

Approved: 3-8-00
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Steve Morris at 10:00 a.m. on March 7, 2000, in Room 423-S of the Capitol.

All members were present except: Senator Donald Biggs (E)
Senator Tim Huelskamp (E)

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

Conferees appearing before the committee:
Debra Duncan, Director, Animal Facilities Inspection Program, Animal Health Department

Others attending: (See Attached)

Senator Corbin made a motion to approve the minutes of the March 2, 2000 meeting as submitted. Senator Umbarger seconded. The motion carried.

Hearing on: **HB 2817 - concerning animals; relating to the disposition of animals from an animal shelter; relating to spaying or neutering**

Debra Duncan, Director, Animal Facilities Inspection Program, Animal Health Department, testified in support of **HB 2817**, stating that this was primarily a technical amendment to current law which requires all animals adopted from pounds and shelters to be spayed or neutered (Attachment 1).

Senator Corbin made a motion to pass favorable HB 2817. Senator Umbarger seconded. The motion carried.

The next meeting will be March 8, 2000.

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

March 7, 2000

To: Chairman Morris and the Senate Agriculture Committee:

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.

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 all animals adopted from pounds and shelters to be spayed or neutered. The task force consisted of Sheri Canfield, Executive director of KHS, Dr. Garry Cowen, a veterinarian and President of the Board of Directors for KHS, 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 myself.

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.

H.B. 2817 is primarily a technical amendment. The current spay/neuter law is vague. Consequently, many of the 110 state licensed pounds and shelter handle spaying and neutering differently. Most require a spay/neuter deposit, some spay/neuter all animals before they are released, and at least one city has a minimal deposit but fines people who have not spayed/neutered their animals within 10 days of adoption.

All of these methods work, but some are not precisely legal. Rather than require the industry to conform to the law, we are attempting to change the law to conform to the industry.

I would appreciate your support of H.B. 2817.

Senate Agriculture
3-7-00
Attachment 1

HOUSE BILL No. 2817

By Committee on Agriculture

2-2

Changes from Current Law:

1-2

10 AN ACT concerning animals; relating to the disposition of animals from
11 an animal shelter; relating to spaying or neutering; amending K.S.A.
12 1999 Supp. 47-1710 and 47-1731 and repealing the existing sections.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 1999 Supp. 47-1710 is hereby amended to read as
16 follows: 47-1710. (a) *An animal shall not be disposed of by an owner or
17 operator of a pound or of an animal shelter as a pound until after expi-
18 ration of a minimum of three full days of custody during which the public
19 has clear access to inspect and recover the animal through time periods
20 ordinarily accepted as usual business hours. During such time of custody,
21 any owner or operator of such facility shall attempt to notify the owner
22 or custodian of any animal maintained or impounded by such facility if
23 such owner or custodian is known or reasonably ascertainable. Such an
24 animal may at any time be released to the legal owner, moved to a vet-
25 erinary hospital for treatment or observation, released in any manner, if
26 such animal was a gift animal to an animal shelter, or euthanized by a
27 duly incorporated humane society or by a licensed veterinarian if it ap-
28 pears to an officer of such humane society or to such veterinarian that
29 the animal is diseased or disabled beyond recovery for any useful purpose.*

30 (b) *After the expiration of the holding period established in subsection*
31 *(a), the governing body of a political subdivision regulating the operation*
32 *of a pound shall have ownership of such animal and shall determine the*
33 *method of disposition of any animal released from such pound. Any*
34 *pound releasing live animals to prospective owners shall comply with the*
35 *provisions established in K.S.A. 47-1731, and amendments thereto. Any*
36 *proceeds derived from the sale or other disposition of such animals shall*
37 *be paid directly to the treasurer of the political subdivision, and no part*
38 *of such proceeds shall accrue to any individual.*

39 ~~(b)~~ (c) *After the expiration of the holding period established in sub-*
40 *section (a), the board of directors of any incorporated humane society*
41 *operating an animal shelter as a pound, under contract with a municipi-*
42 *ality, shall have ownership of such animal and shall determine the*
43 *method of disposition of any animal released from its animal shelter. Any*

No change. This is italicized because it used to be section (c).

Technical change:

Does not change current law. Clearly establishes that after the mandatory holding period, the pound owns the animal. This section applies to city owned pound. Adds a tie-in to K.S.A. 47-1731 as a reference.

Technical change:

Same as section (b) but applies to humane societies. Also strikes unnecessary language.

1 animal shelter releasing live animals to prospective owners shall comply
2 with the provisions established in K.S.A. 47-1731, and amendments
3 thereto. Any proceeds derived from such sale or disposition shall be paid
4 directly to the treasurer of the humane society and no part of such pro-
5 ceeds shall accrue to any individual.

6 ~~(c) An animal shall not be disposed of by an operator of a pound or
7 operator of an animal shelter as a pound until after expiration of a mini-
8 mum of three full days of custody during which the public has clear access
9 to inspect and recover the animal through time periods ordinarily ac-
10 cepted as usual business hours. During such time of custody, any owner
11 or operator of such facility shall attempt to notify the owner or custodian
12 of any animal maintained or impounded by such facility if such owner or
13 custodian is known or reasonably ascertainable. Such an animal may at
14 any time be released to the legal owner, moved to a veterinary hospital
15 for treatment or observation, released in any manner, if such animal was
16 a gift animal to an animal shelter, or euthanized by a duly incorporated
17 humane society or by a licensed veterinarian if it appears to an officer of
18 such humane society or to such veterinarian that the animal is diseased
19 or disabled beyond recovery for any useful purpose.~~

Technical change:
This is now section A.

20 Sec. 2. K.S.A. 1999 Supp. 47-1731 is hereby amended to read as
21 follows: 47-1731. (a) No dog or cat may be released for adoption from
22 any transferred to the permanent custody of a prospective owner by a
23 pound or animal shelter, as defined by K.S.A. 47-1701 and amendments
24 thereto, or from any duly incorporated by a humane society, unless:

Technical change:
Removes the term "adoption."

25 (1) Such dog or cat has been first surgically spayed or neutered before
26 the physical transfer of the animal occurs; or

Clarifies that a shelter may choose to have the animal spayed or neutered before release.

27 (2) the adopting party prospective owner signs an agreement to have
28 the dog or cat spayed or neutered and deposits with the pound or animal
29 shelter funds sufficient to ensure that the dog or cat will be sterilized not
30 less than the lowest nor more than the highest cost of spaying or neutering
31 in the community. Any funds deposited pursuant to such an agreement
32 shall be refunded to the adopting party such person upon presentation of
33 a written statement signed by a licensed veterinarian that the adopted
34 dog or cat has been spayed or neutered. If such person does not reclaim
35 the deposit within six months after receiving custody of the animal, the
36 pound or animal shelter shall keep the deposit and may reclaim the un-
37 spayed or unneutered animal.

Establishes set parameters for the spaying/neutering deposit. States what happens if the deposit is not reclaimed.

38 (b) No person shall spay or neuter any dog or cat for or on behalf of
39 a pound; or animal shelter or humane society unless such person is a
40 licensed veterinarian or a student currently enrolled in the college of
41 veterinary medicine, Kansas state university, who has completed at least
42 two years of study in the veterinary medical curriculum and is participat-
43 ing in a spay or neuter program as part of the curriculum under the direct

Technical amendment
Strikes unnecessary language.

1 supervision of a licensed veterinarian who is a faculty member at the
 2 Kansas state university veterinary medical center. The spay or neuter
 3 program shall only be conducted at the surgery clinic at the Kansas state
 4 university medical center in Manhattan, Kansas. No pound; or animal
 5 shelter or humane society shall designate the veterinarian which a person
 6 must use, or a list from which a person must select a veterinarian, to spay
 7 or neuter a dog or cat adopted transferred by such person from such
 8 pound; or animal shelter or society, nor shall such pound, animal shelter
 9 or society in any way penalize a person for such person's selection of a
 10 veterinarian to spay or neuter a dog or cat adopted from such pound,
 11 animal shelter or society. Any premises located in the state of Kansas
 12 where the spaying, neutering or any other practice of veterinary medicine
 13 occurs shall register such premises with the board of veterinary examiners.
 14 (c) With the written approval of the livestock commissioner, any
 15 pound or shelter may use an innovative spay or neuter policy program
 16 not precisely meeting the requirements of subsection (b) (a)(2), if the
 17 pound or shelter can prove to the commissioner that it is actively enforcing
 18 the spaying and neutering requirements set forth in this statute.
 19 (e) (d) Nothing in this section shall be construed to require sterili-
 20 zation of a dog or cat which is being held by a pound or animal shelter
 21 and which may be claimed by its rightful owner within the holding period
 22 established in K.S.A. 47-1710, and amendments thereto.
 23 (e) The livestock commissioner shall promulgate rules and regulations
 24 as may be necessary to carry out the provisions of this section.
 25 Sec. 3. K.S.A. 1999 Supp. 47-1710 and 47-1731 are hereby repealed.
 26 Sec. 4. This act shall take effect and be in force from and after its
 27 publication in the statute book.

Technical amendment
 Strikes redundant language.

Restates existing law re: licensing of vet premises.

Allows the commissioner to approve a spay/neuter program that works – even if the spay/neuter deposit does not meet the statutory requirements.

Technical amendment – clarifies existing language