authorities and powers of the Secretary of Agriculture, and specify in the bill the levy assessments for soybeans and wheat. The change on page 9 states that the Secretary of Agriculture shall deposit all money received in payment of assessments in a bank account established in the name of the commission. Changes on page 11 transfers the powers and duties from the Kansas Department of Agriculture to the respective commissions, creates the grain commodities commission services fund in the state treasury, and makes several technical changes.

Representative Schwartz, chairman of the subcommittee, moved to adopt the committee's report on **HB 2674**. Seconded by Representative Weiland, the motion carried.

Representative Schwartz moved to include the language "as provided through the common election procedure required in subsection (e)" following the words "election officer" in Section 2 (b)(4) on page 3, and to include the open meetings act in Section 2 (k) on page 5. Seconded by Representative Weiland, the motion carried.

Representative Weiland moved to recommend **HB 2674** be passed as amended. Seconded by Representative Flower, the motion carried.

CONTINUATION SHEET

Hearing on HB 2485 - Kansas pet animal act, animal shelter or pound, forms documenting adequate veterinary medical care.

Chairman Johnson opened the hearing on **HB 2485** and asked Raney Gilliland to explain the bill. He explained that **HB 2485** would amend the definition section of the pet animal act. The bill would clarify that any person or group that acts as an “animal foster home” can purchase a facility license for the group as a whole; current law requires each individual of a group that fosters an animal to obtain a license. The bill would also amend the term “adequate veterinary medical care” to include USDA licensees, and would add definitions for “animal foster” and “adoption.”

Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department, testified in support of **HB 2485** which was introduced at the agency’s request. The department requested several amendments to the bill. On page 1, line 42, after adoption strike the words “or any person” and on page 4, line 18, strike “possession or.” Ms. Duncan explained that according to the Attorney General’s office in order to require veterinary medical care for federally licensed animal breeders and distributors K.S.A. 47-1712 would need to be amended. The department proposes to include section 2.40 (veterinary care); and to enable them to access breeder and distributor records, they also propose including sections 2.75 (breeder records) and 2.76 (distributor records). (Attachment 2)

Opal Featherston, Breeder Representative to the Kansas Pet Animal Advisory Board from Whiting, submitted written testimony in support of **HB 2485** including the department’s proposed amendments. She would also support an additional amendment to define “reasonable hours” as 7 a.m. to 7 p.m., Monday through Friday, unless otherwise agreed by all parties.” (Attachment 3)

Joleen Zimmerman, Dighton City Pound, submitted written testimony in support of **HB 2485** including the suggested amendments. As the animal breeder and distributor business is growing, she feels the state needs to hire additional inspectors. (Attachment 4)

John Maddux, El Dorado, testified in opposition to **HB 2485**. He strongly opposes allowing animal foster homes and rescue groups to disperse their animals around the state in various locations under one license, with only the primary facility subject to inspections. He opposes duplication of efforts of the USDA. He believes that USDA should be the primary regulator of breeders holding USDA licenses, that state inspection should occur only if USDA finds problems and notifies the state. (Attachment 5)

Joyce Peckham, Meriden, appeared in opposition to **HB 2485**, especially as it relates to animal rescuers and foster homes. She would like to see the term animal rescuer removed from the bill or at least modified to state “premises of a person who acts as an animal rescuer and houses more dogs than allowed by local pet ordinances.” (Attachment 6)

Martha Bartels, Marysville, testified in opposition to **HB 2485**. She proposed an amendment to prohibit board members from serving two consecutive terms on the Companion Animal Board. (Attachment 7)

Rebecca Mosshart, Nashville, appeared in opposition to **HB 2485**. She opposes duplication of veterinary inspection services and state inspector access to breeder and distributor records. She believes that all rules in effect for the Kansas pet animal industry should be equally enforced for animal shelters, animal rescue groups (including individual foster homes), kennel operators, hobby breeders, animal distributors, research facilities, and pet stores. (Attachment 8)

Audrey Rottinghaus, Baileyville, testified in opposition to **HB 2485**. (Attachment 9) She read the written testimony submitted by Margaret Kerr also in opposition to the bill. Ms. Kerr supports an amendment to prohibit Companion Animal Board members from serving two consecutive terms. (Attachment 10)

Sam Mosshart, Protection, appeared in opposition to **HB 2485**. He opposed more regulations for USDA inspected kennels and less for the rescue groups. (Attachment 11)

Suzanne K. Harvey, DVM, Buffalo, Oklahoma, submitted written testimony in opposition to **HB 2485**. She stated that she is the veterinarian of record for several USDA licensed kennels in Kansas and has first hand knowledge of their skills and commitment towards furthering the quality of their animals. She questioned

CONTINUATION SHEET

exempting animal rescue people as she has seen more bad care given by rescue people than by licensed professional breeders. (Attachment 12)

Chairman Johnson closed the hearing on **HB 2485**.

Hearing on HB 2817 - Disposition of animals from shelters and pounds; spaying or neutering animals

Chairman Johnson opened the hearing on **HB 2817** and asked Raney Gilliland to brief the committee on the bill. He explained that the bill would clarify current law that a pound or shelter owns an animal that it has held for three days. It also clarifies that animal shelters releasing live animals to prospective owners must comply with the law that addresses spaying or neutering. The bill would also require that any premise where veterinary medicine is practiced must be registered with the Board of Veterinary Examiners. In addition, with written approval of the Livestock Commissioner, the bill would allow any pound or shelter to use an innovative spay or neuter policy if it can prove that it is actively enforcing related requirements set forth in statute. The Livestock Commissioner would have to adopt the necessary rules and regulations.

Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department, testified in support of **HB 2817** which was requested by the department. Rather than try to enforce a vague law, the department would like to clarify the statute and incorporate language to allow the Livestock Commissioner to approve situations that do not completely conform to the spaying or neutering requirements but which are effective. She proposed three amendments to **HB 2817**:

- 1) On page 3, line 10, after the word premise insert "located in the state of Kansas"
- 2) On page 3, line 14, strike the word "policy" and insert in lieu thereof "program"
- 3) On page 3, line 15, strike "(b)" and insert in lieu thereof "(a)(2)" (Attachment 13)

B. C. Champlin, DVM, Director, and Margie Staggs, Manager, Dodge City Animal Shelter, submitted written testimony in support of **HB 2817**. They support allowing an animal shelter or pound to surgically spay or neuter an animal before it is transferred to the permanent custody of a prospective owner; allowing unclaimed spay or neuter deposits to be kept by the animal shelter after a six-month period; allowing the shelter to reclaim an unsterilized animal; and appreciate the opportunity to initiate a spay or neuter program with the permission of the Livestock Commissioner that fits individual communities. (Attachment 14)

Joleen Zimmerman, Dighton City Pound, submitted written testimony in support of **HB 2817**. She believes this bill will eliminate several problems she has encountered as a pound operator. (Attachment 15)

Sheri Canfield, Executive Director, The Kansas Humane Society of Wichita, submitted written testimony in support of **HB 2817** to clarify the laws regarding spay or neuter programs at pounds and shelters. (Attachment 16)

John Maddux, Martha Bartels, and Sam Mosshart, questioned allowing the Livestock Commissioner to approve a plan for spaying or neutering that does not precisely meet the requirements of the law but complies with the spirit of the law. (Attachments 5, 7, and 11, respectively)

Chairman Johnson closed the hearing on **HB 2817**.

The meeting adjourned at 5:07 p.m. The next meeting is scheduled for February 16, 2000.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 14, 2000

NAME	REPRESENTING
Martie Bartels	Marysville's Breeder
Richard Bartels	Breeder
Virginia Henderson	Breeder
Debra Duncan	KAH D
Carmen Simon	"
George Teagarden	"
Gary Reser	Kan. Veterinary Medical Assn.
Brett Myers	Kansas Assn. of Wheat Growers
Dennis J. Monda	Kansas Soybean Association
Lois Magerthin	KDOCA H
Nard Fry	K. Wheat Commission
Jeff Ayon	Division of the Budget
Guy Link	KS Dept Ag
Jan Brady	E. Darado Ken
Sam Mankert	Breeder Kennel Operator
Anna Mankert	BREEDER KENNEL OPERATOR
Audrey Kottphagen	
Nahn Heltzer	

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: February 14, 2000

NAME	REPRESENTING
Elizabeth Phillips	Ks Boxer Rescue / Breeder
Joyce Peckham	Ks Boxer Rescue

HOUSE BILL No. 2674

By Committee on Agriculture

Proposed Subcommittee Amendments
to House Bill No. 2674

House Agriculture Committee
February 14, 2000
Attachment 1

8 AN ACT concerning agriculture; relating to grain commodity commis-
 9 sions; amending K.S.A. 2-3003 and K.S.A. 1999 Supp. 2-3001, 2-3002,
 10 2-3005, 2-3006, 2-3007, 2-3008, 2-3009 and 2-3013 and repealing the
 11 existing sections; also repealing K.S.A. 2-2601, 2-2602, 2-2603, 2-2604,
 12 2-2605, 2-2606, 2-2607, 2-2608, 2-2609, 2-2610 and 2-2612 and K.S.A.
 13 1999 Supp. 2-2613.

[]

and 75-3170a

and 74-574

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

16 Section 1. K.S.A. 1999 Supp. 2-3001 is hereby amended to read as
 17 follows: 2-3001. As used in this act, unless the context clearly requires
 18 otherwise, the following words and phrases shall have the meanings as-
 19 cribed to them herein:

20 (a) "Grower" means any natural person, partnership, association or
 21 corporation engaged in the growing of corn, grain sorghum or, soybeans
 22 or wheat, whether as landlord or tenant;

23 (b) "first purchaser" means any person, public or private corporation,
 24 association or partnership buying or otherwise acquiring after harvest, the
 25 property in or to corn, grain sorghum or, soybeans or wheat from a
 26 grower. A mortgagee, pledgee, lienor or other person, public or private,
 27 having a claim against the grower under a nonrecourse loan made against
 28 such corn, grain sorghum or, soybeans or wheat after harvest thereof shall
 29 be deemed a purchaser hereunder. The term "first purchaser" shall not
 30 include a harvesting or threshing lienor;

first

31 (c) "commercial channels" means the sale of corn, grain sorghum or,
 32 soybeans or wheat for use as food, feed, seed or any industrial or che-
 33 murgic use, when sold to any commercial buyer, dealer, processor, co-
 34 operative, or to any person, public or private, who resells any corn, grain
 35 sorghum or, soybeans or wheat or product produced from corn, grain
 36 sorghum or, soybeans or wheat;

37 (d) "sale" means and includes any pledge or mortgage of corn, grain
 38 sorghum or, soybeans or wheat, after harvest, to any person, public or
 39 private;

(e) "department" means the Kansas department of agriculture; and

(f) "secretary" means the secretary of agriculture or the secretary's
 42 authorized representative.

43 Sec. 2. K.S.A. 1999 Supp. 2-3002 is hereby amended to read as fol-

1 lows: 2-3002. (a) There are hereby created ~~three~~ four separate and distinct
2 commissions which shall be known as the Kansas corn commission, the
3 Kansas grain sorghum commission ~~and~~, the Kansas soybean commission
4 ~~and the Kansas wheat commission. Such commissions shall be attached~~
5 ~~to and be a part of the department of agriculture. The membership of~~
6 ~~each such commission shall be appointed by the governor in the manner~~
7 ~~prescribed by this section. One member shall be appointed to the Kansas~~
8 ~~corn commission and the Kansas grain sorghum commission from each~~
9 ~~district as denoted by subsection (b). One member shall be appointed to~~
10 ~~the Kansas soybean commission from each district as denoted by subsec-~~
11 ~~tion (c). For each commission the members shall serve for a term of four~~
12 ~~years, except that the members first appointed to the Kansas corn com-~~
13 ~~mission and the Kansas grain sorghum commission from districts I, II and~~
14 ~~III shall serve for four years, the members first appointed from districts~~
15 ~~IV, V and VI shall serve for three years and the members first appointed~~
16 ~~from districts VII, VIII and IX shall serve for two years, and except that~~
17 ~~the members first appointed to the Kansas soybean commission from~~
18 ~~districts I, II and III shall serve for four years, the members first ap-~~
19 ~~pointed from districts IV, V and VI shall serve for three years and mem-~~
20 ~~bers first appointed from district VII shall serve for two years. Vacancies~~
21 ~~which may occur shall be filled for unexpired terms in the same manner.~~
22 ~~Upon the expiration of a term of a member of a commission, such mem-~~
23 ~~ber shall continue to serve as a member until a successor to such member~~
24 ~~is appointed and qualified. The dean of the college of agriculture of Kan-~~
25 ~~sas state university shall be an ex officio member, without the right to~~
26 ~~vote, of each such commission. Each commission will have members~~
27 ~~electe~~ ~~d to serve three-year terms, with the exception of transition com-~~
28 ~~missioners, serving from the effective date of this act until elections occur~~
29 ~~in 2002, 2003 and 2004, to represent a district or districts identified in~~
30 ~~section (b) with the following requirements:~~
31 (1) Any person meeting the ~~definition of a grower~~ of that commodity
32 ~~and is a Kansas resident~~ may seek election as a commissioner to that
33 commodity's respective commission representing the district of such per-
34 son's official residence.
35 (2) no commission shall have less than seven commissioners repre-
36 senting the nine crop reporting districts identified in subsection ~~(c)~~. If a
37 commission has less than nine elected commissioners representing crop
38 reporting districts, any commissioner representing multiple crop report-
39 ing districts may only represent commission districts equal to whole and
40 adjoining crop reporting districts that are within the same election cycle;
41 and
42 (3) each commission may, by majority approval of the commissions,
43 appoint two additional at-large commissioners for added representation

through an election process as provided in subsection (b)

requirements of K.S.A. 2-3003, and amendments thereto,

. Only a grower of each specific commodity shall be a member of that specific commission

(h)

1 for producers due to geographical, cropping pattern or other reasonable
 2 commodity-specific needs. At-large commissioners will serve a term de-
 3 termined by the commodity commission not to exceed three-year terms of
 4 appointment, be a Kansas resident and must meet the definition of a
 5 grower.

6 (b) Upon the effective date of this act, each commission created shall
 7 meet as soon as feasible to organize, elect officers and ratify the number
 8 of commissioners and representative districts that commission shall main-
 9 tain. Commissioners currently serving these commissions immediately
 10 prior to the effective date of this act are appointed to transition terms as
 11 follows: (1) Commissioners whose terms expire in June, 2000, shall have
 12 their terms extended until April, 2002; (2) commissioners whose terms
 13 expire in June, 2001, shall have their terms extended until April, 2003;
 14 and (3) commissioners whose terms expire in June, 2003, shall have their
 15 terms extended until April, 2004.

(d) ~~(e)~~ Annual elections for up to three commissioners representing dis-
 17 tricts shall begin in January and February of 2002. Commissioners elected
 18 shall take office April 1 of the year elected and serve a three-year term.
 19 Elections will occur as follows and continue on a three-year cycle there-
 20 after: (1) In districts IV, V and VI, the initial election year shall be 2002;
 21 (2) in districts I, II and III, the initial election year shall be 2003; and (3)
 22 in districts VII, VIII and IX, the initial election year shall be 2004.

(e) ~~(d)~~ The four grain commissions, as provided in this act shall maintain
 24 on file a common election procedure with the secretary of the Kansas
 25 department of agriculture, who will serve as the final arbitrator of any
 26 dispute regarding the election procedure.

(f) ~~(e)~~ Any grower who appropriately registers to vote shall be able to
 28 do so in an election for any commissioner representing that commodity
 29 and district where the grower maintains such grower's official residence.

(g) ~~(f)~~ Any challenge to election results for the position of commodity
 31 commissioner representing a district shall be initially reviewed by a panel
 32 of commissioners, not standing for election that year, and representing all
 33 four grain commissions. If the challenge is not resolved before the panel
 34 of commissioners, the secretary shall serve as the final arbitrator of the
 35 challenge to the election results.

(h) ~~(g)~~ Vacancies which may occur shall be filled for unexpired terms by
 36 appointment by the remaining commissioners.

(i) ~~(h)~~ The dean of the college of agriculture of Kansas state university
 39 and the secretary of the Kansas department of agriculture shall be ex
 40 officio members, without the right to vote, of each such commission. Dis-
 41 tricts are the same as crop reporting districts established for Kansas by
 42 the U.S. department of agriculture national agricultural statistic service
 43 and are as follows:

- (1) Prior to the first election as provided by this act, each commodity commission shall notify all growers of its respective commodity of the commission election and all appropriate election procedures.
- (2) Any grower of corn, grain sorghum, soybeans or wheat who is a resident of this state shall become an eligible voter upon registering to vote in a commission election. Registration shall be on a single form allowing registration to any or all commission elections. Forms shall be provided by the commissions and made available at all county extension offices, county conservation district offices and through the office of the secretary. Any grower also shall become registered by signing a petition for a candidate to be placed on the election ballot, upon the filing of such petition. Candidate petition forms shall be provided by the office of the secretary. Registration by internet or other means shall also be allowed upon the approval of the secretary.
- (3) Any person meeting the qualifications to serve as a commissioner may appear on the election ballot for their respective commission district by submitting a petition to be placed on the ballot on or before October 31 in the year immediately preceding the election. The petition shall contain the signatures of 20 eligible voters of that commodity commission election to be a valid petition. However, no more than five petition signatures shall be used to qualify any candidate from any one county.
- (4) Commission election ballots shall be mailed to eligible voters by January 15 and shall be returned to the election officer on or before March 1 in the year of any election. Successful candidates in any election will have received a simple majority of the votes cast. Election results will be announced as soon as the election has been determined with successful candidates taking office with terms effective April 1 in the year of the election.

(c)

1 ~~(i)~~ ~~(+)~~ District I shall consist of the following counties: Cheyenne, De-
2 catur, Graham, Norton, Rawlins, Sheridan, Sherman and Thomas.

3 District II shall consist of the following counties: Gove, Greeley, Lane,
4 Logan, Ness, Scott, Trego, Wallace and Wichita.

5 District III shall consist of the following counties: Clark, Finney, Ford,
6 Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton,
7 Seward, Stanton and Stevens.

8 District IV shall consist of the following counties: Clay, Cloud, Jewell,
9 Mitchell, Osborne, Ottawa, Phillips, Republic, Rooks, Smith and
10 Washington.

11 District V shall consist of the following counties: Barton, Dickinson,
12 Ellis, Ellsworth, Lincoln, McPherson, Marion, Rice, Rush, Russell and
13 Saline.

14 District VI shall consist of the following counties: Barber, Comanche,
15 Edwards, Harper, Harvey, Kingman, Kiowa, Pawnee, Pratt, Reno,
16 Sedgwick, Stafford and Sumner.

17 District VII shall consist of the following counties: Atchison, Brown,
18 Doniphan, Jackson, Jefferson, Leavenworth, Marshall, Nemaha,
19 Pottawatomie, Riley and Wyandotte.

20 District VIII shall consist of the following counties: Anderson, Chase,
21 Coffey, Douglas, Franklin, Geary, Johnson, Linn, Lyon, Miami, Morris,
22 Osage, Shawnee and Wabaunsee.

23 District IX shall consist of the following counties: Allen, Bourbon, But-
24 ler, Chautauqua, Cherokee, Cowley, Crawford, Elk, Greenwood, Labette,
25 Montgomery, Neosho, Wilson and Woodson.

26 ~~(e)~~ District I shall consist of the following counties: Nemaha, Brown,
27 Doniphan, Jackson, Atchison, Jefferson, Leavenworth and Wyandotte.

28 ~~District II shall consist of the following counties: Shawnee, Douglas,~~
29 ~~Johnson, Osage, Franklin and Miami.~~

30 ~~District III shall consist of the following counties: Coffey, Anderson,~~
31 ~~Linn, Woodson, Allen and Bourbon.~~

32 ~~District IV shall consist of the following counties: Wilson, Neosho,~~
33 ~~Crawford, Montgomery, Labette and Cherokee.~~

34 ~~District V shall consist of the following counties: Jewell, Republic,~~
35 ~~Washington, Marshall, Mitchell, Cloud, Clay, Riley, Pottawatomie, Lin-~~
36 ~~coln, Ottawa, Dickinson, Geary, Wabaunsee, Ellsworth, Saline, Morris~~
37 ~~and Lyon.~~

38 ~~District VI shall consist of the following counties: Rice, McPherson,~~
39 ~~Marion, Chase, Stafford, Reno, Harvey, Butler, Greenwood, Pratt, King-~~
40 ~~man, Sedgwick, Barber, Harper, Sumner, Cowley, Elk and Chautauqua.~~

41 ~~District VII shall consist of the following counties: Cheyenne, Rawlins,~~
42 ~~Decatur, Norton, Phillips, Smith, Sherman, Thomas, Sheridan, Graham,~~
43 ~~Rooks, Osborne, Wallace, Logan, Gove, Trego, Ellis, Russell, Greeley,~~

1-5

~~Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney,
Hodgeman, Pawnee, Edwards, Stanton, Grant, Haskell, Gray, Ford, Ki-
owa, Morton, Stevens, Seward, Meade, Clark and Gomanche.~~

(k) Meetings and any records of any commission created by this act shall be open to the public to the same extent as is required by law of public boards and commissions pursuant to the open records act.

Sec. 3. K.S.A. 2-3003 is hereby amended to read as follows: 2-3003. Members of each commission created pursuant to K.S.A. 2-3002, and amendments thereto, shall be residents of this state who have been actively engaged in growing corn, grain sorghums or soybeans or wheat, as applicable, in this state for at least five (5) years immediately preceding his or her appointment. No more than a simple majority of the members of any such commission shall be of the same political party. Members of each such commission attending meetings of such commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-2223 such member's election.

Sec. 4. K.S.A. 1999 Supp. 2-3005 is hereby amended to read as follows: 2-3005. (a) In the administration of article 30 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto this act, each commission as provided in this act shall have the following duties, authorities and powers:

- ~~(1) To recommend to the secretary policy regarding marketing, campaigns of development, education and publicity for the Kansas grain commodity and products made therefrom represented by it;~~
- ~~(2) to recommend to the secretary the acceptance of grants and donations;~~
- ~~(3) to recommend the secretary enter into such contracts as may be necessary or advisable for the purposes of this act;~~
- ~~(4) to recommend that the secretary cooperate with any local, state, national or international organization or agency, whether voluntary or created by the law of any state or by federal law, engaged in work or activities similar to the work and activities of each commission, and to direct the secretary to enter into contracts with such agencies or organizations for carrying on campaigns of development, education or publicity;~~
- ~~(5) to be advisory to and cooperate and work with Kansas state university or other educational or research facilities regarding research and development connected with the grain commodities represented by each commission;~~
- ~~(6) to recommend that the secretary submit to the national board, established pursuant to public law 101-624, any reports required describing the manner and procedure for collection of the voluntary assessments established on soybeans pursuant to public law 101-624;~~
- ~~(7) to recommend that the secretary certify to the national board, established pursuant to public law 101-624, that assessments will be collected on all of the soybeans sold within the state;~~
- ~~(8) to recommend that the secretary certify to the national board,~~

1 established pursuant to public law 101-624, that funds collected pursuant
2 to the nationally established assessment will be remitted as required by
3 the national board;

4 ~~(9) to recommend that the secretary certify to the national board,~~
5 ~~established pursuant to public law 101-624, that requests for refunds will~~
6 ~~be honored, and~~

7 ~~(10) to recommend that the secretary perform such other duties as~~
8 ~~may be necessary to comply with public law 101-624 pertaining to the~~
9 ~~national checkoff program for soybeans and any rules, regulations or mar-~~
10 ~~keting orders promulgated or issued thereunder.~~

11 ~~(b) Notwithstanding any provision of article 30 of chapter 2 of the~~
12 ~~Kansas Statutes Annotated, and amendments thereto, or other law to the~~
13 ~~contrary, any determination by the secretary regarding any recommen-~~
14 ~~dation by a commission pursuant to subsection (a) may be disapproved~~
15 ~~by a vote of 2/3 of the members of the commission but nothing herein~~
16 ~~shall be construed as authorizing such commission to abrogate, limit or~~
17 ~~otherwise affect the power of the secretary to administer and supervise~~
18 ~~the internal operations and management of the department of agriculture.~~

19 (a) To conduct a campaign of grain commodity promotion and market
20 development through research, education and information;

21 (b) to accept grants and donations;

22 (c) to ~~sue and be sued.~~

23 (d) to enter into such contracts as may be necessary or advisable for
24 the purpose of this act;

25 (e) to appoint an administrator who is knowledgeable about the grain
26 commodity and fix the compensation. With the approval of the commis-
27 sion, the administrator may appoint such other personnel as needed;

28 (f) to cooperate or contract with any local, state or national organi-
29 zation or agency, whether voluntary or created by the law of any state,
30 or by national law, engaged in work or activities similar to the work and
31 activities of the commission, and to enter into contracts and agreements
32 with such organizations or agencies for carrying on a joint campaign of
33 research, education and promotion;

34 (g) ~~prosecute in the name of Kansas~~ any suit or action for the collec-
35 tion of assessments provided under this act;

36 (h) to establish an office of administrator at any place in this state the
37 commission may select;

38 (i) to adopt, rescind, modify and amend all necessary and proper
39 orders, resolutions and rules and regulations for the procedure and ex-
40 ercise of its powers and the performance of its duties;

41 (j) to approve an annual budget and establish a reserve. Each project
42 budgeted and approved by the commission shall include a stated objective
43 and anticipated results; and

contract with the secretary for the collection of assessments pursuant to the provisions of this act and to

any other

. The administrator and any other personnel appointed as provided in this subsection shall not be employees of the state of Kansas

to bring

1-7

1 (k) to report annually to their respective commodity growers, the sec-
2 retary and house and senate agriculture committees of the Kansas
3 legislature.

4 Sec. 5. K.S.A. 1999 Supp. 2-3006 is hereby amended to read as fol-
5 lows: 2-3006. The secretary shall have the following duties, authorities
6 and powers to:

7 (1) Implement and coordinate the policies and practices of each grain
8 commission represented by it;

9 ~~—(2) sue and be sued;~~

10 ~~—(3) prosecute in the name of Kansas any suit or action for the collec-
11 tion of the assessments provided under article 30 of chapter 2 of the
12 Kansas Statutes Annotated, and amendments thereto;~~

13 ~~—(4) adopt rules and regulations deemed necessary for the exercise of
14 its powers and the performance of its duties under article 30 of chapter
15 2 of the Kansas Statutes Annotated, and amendments thereto;~~

16 ~~—(5) hire, subject to the approval of a majority of the members of the
17 commission affected, an administrator for such commission;~~

18 ~~—(6) hire such clerical and other personnel deemed necessary to carry
19 out the provisions of article 30 of chapter 2 of the Kansas Statutes An-
20 notated, and amendments thereto;~~

21 ~~—(7) Hire such clerical and other personnel deemed necessary to carry
22 out the provisions of this act;~~

23 (2) establish recordkeeping requirements deemed necessary by the
24 commodity commission affected; and

25 ~~(8) (3) inspect and audit any records required to be kept pursuant to
26 article 30 of chapter 2 of the Kansas Statutes Annotated, and amendments
27 thereto. this act; and~~

28 (4) Enter into any contracts necessary to carry out the provisions of
29 this act. *Other*

30 Sec. 6. K.S.A. 1999 Supp. 2-3007 is hereby amended to read as fol-
31 lows: 2-3007. (a) There is hereby levied an assessment of five mills per
32 bushel upon grain sorghum marketed through commercial channels in
33 the state of Kansas. There is hereby levied an assessment of five mills per
34 bushel upon corn marketed through commercial channels in the state of
35 Kansas. There is hereby levied an assessment upon soybeans marketed
36 through commercial channels in the state of Kansas. ~~The soybean com-
37 mission shall set the assessment at a rate of not more than 20 mills per
38 bushel. The soybean commission shall not change the assessment rate,
39 either to increase or reduce, more than once a year. There is hereby levied
40 an assessment upon wheat marketed through commercial channels in the
41 state of Kansas. The wheat commission shall set the assessment at a rate
42 of not more than ten mills per bushel. The commission shall not change
43 the assessment rate, either to increase or reduce, more than once a year.~~

Such annual report shall include details of commission projects, programs and supported research including expenditures and the results of an annual audit performed by a person or entity that is a certified public accountant. Any commission year end reserve balance exceeding 125% of the previous five-year rolling average for annual expenditures for such commission also shall be reported.

contract with the corn, grain sorghum, soybean and wheat commissions for the collection of assessment as provided by this act and

of 20 mills per bushel

of 10 mills per bushel

1 Such assessment shall be levied and assessed to the grower at the time
2 of sale, and shall be shown as a deduction by the first purchaser from the
3 price paid in settlement to the grower. Under the provisions of this act,
4 no corn, grain sorghum ~~or~~, soybeans *or wheat* shall be subject to the
5 assessment more than once. The ~~secretary~~ *commission* shall furnish to
6 every first purchaser receipt forms which shall be issued by such first
7 purchaser to the grower upon the payment of such assessment. The form
8 shall indicate thereon the procedure by which the grower may obtain a
9 refund of any such assessment, except a refund shall not be issued unless
10 the amount of the refund is \$5 or more. Within one year after any and
11 all sales during such period the grower may upon submission of a request
12 therefor to the ~~secretary~~ *commission*, obtain a refund in the amount of
13 the assessments deducted by the first purchaser. Such request shall be
14 accompanied by evidence of the payment of the assessments which need
15 not be verified.

16 (b) The ~~secretary~~ *commission* shall keep complete records of all re-
17 funds made under the provisions of this section. Records of refunds may
18 be destroyed two years after the refund is made. All funds expended *by*
19 *the commission* in the administration of ~~article 30 of chapter 2 of the~~
20 ~~Kansas Statutes Annotated, and amendments thereto, this act~~ and for the
21 payment of all claims ~~whatsoever~~ growing out of the performance of any
22 duties or activities pursuant to ~~article 30 of chapter 2 of the Kansas Stat-~~
23 ~~utes Annotated, and amendments thereto, this act~~ shall be paid from the
24 proceeds derived from such assessment. In the case of a lien holder who
25 is a first purchaser as defined ~~herein in this act~~, the assessment shall be
26 deducted by the lien holder from the proceeds of the claim secured by
27 such lien at the time the corn, grain sorghum ~~or~~, soybeans *or wheat* are
28 pledged or mortgaged. The assessment shall constitute a preferred lien
29 and shall have priority over all other liens and encumbrances upon such
30 corn, grain sorghum ~~or~~, soybeans *or wheat*. The assessment shall be de-
31 ducted and paid as ~~herein~~ provided *in this section* whether such corn,
32 grain sorghum ~~or~~, soybeans *or wheat* are stored in this or any other state.

33 (c) Any corn ~~or~~, grain sorghum, *soybean or wheat* acquired by a
34 grower as defined in K.S.A. 2-3001, and amendments thereto, under the
35 provisions of any federal ~~payment-in-kind (PIK)~~ program shall be subject
36 to the provisions of this section.

37 (d) No assessments for soybeans shall be collected pursuant to sub-
38 section (a) while the national checkoff program for soybeans, established
39 pursuant to public law 101-624, remains in effect. Collection of assess-
40 ments pursuant to subsection (a) shall be reinstated upon the withdrawal
1 of the national checkoff program for soybeans, established pursuant to
2 public law 101-624.

43 Sec. 7. K.S.A. 1999 Supp. 2-3008 is hereby amended to read as fol-

1-9

ows: 2-3008. (a) Except as provided in K.S.A. 2-3012, and amendments
 2 thereto, The assessment hereby imposed pursuant to this act shall on or
 3 before the 20th day of the calendar month following the date of settle-
 4 ment be paid by the purchaser to the secretary ~~commission~~. The secretary
 5 ~~commission~~ shall issue a receipt to the purchaser therefor and shall remit
 6 all moneys received in payment of such assessment to the state treasurer

secretary

7 at least monthly. Upon receipt of each such remittance the state treasurer
 8 shall deposit the entire amount thereof in the state treasury. Twenty per-
 9 cent of each such deposit shall be credited to the state general fund and
 10 the amount of the balance of each such deposit which is derived from the
 11 assessment of each respective grain shall be credited to the Kansas corn
 12 commission fund, the Kansas grain sorghum commission fund and the
 13 Kansas soybean commission fund, respectively. Money derived from the
 14 assessment of each respective grain shall be credited only to the fund
 15 established for such grain. Whenever refunds are made from the Kansas
 16 corn commission fund, the Kansas grain sorghum commission fund or the
 17 Kansas soybean commission fund, the amounts credited to the state gen-
 18 eral fund from subsequent deposits in the state treasury pursuant to this
 19 section shall be reduced by amounts which equal 20% of such refunds.

20 —(b)— All money so credited to the Kansas corn commission fund, Kan-
 21 sas grain sorghum commission fund and Kansas soybean commission fund
 22 shall be expended for the respective grain commissions in the adminis-
 23 tration of article 30 of chapter 2 of the Kansas Statutes Annotated, and
 24 amendments thereto, and for the payment of claims based upon obliga-
 25 tions incurred in the performance of the activities and functions set forth
 26 in article 30 of chapter 2 of the Kansas Statutes Annotated, and amend-
 27 ments thereto, and for no other purpose.

—(c)— All expenditures from such funds shall be made in accordance
 28 with appropriation acts upon warrants of the director of accounts and
 29 reports issued pursuant to vouchers approved by the secretary for each
 30 respective grain commission or by a person or persons designated by the
 31 secretary.

32 —(d)— Assessments collected pursuant to the national checkoff program
 33 for soybeans, established pursuant to public law 101-624 shall be depos-
 34 ited in the soybean promotion and research fee fund, created in K.S.A.
 35 2-3013, and amendments thereto: for such assessment.

The secretary shall deposit all moneys received in payment of such assessment in a bank account established in the name of the commission in accordance with the provisions of this act.

36 (b) Each bank account used in operating and conducting the com-
 37 mission's duties shall be secured by a pledge of securities in the manner
 38 prescribed for state bank accounts as provided under K.S.A. 75-4218, and
 39 amendments thereto.

Sec. 8. K.S.A. 1999 Supp. 2-3009 is hereby amended to read as fol-
 40 lows: 2-3009. If any the grain assessment is not paid to the secretary
 41 ~~commission~~ as provided in article 30 of chapter 2 of the Kansas Statutes

secretary

1 Annotated K.S.A. 2-3007, and amendments thereto, or within 10 days
 2 thereafter, the lien ~~thereby created shall~~ *may within one year after the*
 3 *expiration of such 10-day period* be foreclosed ~~after the expiration of such~~
 4 ~~ten-day period in the district court of~~ *in any court having jurisdiction in*
 5 the county in which the grain was grown, or sold, or in which such grain
 6 may be found, or in which such grain may have been commingled with
 7 other like grain.

8 Sec. 9. K.S.A. 1999 Supp. 2-3013 is hereby amended to read as fol-
 9 lows: 2-3013. (a) Any assessment collected pursuant to the national check-
 10 off program for soybeans, established pursuant to public law 101-624,
 11 shall be paid to the ~~division~~ *commission* on or before the 20th day of the
 12 calendar year following the date of settlement and shall be paid by the
 13 purchaser of the soybeans to the secretary. ~~The secretary shall issue a~~
 14 ~~receipt to the purchaser and shall remit all moneys received in payment~~
 15 ~~of such assessment to the state treasurer at least monthly. Upon receipt~~
 16 ~~of each such remittance, the state treasurer shall deposit the entire~~
 17 ~~amount thereof in the state treasury. Twenty percent of that portion of~~
 18 ~~each deposit that will be retained by the state soybean commission shall~~
 19 ~~be credited to the state general fund pursuant to subsection (d)(4) of~~
 20 ~~K.S.A. 75-3170a, and amendments thereto, and the amount of the balance~~
 21 ~~of each deposit which is derived from the assessment shall be credited to~~
 22 ~~the soybean promotion and research fee fund which is hereby created.~~
 23 *commission.*

24 (b) Whenever refunds are made from the national checkoff program
 25 for soybeans, established pursuant to public law 101-624, such refunds
 26 shall be made as authorized by public law 101-624.

27 (c) All money ~~so~~ credited to the soybean ~~promotion and research fee~~
 28 ~~fund~~ *commission* shall be expended for the soybean commission in the
 29 administration of the national checkoff program for soybeans, established
 30 pursuant to public law 101-624, the administration of article 30 of chapter
 31 2 of the Kansas Statutes Annotated, and amendments thereto, and for
 32 the payment of claims upon obligations incurred in the performance of
 33 the activities and functions set forth in article 30 of chapter 2 of the Kansas
 34 Statutes Annotated, and amendments thereto, and for no other purpose.

35 (d) ~~All expenditures made from these funds shall be in accordance~~
 36 ~~with appropriation acts upon warrants of the director of accounts and~~
 37 ~~reports issued pursuant to vouchers approved by the secretary for the~~
 38 ~~soybean commission or by a person or persons designated by the~~
 39 ~~secretary.~~

40 (e) The Kansas soybean commission shall have the ability to pay and
 41 transfer portions of the assessments collected pursuant to the national
 42 checkoff program for soybeans, established pursuant to public law 101-
 43 624, to the national board as required.

(a)
and all liabilities

be paid

1 New Sec. 10. On the effective date of this act, the balance of all funds
2 associated with the grain commodities pursuant to K.S.A. 2-2601 *et seq.*
3 as in effect prior to the effective date of this act and K.S.A. 2-3001 *et*
4 *seq.*, and amendments thereto, shall ~~transfer~~ to each respective commis-
5 sion created by this act.

14 6 ~~Sec. 11. K.S.A. 2-2601, 2-2602, 2-2603, 2-2604, 2-2605, 2-2606, 2-~~
7 ~~2607, 2-2608, 2-2609, 2-2610, 2-2612 and 2-3003 and K.S.A. 1999 Supp.~~
8 ~~2-2613, 2-3001, 2-3002, 2-3005, 2-3006, 2-3007, 2-3008, 2-3009 and 2-~~
9 ~~3013 are hereby repealed.~~

15 10 Sec. 12. This act shall take effect and be in force from and after its ~~and 74-574~~
11 publication in the statute book.

and 75-3170a

(b) Except as otherwise provided by this act, all of the powers, duties and functions of the department of agriculture with regard to the corn, grain sorghum and soybean commission and the Kansas wheat commission are hereby transferred to and conferred and imposed upon the respective corn, grain sorghum, soybean and wheat commissions established by the act.

(c) Except as otherwise provided by this act, the corn, grain sorghum, soybean and wheat commissions established by this act shall be the successor in every way to the powers, duties and functions of the department of agriculture with regard to the corn, grain sorghum and soybean commissions and the Kansas wheat commission in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of agriculture with regard to the corn, grain sorghum and soybean commissions and the Kansas wheat commission established by this act shall be deemed to have the same force and effect as if performed by the respective corn, grain sorghum, soybean and wheat commission, respectively in which such powers, duties and functions were vested prior to the effective date of this act.

(d) Except as otherwise provided by this act, whenever the department of agriculture with regard to the corn, grain sorghum and soybean commissions and the Kansas wheat commission, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the respective corn, grain sorghum, soybean and wheat commission established by this act.

(e) On the effective date of this act, all property of the Kansas wheat commission prior to the effective date of this act shall become the property of the wheat commission established by this act.

New Sec. 11. There is hereby created in the state treasury the grain commodities commission services fund. All moneys received by the department of agriculture for services performed by the department for the grain commodities commission created pursuant to the provisions of K.S.A. 2-3001 *et seq.* and section 10, and amendments thereto, shall be remitted to the state treasurer. The state treasurer shall deposit the entire amount in the state treasury and credit it to the grain commodities commission services fund. All costs and expenses incurred by the department in providing services to the grain commodities commissions shall be paid from the grain commodities commission services fund. All expenditures from the grain commodities commission services fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary.

Sec. 12. K.S.A. 1999 Supp. 74-574 (see attachment)

Sec. 13. K.S.A. 75-3170a (see attachment)

Attachment

Sec. 12. K.S.A. 1999 Supp. 74-574 is hereby amended to read as follows: 74-574. The following programs and functions are hereby transferred from the division of marketing, department of agriculture, and conferred upon the secretary of agriculture: (a) the functions relating to standards, grades, and classifications for agricultural products and receptacles, pursuant to K.S.A. 74-531, 74-532, and 74-534, and amendments thereto; (b) the functions relating to labeling of agricultural products established under K.S.A. 2-2306, and amendments thereto; and (c) ~~the functions relating to grain commissions established under K.S.A. 2-3001 through 2-3013, and amendments;~~ and (d) functions relating to the grape and wine industry advisory council established by K.S.A. 1999 Supp. 74-552, and amendments thereto.

Sec. 13. K.S.A. 75-3170a is hereby amended to read as follows: 75-3170a. (a) The 20% credit to the state general fund required by K.S.A. 1-204, ~~2-2609, 2-3008, 2-3013,~~ 9-1703, 16-609, 16a-2-302, 17-1271, 17-2236, 17-5609, 17-5610, 17-5612, 17-5701, 20-1a02, 20-1a03, 31-133a, 31-134, 44-324, 44-926, 47-820, 49-420, 55-155, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 58-4107, 65-6b10, 65-1718, 65-1817a, 65-2011, 65-2855, 65-2911, 65-4610, 65-5413, 65-5513, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903, 74-5805, 74-7009, 74-7506, 75-1119b, 75-1308 and 75-1514 and 2-3506, 84-9-411 and 84-9-413, and amendments thereto, is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and any and all other state governmental services, which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) Nothing in this act or in the sections amended by this act or referred to in subsection (a), shall be deemed to authorize remittances to be made less frequently than is authorized under K.S.A. 75-4215 and amendments thereto.

(c) Notwithstanding any provision of any statute referred to

in or amended by this act or referred to in subsection (a), whenever in any fiscal year such 20% credit to the state general fund in relation to any particular fee fund is \$200,000, in that fiscal year the 20% credit no longer shall apply to moneys received from sources applicable to such fee fund and for the remainder of such year the full 100% so received shall be credited to such fee fund, except as otherwise provided in subsection (d) and except that during the fiscal year ending June 30, 1993, with respect to the fire marshal fee fund, when the 20% credit to the state general fund prescribed by K.S.A. 31-133a, 31-134 and 75-1514 and amendments thereto, in the aggregate, is \$400,000, then in that fiscal year such 20% credit no longer shall apply to moneys received from sources applicable to the fire marshal fee fund and for the remainder of such fiscal year the full 100% so received shall be credited to the fire marshal fee fund.

~~(d) Notwithstanding any provision of K.S.A. 2-2609 and 2-3008 and amendments thereto or any provision of any statute referred to in subsection (a), the 20% credit to the state general fund no longer shall apply to moneys received from sources applicable to the grain research and market development agencies funds, as specified for each such fund by this subsection, and for the remainder of a fiscal year the full 100% of the moneys so received shall be credited to the appropriate fund of such funds, whenever in any fiscal year:~~

~~(1) With respect to the Kansas wheat commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$100,000 that bears the same proportion to \$100,000 as the amount credited to the Kansas wheat commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year;~~

~~(2) with respect to the Kansas corn commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$100,000 that bears~~

the same proportion to \$100,000 as the amount credited to the Kansas corn commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding year;

(3) with respect to the Kansas grain sorghum commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$100,000 that bears the same proportion to \$100,000 as the amount credited to the Kansas grain sorghum commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year; and

(4) with respect to the Kansas soybean commission fund, such 20% credit to the state general fund in relation to such fund in that fiscal year is equal to that portion of \$100,000 that bears the same proportion to \$100,000 as the amount credited to the Kansas soybean commission fund during the preceding fiscal year bears to the total of the amounts credited to the Kansas wheat commission fund, the Kansas corn commission fund, the Kansas grain sorghum commission fund and the Kansas soybean commission fund during the preceding fiscal year.

(e) As used in this section, "grain research and market development agencies" means the Kansas wheat commission, the Kansas corn commission, the Kansas grain sorghum commission and the Kansas soybean commission. Such agencies have been created to fund appropriate research projects; to conduct campaigns of development, education and publicity; and to find new markets or maintain existing markets for commodities and products made from those commodities, among their other duties. Such grain research and market development agencies shall be funded by an assessment collected from the grower at the time of the sale of such commodity by the first purchaser. The assessment shall be sent to the proper grain research and market development agency.

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner

708 SW Jackson Topeka, Kansas 66603-3714

Phone 785/296-2326 Fax 785/296-1765

February 14, 2000

To: Chairmap Johnson and the House Agriculture Committee:

My name is Debra Duncan and I am the Director of the Animal Facilities Inspection Program for the Kansas Animal Health Department. This bill was introduced at our agency's request.

H.B. 2485 makes two changes to the Kansas Pet Animal Act. The first involves pounds and shelters. In addition to traditional shelters such as city pounds or humane societies, there are also humane groups that provide "foster homes" and "rescue" for animals. These groups may have a large membership, but they do not have one location where they house the animals. Instead, they utilize a group of individuals who each act as a foster home. The animals in foster care are advertised or are brought together for a "pet adoption", often on weekends in a parking lot of a pet store.

Current law requires a pound and shelter license for "any individual who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption". A strict interpretation of this law means that every single person who fosters an animal (even one animal) would have to be licensed and inspected. Again, this is current law. Obviously, this is unworkable, both for us and for fostering groups. Consequently, by policy we are allowing foster groups to license as a group rather than have each individual member license. But – what we are doing does not conform with the statute. It just makes sense. Consequently, we have included language so "any person or group utilizing an animal foster home" can be licensed. Actually, we need to strike "person or" from that sentence, as this language is targeted at organized groups, not individuals.

The bill also defines "animal foster" as "to house or provide care for an animal belonging to an animal shelter or pound" and "adoption" as "the process through which possession or ownership of an animal is transferred from a pound or shelter to another." This should probably just say ownership, and we are asking to amend it.

House Agriculture Committee
February 14, 2000
Attachment 2

If the bill is passed, our intent is to write rules and regulations that make the license holder utilizing foster care responsible for insuring that the individuals fostering animals meet reasonable standards of care.

The Department is also proposing to amend K.S.A. 47-1701 in regard to the definition of "adequate veterinary medical care". Adequate veterinary medical care is defined as:

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

(2) that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well being of the animal. Right now, this definition applies to all state licensees – except USDA licensed animal breeders or distributors.

The proposed bill would remove this exception but require us to accept USDA forms for vet care. There are several reasons for this change. First of all, we have been running into quite a few vet problems at USDA kennels. Right now, when we see a vet problem at USDA licensed kennels we have four choices:

- we can recommend the breeder take the animal to a vet and hope he or she does it. This is always the preferred option. We have had breeders refuse to do this. We want to have the ability to make sure this is done.
- we can contact the USDA and wait for them to inspect. We often do this now. Sometimes it is difficult to get a hold of management at the USDA regional office. Even if we do, USDA cannot always get to the kennel right away since most of their inspectors work in more than one state.
- if the livestock commissioner is available while the inspector is still at the kennel we can hold an emergency phone hearing, ask the commissioner to issue an order of seizure and take the animal. The commissioner, however, is not always available at the moment the inspector is at the kennel. The Attorney General's office also discourages using this method.
- we can obtain a search warrant and seize the animal. We can and have obtained search warrants. It is extremely time consuming for us and very stressful for the breeder. We would prefer to not have to resort to this option.

The final issue is equity. When this Act was enacted in 1988, the Department was given the power and the duty to promulgate regulations for what are now eight licensing categories: Hobby breeders, Retail Breeders, Animal Breeders, Distributors, Pet Shops, Pounds and Shelters, Boarding and Training kennels and Research Facilities. Because Animal Breeders and Distributors are also federally licensed, the Act forbids the agency

from promulgating our own regulations for these licensees and, instead, requires us to adopt specific sections of the Animal Welfare Act and nothing else.

The sections of the Animal Welfare Act adopted by our statute address facility standards only. They do not include numerous items such as veterinary care, humane handling of animals or record keeping.

Because of this, a major inequity has been created. As of today, 343 of our 1,101 licensees are animal breeders and distributors. All other licensees must provide veterinary care, treat animals humanely and keep and provide records. If they fail to do these things they can receive a fine, be prosecuted criminally or have their license suspended or revoked. If an animal breeder fails to do these things, he or she may still pass the inspection.

Finally, we are asking for two additional amendments to this bill. According to the Attorney General's office, to require veterinary medical care for animal breeders and distributors we also need to amend K.S.A. 47-1712. This section limits which rules and regulations we can adopt for animal breeders. We need to include section 2.40 – veterinary care.

We are also proposing an amendment to that same section to allow us access to breeder and distributor records. This becomes particularly important when we are trying to locate unlicensed breeders or when we suspend or revoke the license of a state licensed breeder. To add these regulations, we need to amend K.S.A. 47-1712 to include sections 2.75(breeder records) and 2.76 (distributor records).

Thank you for your consideration of H.B. 2485. I will be glad to answer any questions you may have.

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner

708 SW Jackson Topeka, Kansas 66603-3714

Phone 785/296-2326 Fax 785/296-1765

February 14, 2000

Proposed amendments to HB 2485:

1. On page 1, line 42, after adoption strike the words "or any person".
2. On page 4, line 18, strike "possession or".
2. Amend section (b) of K.S.A. 47-1712 as follows:

47-1712. Rules and regulations (b) The commissioner shall only adopt as rules and regulations for United States department of agriculture licensed animal distributors and animal breeders, and animal breeder and animal distributor premises and the rules and regulations promulgated by the secretary of the United States department of agriculture, cited at 9 C.F.R. 2.40, 2.75, 2.76 and 3.1 through 3.12, pursuant to the provisions of the United States public law 91-579 (7 U.S.C. Sec. 2131 et seq.), commonly known as the animal welfare act.

February 14, 2000

VET CARE - common questions and concerns:

Will we have to have vet records available for all animals on hand?

No. We normally ask licensees about an animal - if they can tell us how it is being treated and for what, that is enough. We do not have the time, or the inclination, to review vet records.

Will every animal in our kennel be inspected yearly by a state veterinarian?

No. The veterinary care definition requires an on-site check once a year by the breeder's own veterinarian. The breeders must do this for USDA anyway. The only difference is - they have to show us the form. We only have two veterinarians in our agency. Their primary duties are to inspect and test livestock. On rare occasions, we have asked one of them to accompany an inspector if we have a complaint on a vet care issue or if the inspector encounters what he or she believes to be a serious vet care issue.

Will the inspector be telling me to take animals to the veterinarian for unnecessary reasons?

We hope this never happens. The Inspectors are not veterinarians and do not handle the kenneled animals (they sometimes do pet friendly free roaming yard dogs that are often underfoot). We have been requiring vet care for our 750 + other licensees for several years and have not encountered problems.

Will the inspector accompany me to the veterinarian?

Normally, the inspector asks the licensee to have the animal examined by a veterinarian within 24 hours (the time frame depends on the apparent severity of the problem). If the medical condition is immediate, and the inspector believes that we would be required to seize the animal pursuant to the provisions of the Act, the inspector may accompany the breeder to the veterinarian's office.

Why can't you call the USDA if there is a problem?

We can, and have, called the USDA. By its very nature, however, vet care is an immediate problem. USDA management for Kansas is located in Fort Worth, Texas. Sometimes it is difficult to speak to management in their office to relay the problem to. Also, most of the USDA kennel inspectors inspect more than one state. Sometimes it is difficult, if not impossible, for their inspectors to be at the kennel in question in a timely manner.

17520 K-9 Hwy
Whiting, Kansas 66552
February 11, 2000

Attention: Members of the House Agriculture Committee

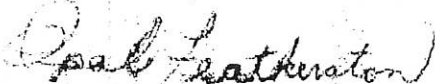
Re: H.B. 2485

There are changes that do need to be made concerning the Kansas Pet Animal Act. H.B.2485 as amended would allow foster groups to be licensed as a group. It is not feasible for each individual who may have only one fostered dog in their possession to be individually inspected.

The amendment which would allow the state access to breeder and distributor records would be a great help in locating unlicensed breeders. This does not involve any more paperwork for this privilege is granted to the USDA. It would be only a matter of allowing the state access to the same paperwork.

The request of an additional amendment to K.S.A. 47-1701 to define "reasonable hours" as 7 a.m. to 7 p.m., Monday through Friday, unless otherwise agreed by all parties, is a logical approach in handling our inspections. At present our state inspectors are being ask to inspect on Saturdays and Sundays which is not fiscally good for our program.

Thank you for your consideration.



Opal Featherston
Breeder Representative to the Kansas Pet Animal Advisory Board

House Agriculture Committee
February 14, 2000
Attachment 3

Feb. 11, 2000

Rep. Dan Johnson

Ref: H.B. 2485

I support this bill due to the fact the State should be allowed access to records just like U.S.D.A. Also if the U.S.D.A. forms are acceptable all the more reason.

Yet care is very important, I feel. After seeing many facilities I think inspectors have every right to make sure that any animal has set care that needs it.

Also I feel as a Breeder/Broker and City Pound Operator, the State needs to hire more inspectors. As the business is growing & there are alot of money hungry breeders that don't get inspected and make it hell on the ones that play by the rules. and care for the animals more than the money.

Sincerely

John Zimmerman

John L. and Venettia Maddux
8888 SE Hwy 54
El Dorado, KS 67042-8777

USA license 48-A-1356
State license 594-A-00

To the Members of the House Agricultural Committee

HB 2485

I strongly oppose the proposal to allow pounds, shelters, and foster groups to be licensed as a group instead of requiring individual licenses. I have nothing against these pounds, shelters or foster groups. Several years ago I was associated with the rescue efforts of the Jack Russell Club of America. They do not believe breeders should sell to brokers or pet stores and they don't believe breeders should be in the business for the money. They also object to breeding females each time they come in season. The Golden Retriever rescue group believes the same way. I believe a large percentage of those in rescue groups are animal activists. The dogs coming out of these shelters are not free to the public. The person adopting the dog must pay all vet expenses including spaying and neutering. I strongly believe then, that these facilities should be licensed individually and we should have been doing it like this all along. The way I look at it, this law and the proposed amendment are working to the benefit of the activists and not the kennel operators. Whether they rely on the kennel for their livelihood or to supplement their income, the kennel owners generate revenue for the state. It seems the net effect of the proposed change would be to allow rescue groups to disperse their animals around the state in various locations under one license, with only the primary facility subject to inspections. As a kennel operator I am not allowed that option. It is also my understanding that the foster groups can bring all their animals together in a parking lot for adoption without benefit of a temporary pet store license. If I sell animals in this manner, I would need that license.

HB 2817

The information I received includes this statement: "In addition, the bill allows the commissioner to approve a plan for spaying/neutering that does not precisely meet the requirements of the law but complies with the spirit of the law. The way I interpret this statement, the commissioner can do whatever he wants. If this is true, I don't agree with that proposal. We should have a law we can all go by.

House Agriculture Committee
February 14, 2000
Attachment 5

HB 2485

I object to this proposed amendment because it duplicates the efforts of the USDA. The USDA should be the primary regulator of breeders holding a USDA license. A state inspection should only occur if the USDA finds problems and notifies the state.

Attached are copies of my 1999 USDA and state inspections.

Thanks to the committee for allowing me time to present my views.

Date 10-4-99 Time 12:50

STATE OF KANSAS
PET ANIMAL
PREMISE INSPECTION

Routine Initial
 Complaint

U.S.D.A. # 48A137 Expires 12-6-99

(785) 296-2326 / FAX (785) 296-1765

AB <u>594</u>	RB	PET	P/S	HK	B/T	RES
---------------	----	-----	-----	----	-----	-----

NAME John Venetia Maddux FACILITY NAME Lou Jean Kennel
 ADDRESS 2533 S.E. Hwy 54 PHONE (316) 321-6841
 CITY EL DOTO COUNTY Butler ZIP 67042

PERSON INTERVIEWED John Maddux HOURS AVAILABLE 7A-10A or after 5p

ANIMALS	BREED: <u>Dog</u>	adults <u>9</u>	litters <u>#</u>	BREED: _____	adults _____	litters _____	# _____
ON	BREED: <u>Pawn</u>	adults <u>4</u>	litters <u>1</u>	BREED: _____	adults _____	litters _____	# <u>3</u>
HAND	BREED: <u>JRT</u>	adults <u>11</u>	litters <u>2</u>	BREED: _____	adults _____	litters _____	# <u>9</u>
	BREED: <u>Waste</u>	adults <u>4</u>	litters <u>#</u>	BREED: _____	adults _____	litters _____	# _____
	BREED: _____	adults _____	litters <u>#</u>	BREED: _____	adults _____	litters _____	# _____
	birds _____	reptile/amph _____	sm furry _____	exotic _____	pocket _____	other _____	

FACILITIES	INDOOR	SHELTERED	OUTDOOR	PRIMARY
1) CONSTRUCTION:	<u>meets standards</u>	<u>meets standards</u>	<u>meets standards</u>	<u>meets standards</u>
2) SURFACES:				
3) SHELTER:				
4) MAINTENANCE:				
5) SANITATION:				
6) DRAINAGE:				
7) SPACING:				
8) CLASSIFICATION:				
9) SEPARATION:				
10) WATER & ELECTRIC:				
11) LIGHT / DARK:				
12) HEATING/COOLING:				
13) VENTILATION:				
14) WASTE DISPOSAL:				
15) FOOD STORAGE:	<u>meets standards</u>	<u>meets standards</u>	<u>meets standards</u>	<u>meets standards</u>

HEALTH & HUSBANDRY

16) FEEDING: <u>See John + Kasey</u>			
17) WATERING: <u>meets standards</u>			
18) CLEANING:			
19) HOUSEKEEPING:			
20) PEST CONTROL:			
21) ANIMAL APPEARANCE:			
22) EXERCISE: <u>meets standards</u>			
23) *IDENTIFICATION: <u>micro chips</u>			
24) *VET CARE PROGRAM: <u>USDA</u>	VETERINARIAN: <u>James Taylor</u>		
25) *EUTHANASIA _____	26) *SPAY/NEUTER DEPOSIT _____		

RECORDS: 13 SELLS TO: Impressor & Individuals

REMARKS _____
 Signature John Maddux Inspector Pat Harrington

PASS FAIL 5-3



United States Department of Agriculture
Animal and Plant Health Inspection Service
Animal Care

INSPECTION REPORT

Maddux, John & Venettia
Lou-Jean Kennel
8888 S.E. Hwy 54
El Dorado, Ks. 67042

Site
Same

48-A-1356
10-27-99
2:50 PM
Routine

NARRATIVE

Adults:27 Puppies:21 Total:48

John Maddux & Robert Bacon did the inspection on 10-27-99.

Inspection of 10-27-99 shows all standards in compliance.

Prepared By: Robert Bacon
Title: Robert Bacon, Animal Care Inspector, USDA, APHIS, Animal Care

10/27/99
Date:

LARIS ID NO. 4001

Copy Received By: _____ Date: _____
Title: _____



United States Department of Agriculture
Animal and Plant Health Inspection Service
Animal Care

INSPECTION REPORT

John and Venettia Maddux
Lou-Jean Kennel
8888 SE Hwy 54
El Dorado, KS. 67042

Site
Lou-Jean Kennel
El Dorado, KS. 67042

48-A-1356
4/20/99
1:30 PM
routine

NARRATIVE

22 Adults
3 Juviniles
9 pups
34 dogs total

Venettia Maddux conducted the tour of this facility.

No non-compliances identified this inspection.

Prepared By: Steve Swartz DM Date: 4/20/99
Title: Steve Swartz, Veterinary Medical Officer/Animal Care Inspector, USDA, APHIS, Animal Care LARIS ID NO. 4023
Copy Received By: _____ Date: 4/20/99
Title: OWNER

Testimony on House Bill #2485
House Committee on Agriculture

The area of the bill I oppose is section g, which is referring to animal rescuers/foster homes. I would like to see the term animal rescuer removed from this bill or at least modified to state “premises of a person who acts as an animal rescuer AND houses more dogs than allowed by local pet ordinances.

If a rescue group has kennel/rescue facilities I can see the need for licensing, but a group that does not have kennel facilities and only utilizes foster homes, has no kennel to inspect. It seems excessive to me to charge a \$200 licensing fee, when there is no facility to inspect. I am concerned with over legislation on what is primarily a private undertaking.

In general individual rescue efforts, whether as a coordinated group or on an individual basis, shift the burden from the shelters, educates pet owners on the specific breed of dog, and promotes spaying and neutering of pets, as well as regular Veterinary care.

If rescue groups without kennel facilities cannot be excluded or at least modified, then I would like to see us be able to get one license that would cover the “group” of rescuers that work together. It would be more reasonable if we only had to obtain one license that would cover the rescue group and all of the foster homes. Also if that were done, maybe inspection could be limited to our paper work?

In closing I would like to say that most of us involved with purebred rescue, are involved because of our love and knowledge of a specific breed of dog. I would hate to see the state of Kansas restrict us to the point where we are unable to do rescue. I am not sure that requiring groups without facilities to apply for a Shelter/pound license makes much sense.

Respectfully submitted

Joyce Peckham
5556 Butler Road
Meriden Kansas 66512
Phone # 785 4843049

My NAME is Mantha BARTELS

I have been in KENNEL for Seven years. I started because I like raising dogs, but with all the Regulations and harassment, I question one part of state government in controlling the people to the point of not being there. Opinion

Kennels are being fined from \$2000.00 to 5000.00 for non compliance. Shut down or quarantine for 3 WEEKS. If they come back into compliance, they net pick them.

The United State Dept. of Agriculture Requires US to have Adequate Veterinary Care. If there is a problem the animal health Department just has to call USDA. Then USDA will send inspectors MAY BE, AN AMENDMENT to let U.S.D.A. do the inspection while collecting the license fees for the animal health Department.

I would like to propose an amendment to this bill that board members shall not serve two consecutive terms. Because most of people have served on the Companion animal Board. For a long time and the younger people needs to serve.

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner

708 SW Jackson Topeka, Kansas 66603-3714

Phone 785/296-2326 Fax 785/296-1765

February 7, 2000

We have introduced two bills which propose changes to the Kansas Pet Animal Act. If the bills pass, these changes would primarily affect state licensed pounds and shelters and animal breeders.

Changes that would affect pounds and shelters:

H.B. 2485:

Changes the definition of pound and shelter to allow foster groups to be licensed as a group. We are doing this by policy at this time. *Current law requires each individual member of these groups to be licensed and inspected.*

Why should we be inspected twice and not these groups.

H.B. 2817:

This bill amends K.S.A. 47-1710 and 47-1731, the state spaying or neutering law. Changes to these laws would clarify that: *when dogs are confiscated they are put in pounds this is not enough time to appeal.*

- after the three-day holding period, the pound/shelter owns the dog.
- an animal has to be surgically spayed or neutered before the transfer of the animal occurs or a deposit has to be left with the shelter (this means that, after an animal is chosen for adoption, the shelter will be able to have the animal spayed/neutered before it is picked up by its new owner. *Current law forbids this practice*).
- the spayed/neuter deposit cannot be not less than the lowest nor more than the highest cost of spaying/neutering in the community.
- if the person does not reclaim the deposit after six months, the money belongs to the pound.
- after six months, if the animal is still not altered the pound may (if they choose) reclaim the animal.
- spaying/neutering can only occur at a licensed veterinary premise.

In addition, the bill allows the commissioner to approve a plan for spaying/neutering that does not precisely meet the requirements of the law but complies with the spirit of the law.

please explain to me a law is a law not a spirit,

Changes that would affect Animal Breeders:

HB 2485:

The Department is proposing to amend K.S.A. 47-1701 to allow the state to have jurisdiction for Animal Breeders and Distributors for "adequate veterinary medical care".
Current law defines adequate veterinary medical care as :

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

(2) that diseased, ill, injured, lame or blind animals shall be provided with veterinary care as is needed for the health and well being of the animal. Right now, this definition applies to all state licensees – except USDA licensed animal breeders or distributors.

- The proposed bill would remove this exception but require the Department to accept USDA forms for vet care.
- We will be asking for two further amendments to this bill. According to the Attorney General's office, to require veterinary medical care for state and federally licensed kennels we also need to amend K.S.A. 47-1712. This section limits which rules and regulations we can adopt for animal breeders. We need to include section 2.40 – veterinary care.
- We also will propose an amendment to that same section to allow us access to breeder and distributor records. This becomes particularly important when we are trying to locate unlicensed breeders or when we suspend or revoke the license of a state licensed breeder.

An additional proposed amendment that would affect all licensees:

We are going to request an additional amendment to K.S.A. 47-1701 to define "reasonable business hours" as 7 a.m. to 7 p.m., Monday through Friday, unless otherwise agreed by all parties. This means that we could only inspect during those hours unless both the licensee and the Department agree to other hours.

*IS your work done at 7:00 AM
After 5:00 PM should be far family.*

The House Agriculture Committee has set hearings on these bills. The hearing date is February 14, 2000. The hearings will be held in room 423-S, Kansas Statehouse, Topeka. If you want to testify on either bill, you must contact the committee secretary, Kay Scarlett, at 785 296-7639. Copies of the bills can be obtained at <http://www.ink.org>.

House Bill 2485

I am Rebecca Mosshart from Nashville, Kansas. I have been a professional dog breeder since 1981. Have been USDA licensed since 1985 and State licensed since shortly after the inception of state licensing.

I believe that at this time we should leave the Kansas Pet Animal Act as it now stands. I am against the changes proposed in H.B. 2485.

The USDA already has a program of veterinary care in place. At the present time the Kansas Pet Animal Act exempts USDA licensed kennels from State inspection for this program. This is as it is should be. Taxpayers do not need to pay twice to have duplicate services.

As a professional breeder I have worked closely with several vets over the years. As a result I am qualified to determine the course of action for many of the day to day problems that crop up in kennel management.

As a businessperson, I also realize that there are times when I need to reach beyond my scope of experience and seek veterinarian help. I do so, not only because it affects my bottom line, but also because I am concerned with the health and well being of the dogs in my care.

Kansas Animal Health inspectors are not trained in animal husbandry. They do not have the experience or training to tell what medical practices are effective or even if they are needed. If they perceive a problem in a USDA licensed kennel, they can always pick up the phone and call the USDA offices in Fort Worth, Texas. I am sure that USDA will send an inspector to check out the situation. It would be an advantage to us all if the Kansas Animal Health Dept. would work with the USDA instead of trying to protect their own turf!

I don't think it necessary to have to spend time and money defending my veterinary care program because of a conflicting view point pushed upon me by an untrained, inexperienced person, just because they happened to have the title of Kansas Animal Health inspector.

Neither does the Kansas Animal Health Dept. need to inspect our breeder and distributor records. I have not yet heard a good reason for the Kansas Animal Health Dept. to know where our puppies go when they leave the state of Kansas. As for whom we sell our dogs/puppies to in the state, is our business. I can understand the Kansas Animal Health Dept. wanting to keep track of who is selling puppies, but just because I sell someone more than two or three dogs in a given amount of time, does not mean that they are going into the dog business. Anyone trying to raise very many puppies to sell will either advertise in the paper, sell to the pet shops, or sell to a distributor. Any pups shipped out of the state will have health certificates on file in the State office. I suggest they pursue those avenues to see who may be selling puppies.

The present practice of charging people outside the state a fee for buying our puppies is inappropriate. Do we charge those who come to Kansas to buy our wheat, cattle, airplane parts, etc?

Current law requires each individual member of an animal rescue group to be licensed and inspected. If they all fall under one group's license, the state will fail to be able to locate and regulate their facilities and or their practices. What's to keep an individual from claiming he's affiliated with a rescue group and pick dogs up off the street or out of your backyard? Or to say that the dogs in his possession now are rescued animals. A lot of these groups do not place their dogs in new homes without receiving money in return. They call it a fee. Whatever, it is still money exchanging hands. This will be a wrong move if the State is really interested in the welfare of all dogs.

The rules that are in effect for the Kansas Pet Animal industry should be equally enforced for animal shelters, animal rescue groups (including individual foster homes), kennel operators, hobby breeders, animal distributors, research facilities and pet stores. If the Kansas Animal Health Dept. is really interested in the welfare of all dogs this would be the ideal solution. But it seems the state is only interested in accommodating the interest of the Animal Rights Groups. All they want to do is pass regulations against the Professional Breeders.

State monies spent on encouraging education of the different segments of this industry, as well as the education of the buying public, would benefit us all much better than trying to appease a vocal minority that will never be satisfied anyway.

Instead of implementing a program that duplicates an already existing program, why not implement a policy that offers ongoing education and the opportunity for an exchange of knowledge. The whole industry and the public would be much better served this way.

Thank you for your time and allowing me to voice my opinion regarding H.B. 2485.

Rebecca Mosshart
USDA License # 48-A-366
Nashville, Ks

In addition, I would like to add that we have been in the kennel business for over 40 years. We are now semi-retired, but we feel for the breeders. They are already U.S.D.A. and state licensed and have a double set of inspections. And all these new regulations being proposed are already covered by U.S.D.A. and we feel this would be too much of an additional burden on them.

Audrey Rottinghaus

My name is Margaret Kerr, I am a U.S.D.A. breeder-broker. I am also state licensed. I have been breeding dogs for almost 30 years. I was breeding dogs before the U.S.D.A. inspection was started. I wanted to be U.S.D.A. inspected, to follow the law. SO I CALLED THEM.

Inspection has come a long way since then. Most of it for the betterment of the industry. But there comes a time when enough government intervention is enough, and we are at that time. I am speaking against H.B. 2485. This is on adequate veterinarian care, against record keeping, and the new definition of time from 7 a.m. till 7 p.m. on inspecting kennels.

All of these things are already being done by U.S.D.A.. All U.S.D.A. breeders are required by law to have a veterinarian of record. And we have been taught by our veterinarian how to take care of lice, mange, worms, fleas, and all other normal animal problems. Cows, pigs, and chickens have the same parasites. But there is no state inspector ordering the owners to have them vet checked. They are just dinner. My time is important, I want to spend it working with my dogs. Instead I will be spending time running dogs to the veterinarian, because they have a broken toe nail or an ear mite with the state inspector tagging along.

The state wants our records. It is our understanding the state can pick up the phone and call U.S.D.A. for information. So why should they be taking up my time for duplication of the law.

The time scheduled from 7 a.m. till 7 p.m. is extravagant. A person should not be on call 60 hours a week for inspection.

I do not want an inspection on my property after 4 p.m. and U.S.D.A. never has. This is my time to spend with family and to do my evening chores.

The state is at the point of harrassment to a lot of kennels. They have already quaranteed, confiscated, and killed a lot of dogs, taken people to court and cost them thousands of dollars in fines and legal fees, all without the help of this bill and its amendments. Instead of giving them more power, someone should be checking into the state inspection program for abuse of their present power. Talk to some of the people who have had fines to pay, if they are not too scared to talk to you. There is no way a person can come up against the big brother, the state, and survive financially.

The companion animal law is 10 years old and all 10 years there have been new bills or amendments introduced or written. After 10 years it is time to eliminate the advisory board, or to limit the terms a person may serve on it. I would support the amendment, that board members shall not serve 2 consecutive terms. This would help insure impartiality between state and industry.

Thanks for your time

Margaret L. Kerr

Regarding House Bill 2485:

I am Sam Mosshart, from Protection, Kansas. Kansas State License #056-A-98 and USDA License #48-A-963. I have been in the Kennel business since 1989 as a USDA Licensed breeder.

When the Kansas Pet Animal Act was started, the medical records for USDA licensed kennels were exempted from inspection by Kansas State inspectors because the USDA already had a program in effect. The USDA inspectors check our records and administer the program.

The state has the authority to look at all Hobby and State Licensed Kennel (that are not USDA licensed) medical records now. The State Animal Health Dept. say they have a problem with 1% of the USDA licensed kennels in the state. With approximately 300 USDA licensed kennels in the state that figures out to be around 3 kennels.

If the Kansas State inspector thinks they see a problem, all they have to do is call the USDA Office in Fort Worth, Texas. They will have their USDA inspector out to look the matter over. I can not see putting more laws on the USDA licensed kennels when they are already governed by the USDA on the same things.

USDA inspectors also check our Records of Disposition. The State already has record of all out of state sales through the state health certificate paper sent to the state office.

The second part, I do not feel it is right to turn the Rescues Groups loose. As it is now they all have to have a license to foster out dogs and cats.

Kansas Animal Health Dept. is wanting to license one group. For example, the Boxer Rescue Club of Kansas, their members could all take home dogs, and will be covered under one license. They could be kept anywhere and housed in any kind of conditions. I can not see more regulations for USDA Kennel and less for the Rescue Groups.

A good percent of the USDA Kennels are located on family farms around the state. The kennel business is one of the few extra income opportunities that are available for a small family farm.

Also the kennel business exports a big percent of their puppies out of state, bringing new money into the state.

I feel that the Kansas Pet Animal Act should be left as it presently is.

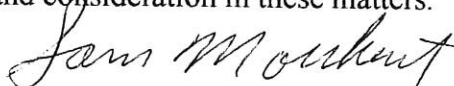
Regarding H.B. 2817:

The following paragraph was included in the mailing put out by the Kansas Animal Health Dept. regarding H.B. 2817.

‘In addition, the bill allows the commissioner to approve a plan for spaying/neutering that does not precisely meet the requirements of the law but complies with the spirit of the law.’
Please explain to me what it means.

Thank you for your time and consideration in these matters.

Sam Mosshart
Protection, Kansas



House Agriculture Committee
February 14, 2000
Attachment 11

Suzanne K. Harvey DVM
PO Box 221
Buffalo OK 73834-0221
580-735-2680

attended:

Kansas State University College of Arts and Sciences
Kansas State University College of Veterinary Medicine

Dear Sir:

I am writing this letter to you concerning pending legislation that would affect many of your taxpaying voters. This is specifically the Kansas Pet Act Amendment. The original Act, though not without its major faults, was "okay". It tried to regulate individuals that bred a number of dogs or cats.

The Amendment, on the other hand, is just redundant, supercilious, and bad form.. It is not needed and will cost the State of Kansas money to enact, monies lost from bad press, and alienate a whole segment of law abiding peoples, while letting a whole other segment run wild ignoring moral and civic obligations.

Why does someone in Kansas feel they need access to federal files that are already being taken care of by USDA Inspectors? *(The Kansas's trained lay-inspectors getting the right to look at federal papers, examine, diagnosis, and prescribe for animals in a USDA licensed kennel; which violates the Veterinary Practice Act.)*

Why are the "rescue" people exempt?? As an accredited and licensed veterinarian in both Kansas and Oklahoma, I personally have seen more "bad care" given by "rescue" people than I have from Licensed Professional Breeders.

I have seen more dead, dying, down, and diseased dogs come out of shelters, humane societies, and pounds than I have from Licensed Professional Breeders. That includes those that require vaccinations and deworming prior to release from the facility.

The Licensed Professional Breeders in Kansas have their organization that promotes continuing education classes. I have attended several and spoken at one. These individuals are dedicated hard working people with a desire to promote and improve their animals. Rather than impose questionable redundant regulations on Licensed Professional Breeders, try including the others that do not continue to learn and improve themselves.

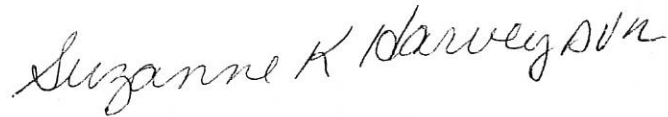
In my Professional, Trained, Educated opinion, The Kansas Pet Act Amendment with its redundancy of inspection of Licensed Professional Breeders, farming out under one license for rescue clubs is another black eye for good common sense and just another pandering to left wing animal rights groups while politicians grab for a quick vote.

House Agriculture Committee
February 14, 2000
Attachment 12

While I am not a voting citizen of the great state of Kansas, I have family, friends, and many clients that live and vote in Kansas. I am the veterinarian of record for several USDA licensed kennels in Kansas, personally know even more USDA Licensed Professional Breeders in Kansas, and have first hand knowledge of their fine skills and commitment towards furthering the quality of their breeds and animals, and the hard work they put in their facilities.

If you wish to discuss any of this with me, please do not hesitate to contact me.

Sincerely:

A handwritten signature in cursive script that reads "Suzanne K. Harvey DVM". The signature is written in black ink and is positioned to the right of the typed name.

Suzanne K. Harvey, BS, DVM

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner

708 SW Jackson Topeka, Kansas 66603-3714

Phone 785/296-2326 Fax 785/296-1765

February 14, 2000

To: Chairman Johnson and the House Committee on Agriculture:

My name is Debra Duncan, and for the last five and a half years, I have been the Director of the Animal Facilities Inspection Program for the Animal Health Department. H.B. 2817 was introduced at our agency's request.

H.B. 2817 amends K.S.A. 1999 Supp. 47-1710 and 47-1731. 47-1710 sets out the statutory three day minimum holding period for pounds and shelters. 47-1731 sets out state spay/neuter requirements.

While trying to enforce these statutes, the Department discovered that pounds and shelters in the state are having a difficult time understanding what is required under the spay/neuter law. Most are making an attempt to comply with what they believe to be the spirit of the law, however many do not comply, or even come close to complying, with the letter of the law.

Rather than try to enforce a vague law, we believe it is in everyone's best interest to clarify the statute and to incorporate language to allow the livestock commissioner to approve situations that do not completely conform to the spay/neuter requirements but which are, nevertheless, effective.

In addition, some humane societies have established their own veterinary clinics and want to make sure that all dogs or cats leaving their care are already spayed/neutered. Last summer, at the request of the Kansas Humane Society in Wichita, we established a small task force to redraft K.S.A. 47-1731, the state law that requires spaying and neutering of pounds and shelters. The task force consisted of Sheri Canfield, Executive director of KHS, Dr. Garry Cowen, President of the Board of Directors for KHS and a Wichita veterinarian, Rachael Pirner, a Wichita attorney representing the Humane Society, Dirk Hanson, Executive Director, Board of Veterinary Examiners, Gary Reser, Executive Director of the Kansas Veterinary Medical Association and me.

After we completed our draft of the bill, we referred it to the KVMA rules and regulation committee. The KVMA discussed and approved the draft. The result is H.B. 2817.

House Agriculture Committee
February 14, 2000
Attachment 13

Section 1: Proposed changes to K.S.A. 47-1710:

- Section 1(a) is current law. It is in italics because it used to be section c. It just made more sense to put it first, rather than last.
- Deleted words, such as “incorporated” and under “contract with a municipality” are simply clean up language.
- Changes to the existing law are in lines 31 & 41. This is the language to indicate that after the three day holding period the pound/shelter “shall have ownership of such animal”.

Section 2: Proposed changes to K.S.A. 47-1731:

- (a) removes the word adoption and redefines the language to say “transferred to a prospective owner”;
- (1) clarifies when the spaying/neutering may take place (before the physical transfer of the animal)
- (2) -- defines how much the deposit shall be (not less than the lowest nor more than the highest cost of spaying/neutering in the community)
 - provides that if the deposit is not reclaimed within 6 months the pound/shelter may keep the money.
 - provides that if the deposit is not claimed, and the animal is still not altered, the pound/shelter may (at their discretion) reclaim the animal.
- (b) States that any premises where veterinary practices take place must be registered with the board of veterinary examiners (See amendment #1)
- (c) Allows the commissioner to approve an innovative spay/neuter policy if it meets the requirements of the subsection b – this should read subsection (a)(2) (see amend. #2).
- (d) Clarifies existing language in the law to state that an owner reclaiming within the three day holding period is not required to have the animal altered.
- (e) Allows the commissioner to promulgate rules and regulations.

STATE OF KANSAS
KANSAS ANIMAL HEALTH DEPARTMENT

George Teagarden, Livestock Commissioner

708 SW Jackson Topeka, Kansas 66603-3714

Phone 785/296-2326 Fax 785/296-1765

February 14, 2000

Proposed amendments to H.B. 2817:

1. On page 3, line 10, after the word premise, insert "located in the state of Kansas."
2. On page 3, line 14, strike the word "policy" and insert in lieu thereof "program."
2. On page 3, line 15 strike "(b)" and insert in lieu thereof "(a)(2)".

DODGE CITY ANIMAL SHELTER
104 North Fourteenth
Dodge City, KS 67801
(316) 225-8180

February 9, 2000

Representative Dan Johnson
House Agriculture Committee
Kansas Statehouse, #426 S
300 SW Tenth Avenue
Topeka, KS 66612-1504

RE: H.B. 2817: *An Act concerning animals; relating to the disposition of animals from an animal shelter; relating to spaying or neutering; amending K.S.A. 1999 Supp. 45-1710 and 47-1731 and repealing the existing sections.*

To the Committee Members:

Please consider this written testimony from the Dodge City Animal Shelter to be our support of H.B. 2817 in its entirety.

Among other changes, we understand this bill will allow an animal shelter or pound to surgically spay or neuter an animal before it is transferred to the permanent custody of a prospective owner. We believe this change is a vital step in our efforts to reduce the number of unwanted puppies and kittens born each year in the state of Kansas. We are aware that the average compliance rate for spays and neuters on a national basis is about 60%. That means four out of every ten dogs and cats adopted are allowed to breed, and continue to perpetuate (on an exponential basis) the horrendous pet overpopulation figures.

We are also pleased that unclaimed spay and neuter deposits may be kept by the animal shelter after a six month period. Obviously, we would prefer that all new owners spayed and neutered their pets and received their deposits back, but reality is that some will not. However, allowing shelters to use those deposits will (at least in our case) allow us to fund important educational programs that don't fit into our current budget. We are sure that other shelters will find equally important uses for unclaimed deposits.

We believe that allowing the shelter to reclaim an unsterilized animal will encourage compliance with the spay/neuter requirements and lend credibility to our insistence that such surgery be completed. We know some people sign our contract with no intention of fulfilling its requirements.

House Agriculture Committee
February 14, 2000
Attachment 14

And, finally, we appreciate the opportunity to initiate a spay/neuter program (with the permission of the livestock commissioner) that fits individual communities but may deviate in some way from the published regulations. Spaying and neutering is such an important issue, that we believe *monitored* compliance with the spirit and intent of the law may outweigh compliance with each word of the law. Shelters will appreciate this option.

Again, we express our support of this bill and request that you vote favorably for these changes.

Sincerely,

B.C. Champlin, DVM

B.C. Champlin, DVM
Director

Margie Staggs

Margie Staggs
Manager

Feb. 11, 2000

Rep. Dan Johnson
State Rm. 426 S.
300 S.W. 10th
Desika, Ks. 66612-1504

In regards to H.B. 2817, I feel as a Pound Operator this bill would eliminate several problems.

I have operated the pound for 2 yrs. I have seen & witnessed several pups and adult dogs that have been impounded & euthanized because of irresponsible owners. Many of which, the dog is either pregnant or just had pups. Also pups that have grown to 6-8 months and are met the cute pup that was brought home at age 6-8 weeks of age.

Many were euthanized because the owner didn't want to pay the impound fee, vaccination fee or fine.

I got the City Council to pass an ordinance at to not release an impound if the animal was not wearing a current vaccination tag. If the owner can not produce current vaccination of said animal then the animal will be vaccinated by a lic. vet. before the ~~owner~~ animal is released back to owner. Owner would be billed for the vaccination.

They back me 100%. And I back this bill 100%.

Teresa Zimmerman



THE KANSAS HUMANE SOCIETY
OF WICHITA, KANSAS

4218 SOUTHEAST BLVD.
WICHITA, KANSAS 67210
TEL 316-524-1590
FAX 316-554-0356
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EXECUTIVE DIRECTOR

Sheri Canfield

February 12, 2000

House Agriculture Committee:

This letter is to express the Kansas Humane Society's support for House Bill 2817. This legislation, if passed, will clarify the laws regarding spay/neuter programs at pounds and shelters.

As the executive director of the Kansas Humane Society, I must emphasize the importance of spay/neuter programs in attempting to control and end the pet overpopulation problem. Around our state, many thousands of unwanted animals must be euthanized annually. In Wichita in 1998, nearly 17,000 animals were destroyed at local pounds and shelters. This is a tragic waste, and it comes at a tremendous cost to our citizens, who support pounds through their tax dollars and private shelters, such as ours, through their charitable contributions.

In 1999, the Kansas Humane Society established its first on-site spay/neuter clinic, to ensure that all shelter animals are sterilized and do not contribute to the pet overpopulation problem. While we are operating within the attorney general's interpretation of the current legal language, it has been confusing and logistically very challenging. It is obvious that as other Kansas shelters take the important step of adding spay/neuter clinics (a nationwide trend), the current difficulties will only be compounded.

I urge you to support House Bill 2817. Thank you for your consideration.

Sincerely,

Sheri Canfield
Executive Director

House Agriculture Committee
February 14, 2000
Attachment 16