

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The joint meeting of the House Agriculture Committee and the House Higher Education Committee was called to order by Higher Education Chairman Tom Sloan at 3:30 p.m. on March 17, 2003, in Room 519-S of the Capitol.

All members were present except: Representative Craft - Excused

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

Conferees appearing before the committee:

Dr. Edward Martinko, State Biologist & Director, Kansas Biological Survey, The University of Kansas
Randy Hearrell, Executive Director, Kansas Judicial Council
LeAnn Schmitt, Senior Auditor, Legislative Division of Post Audit
Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department
Sam Mosshart, Protection, Kansas
Eric Krug, Leon, Kansas
Karole Lindgren, Marion, Kansas

Others attending: See attached list

Dr. Edward Martinko, State Biologist & Director, Kansas Biological Survey, The University of Kansas, discussed the Kansas Biological Survey established in 1911, legislated in 1959, to determine the character, location, and supply of native animals and plants in Kansas. Specifically, he reported on the Kansas Applied Remote Sensing Program (KARS), established in 1972, and its agricultural applications. KARS agricultural applications include vegetation damage assessment, crop condition monitoring, crop yield monitoring and forecasting, and strategic long-range forecasting. (Attachment 1)

The House Agriculture Committee then adjourned to Room 423-S for the purpose of hearing **SB 46**.

Minutes of the March 12 meeting were distributed. Members were asked to notify the committee secretary of any corrections or additions prior to 5:00 p.m. March 19, or the minutes will be considered approved as presented.

Hearing on SB 46 - Kansas pet animal act, procedures for seizure and impoundment of animals.

Chairman Johnson opened the hearing on **SB 46** and asked Raney Gilliland to explain the bill. **SB 46** amends the Kansas pet animal act by requiring an owner to post a cash bond for the care and keeping expenses incurred for animals seized or impounded by the Kansas Animal Health Department. The initial bond would pay for the first 30 days of expenses, at which time the owner can post subsequent cash bonds to cover additional expenses. At the end of the time for which expenses are covered by the bond, the animals may be sold, placed, or euthanized.

Randy Hearrell, Executive Director, Kansas Judicial Council, testified in regard to **SB 46**. He reported that in March 2002, Senator Steve Morris requested that the Judicial Council review a 2001 incident that resulted in a significant financial liability to the Kansas Animal Health Department to determine if some form of relief would be available to the state in such situations or if potential law changes could prevent such occurrences. The Judicial Council concluded that a statutory amendment that requires a bond sufficient for the seized animals' care and keeping would best address the problem. (Attachment 2)

LeAnn Schmitt, Senior Auditor, Legislative Division of Post Audit, appeared in support of **SB 46** and reviewed the results of the performance audit concerning boarding costs for animals that have been seized from their owners because of animal health, safety, or welfare reasons. She explained that those concerns

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE at 3:30 p.m. on March 17, 2003, in Room 423-S of the Capitol.

surfaced in 2000 after the costs of caring for dogs and cats seized in a single case exceeded \$65,000. Under current law, the Animal Health Department staff has three ways to try to recover the costs of caring for and boarding seized dogs or cats: 1) filing a lien against real property if it's located in the county where the judgment occurs, 2) using the State's Debt Set-Off Program, and 3) garnishing the animal owner's wages. The Department reported these methods often aren't effective because the violators frequently don't have a lot of property or income.

The Legislative Division of Post Audit identified two approaches the Department could use to try to recover the costs of caring for seized animals:

1. Like Colorado and Missouri, Kansas could require the owners of seized animals to post a cash bond for 30 days to cover the costs of care, and to renew those bonds after 30 days or the animals would be turned over to the State for final disposition. (The Division of Post Audit prefers this approach.)
2. Kansas could create a special fund financed by licensed pet facilities that would be used to pay for any unrecoverable costs of caring for seized animals. (Attachment 3)

Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department, testified in support of **SB 46**. She stated that Kansas statutes require the Animal Health Department to seize and impound animals if the commissioner has reasonable grounds to assume the health, safety, or welfare of the animals is endangered. State statutes provide that the costs of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized if that person is found to be in violation of the Kansas pet animal act or any rules and regulations adopted thereunder. She noted that if the person is not found to be in violation, the commissioner pays the costs of care and impoundment. She reported that due to the financial constraints of the individuals or facilities whose animals are seized, this money is generally not recoverable. During the past two fiscal years, the Department incurred a total of \$75,562.63 in boarding costs and \$7,572.55 in veterinary costs for the care and keeping of animals seized pursuant to the statute. During a normal year costs range between \$5,000 and \$10,000. (Attachment 4)

Sam Mosshart, a USDA and KAHD licensed breeder from Protection, Kansas, testified in opposition to **SB 46**. He feels licensed professional dog breeders of Kansas have been singled out by **SB 46**, the unreasonable demand that bonds be posed in cash creates a major obstacle for most people. The owner of the seized personal property does not even have the right to be notified prior to, during, or after the animals are taken. He said that Kansas statutes do not define the terms "reasonable grounds" or "health, safety or welfare" or "endangerment." He noted that USDA's animal welfare act clearly defines these terms. (Attachment 5)

Eric Krug, Leon, Kansas, appeared in opposition to **SB 46** (Attachment 6) and provided written testimony in opposition to **SB 46** from other animal breeders in Kansas: Phyllis and Bill Sherbert, Clay Center; Theresa Lange, Conway Springs; Jenny Rodgers, Liberal; Rebecca Mosshart, Nashville; Evelyn Rust, Augusta; John and Venetia Maddox, El Dorado; Duane Mosshart, Protection; Joyce Huls, Protection; Martha Bartels, Marysville; Margaret Kerr, Silver Lake; Marion and Adam Bayer, Kingman; Russell Williams, Kingman; Richard Rohling, Pratt; Connie and Tom Ford, Nashville; Ned Albers, Pratt; Doug Griffis, Cunningham; Karen and Russell Eck, Pratt; George Hageman, Cunningham; Pat and Dan Theis, Cunningham; and Leon Fischer, Cunningham. (Attachment 7, collectively)

Karole Lindgren, Marion, Kansas, owner of the animals seized in 2000 which cost the state over \$65,000 in care and keeping expenses of the animals during the appeals process, related how the Kansas Animal Health Department went about seizing her animals.

There being no other conferees, Chairman Johnson closed the hearing on **SB 46**.

The meeting adjourned at 5:35 p.m. The next meeting is scheduled for March 19, 2003.

HOUSE AGRICULTURE COMMITTEE GUEST LIST

DATE: March 17, 2003

NAME	REPRESENTING
George Teagarden	KAHD
Debra Duncan	KAHD
Rudy M. Hearrell	Kansas Judicial Council
Janet McPherson	Ks Farm Bureau
Judd Johnson	KLA
Sandra Rottenglow	Kennel
Richard & Martha Baker	Kennel
Wanda Kenney	KCA
Rocky Lindgren	dog owners
Ray Lindgren	dog owners
Kariole Lindgren	interested citizen
George Schick Jr.	Kennel
Sam Moulton	P.S.M. Kennels
Roscoe EARL	INTERESTED CITIZEN
Evin King	Self
KelAnn Schmitt	LPA



KANSAS BIOLOGICAL SURVEY

Dr. Edward A. Martinko
Director, KBS
State Biologist

martinko@ku.edu



State Biological Survey of Kansas

KBS Director's Overview – Monday, March 17th 2003, Topeka Kansas
KS House Higher Education and Agriculture Committees



- Established in 1911, legislated in 1959
- To determine the character, location, & supply of native animals and plants in Kansas
- To report findings to the public



State Biological Survey of Kansas

KBS Director's Overview – Monday, March 17th 2003, Topeka Kansas
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- Kansas Applied Remote Sensing Program
- Kansas Aquatic Mesocosm Project
- Kansas Natural Heritage Inventory Program
- Central Plains Center for Bioassessment
- Aquatic Ecotoxicology
- University of Kansas Field Station & Ecological Reserves

KS Applied Remote Sensing Program

KBS Director's Overview – Monday, March 17th 2003, Topeka Kansas
KS House Higher Education and Agriculture Committees



- Established in 1972
- Conducts basic & applied research
- Enables *public agencies* and *private firms* to better utilize remote sensing technology
- Undergraduate & graduate education
- Public service



KS Applied Remote Sensing Program

KBS Director's Overview – Monday, March 17th 2003, Topeka Kansas
KS House Higher Education and Agriculture Committees

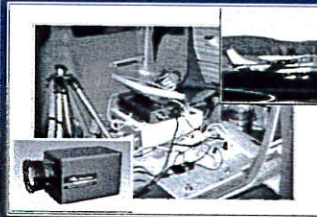
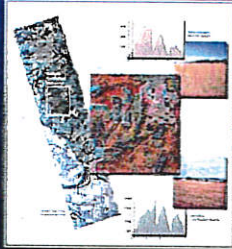


Close-Range Remote Sensing

Satellite Remote Sensing



Airborne Multi-Spectral & Hyperspectral Remote Sensing



KARS Application Development Emphases

KBS Director's Overview – Monday, March 17th 2003, Topeka Kansas
KS House Higher Education and Agriculture Committees



• **State & Local Governments**

- Statewide land use / land cover mapping
- Development of shared multi-agency digital archives
- Education and training



• **Agricultural Applications**

- Vegetation damage assessment
- Crop condition monitoring
- Crop yield monitoring & forecasting
- Strategic long-range forecasting



• **Wildlife Management**

- Wetlands & migratory bird habitat
- Evaluating & mapping wildlife habitat
- Predictive modeling of prairie chicken populations



KARS Natural Resource Applications

KBS Director's Overview - Monday, March 17th 2003, Topeka Kansas
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- Kansas Land Use & Land Cover Mapping & Monitoring
– *KS GIS Policy Board*
- Kansas Satellite Image Archive – *KS GIS Policy Board*
- Dam Inventory Assessment – *KWO*
- Remote Sensing Extension Service – *KDWP*
- Cheyenne Bottoms – *KDWP*

KARS Involvement with the State of Kansas

KBS Director's Overview - Monday, March 17th 2003, Topeka Kansas
KS House Higher Education and Agriculture Committees



- Kansas Interagency Task Force on Applied Remote Sensing (1981)

- Organized by KARS
- 11 agencies representing state, county, & local governments.

- Kansas Commission on Applied Remote Sensing (1984)

- Established by KS Legislature as a result of Task Force
- Established the State Map Coordinating Committee
- Conceptualized the Kansas Geographic Information Center

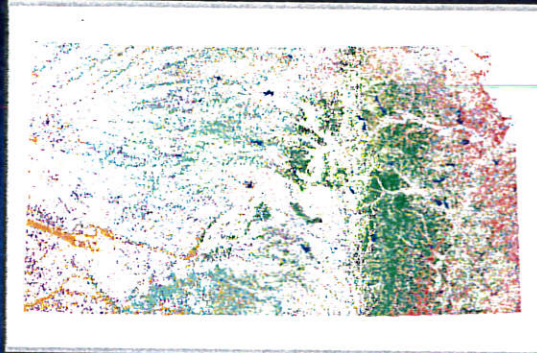
- Kansas GIS Policy Board (1991)

- 22 members representing local, state, and Federal agencies, as well as private industry
- Operates the State's Database Access and Support Center (DASC).
- KARS develops, maintains, and updates the digital LULC database for the State



KARS Statewide Land Cover Mapping

KBS Director's Overview - Monday, March 17th 2003, Topeka Kansas
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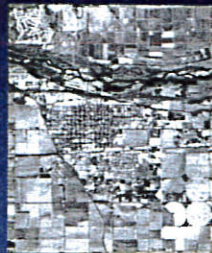
GAP 2001 is the 3rd statewide land cover map produced at KARS

- GAP is a national program to identify "gaps" in species conservation and protection.
- Examine historic and current land cover change, and landscape change.
- Prediction and mapping of potential species habitat.

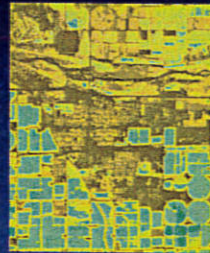


KARS KS Public Imagery Database

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Panchromatic Imagery



Vegetation Greenness



False Color Composites



Resolution - enhanced natural color composites

KARS Remote Sensing Extension Services

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Kansas Department of Parks & Wildlife Remote Sensing Extension Service *A Cooperative Agreement Between KARS & KDWP*

- KARS has been providing remote sensing services to the Kansas Department of Parks and Wildlife since the 1970's.
- In 2001, a formal cooperative agreement established a remote sensing extension service at KARS.
- The cooperative extension staff member is located at KARS, where he has access to state-of-the-art GIS and remote sensing facilities, and technical support staff.
- KDWP works closely with KARS administrators to coordinate project activities that are part of this cooperative effort.



Mapping & Monitoring
Cheyenne Bottoms



Evaluating & Mapping
Pronghorn Antelope Habitat



Evaluating & Mapping
Lesser Prairie Chicken
Habitat



Strip Mined Land
Reclamation Project:
Cherokee County KS

KARS Pheasant Population Modeling

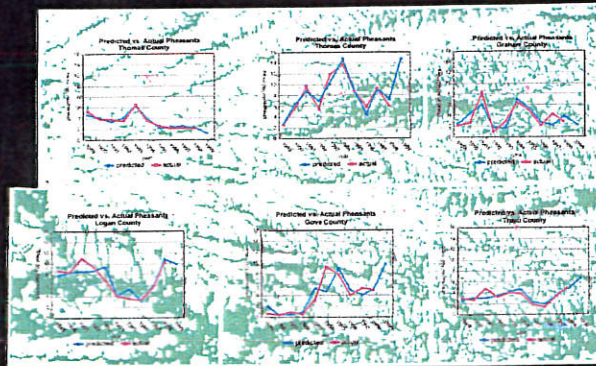
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Predictive modeling of pheasant populations using
NDVI-derived metrics

Predicted vs. Actual Pheasants, by County


- Agriculture
- Grassland
- Urban





**KANSAS
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KARS Cheyenne Bottoms Wetland Delineation



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Focus




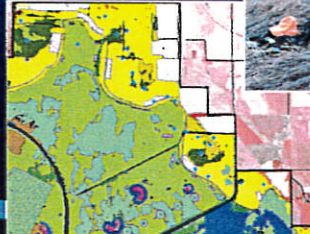
- Mapping land cover communities in Cheyenne Bottoms
- Special emphasis on monitoring cattail patches.


Description

- Use of NIR digital ortho-photography and GIS
- Collection of over 200 ground truth points
- Production of annual reports of current vegetation conditions


Application

- CHBWA managers assess the impacts of management strategies.



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KARS Agricultural Applications

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- Visualizing & Monitoring Crop and Range Conditions
- Visualizing Statewide Drought Progression
- Yield Forecasting
- Commercial Products for Decision Support

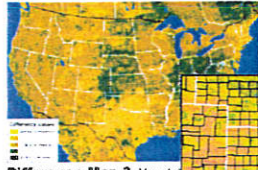
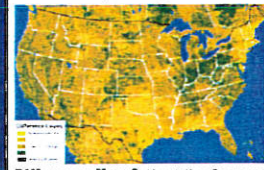
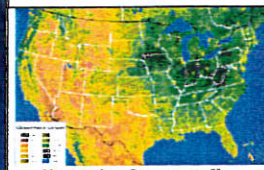




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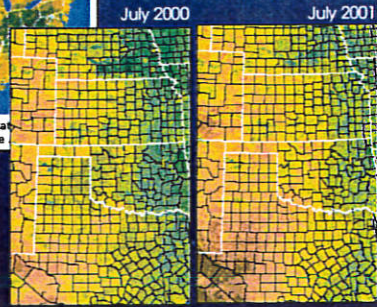
KARS Basic Visualization Tools

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KARS image composites provide a unique tool for visualizing changes in vegetation.

Change in one growing season or across several seasons.

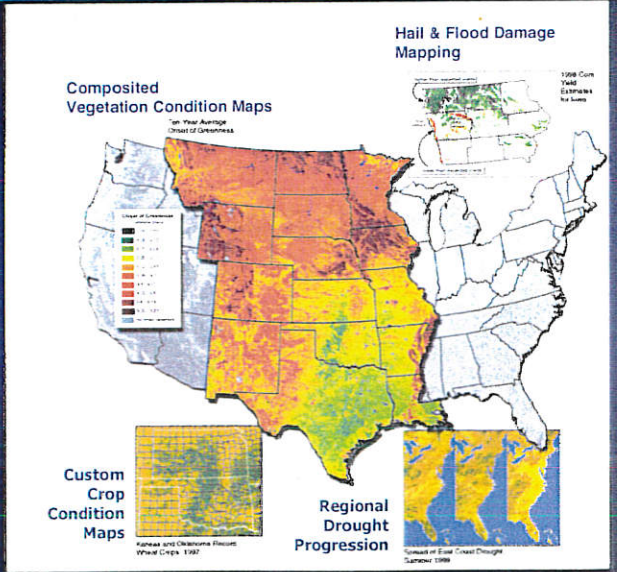


KARS vegetation condition database provides continuous data coverage from 1988 to the present.

KARS Basic Visualization Tools

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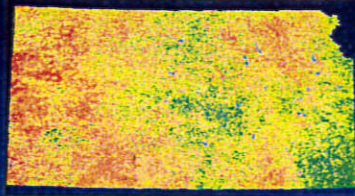
- Drought Distribution
- Crop Progress
- Crop Condition
- Range Condition
- Hail and Flood Damage
- Other environmental impacts



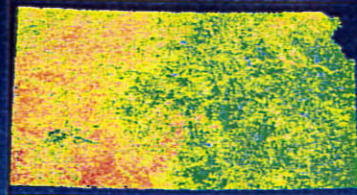
KARS Statewide Drought Reporting

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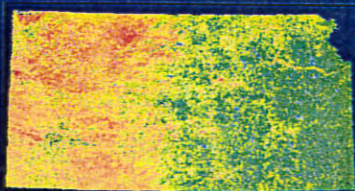
Drought conditions for summer crops start in the west and continue to spread from Late-April through Late-June...



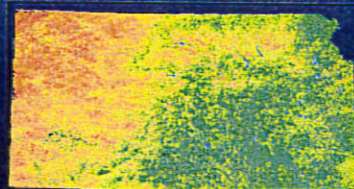
Late-April



Mid-May



Late-May

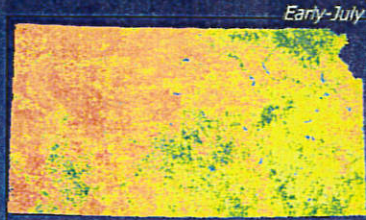


Late-June

KARS Statewide Drought Reporting

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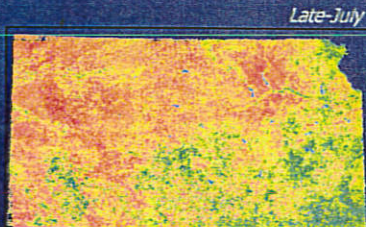
In Early-July drought spreads across the northern half of the state, turning southward through the Flint Hills by Early-August...



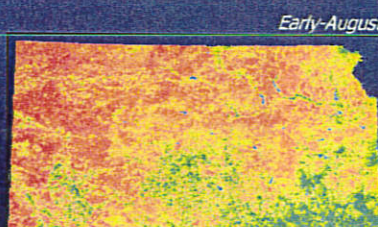
Early-July



Mid-July



Late-July



Early-August

KARS Statewide Drought Reporting

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"...This is the most significant drought condition in state history..."

Kansas Governor Bill Graves
Press Conference, July 2002



GRAVES INCREASES DROUGHT WARNING WARNING NOW INCLUDES 83 KANSAS COUNTIES

TOPEKA—Kansas Governor Bill Graves today expanded the drought warning issued July 3, 2002 to include the Lower Arkansas and Missouri River basins, and the remainder of the Kansas-Lower Republican Basin. A drought watch has been issued for the rest of the state including the Marais des Cygnes, Neosho, Verdigris and Walnut basins. The warning area now covers 83 counties in western, central and northeast Kansas, while the watch area covers the remaining 22 counties in east central and southeast Kansas.

"The drought situation has intensified in central and eastern Kansas as heat and lack of rain in June and July have erased the benefits made by the rains in April and May," Graves said. "I believe these circumstances justify expanding our concerns to the entire state." A drought warning means that water shortage conditions are present and that water supplies are starting to decline. Additional curtailment of water use is suggested, especially restrictions on non-essential uses. A watch indicates that the probability of a water shortage is rising and steps should be taken to inform water users and ask for voluntary reductions in water use.

The counties included in the July 3, 2002 warning are Barton, Cheyenne, Clark, Clay, Cloud, Comanche, Decatur, Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Geary, Graham, Grant, Gray, Greeley, Gove, Hamilton, Haskell, Hodgeman, Jewell, Kearny, Kiowa, Lane, Lincoln, Logan, Marion, McPherson, Meade, Mitchell, Morris, Morton, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Rawlins, Republic, Rice, Riley, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, Washington, and Wichita.

The additional counties included in the warning today are Atchison, Barber, Brown, Doniphan, Douglas, Harper, Harvey, Jackson, Jefferson, Johnson, Kingman, Leavenworth, Marshall, Nemaha, Pottawatomie, Praft, Reno, Sedgwick, Shawnee, Sumner, Wabaunsee and Wyandotte.

More information is available through the Kansas Water Office website, www.kwo.org, or the Kansas Department of Agriculture, www.accesskansas.org/kd

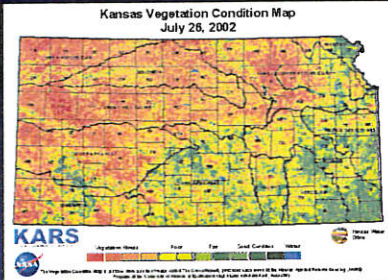
KARS Statewide Drought Reporting

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Kansas Water Office
<http://www.kwo.org/>

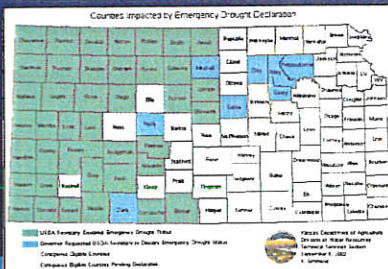
Vegetation Condition
-- KARS

- Weekly KARS maps posted to KWO Drought Monitor website, along with KWO maps & reports
- KWO indicated that these maps were invaluable for planning and assessment of drought conditions in 2002



Impacted Counties
-- KWO


- Applications by KWO Staff in 2002
- KWO used the Drought Monitor Maps to issue advisories to:
 - KS Governor's Office
 - Private Insurance Companies
 - KS Dept. Agriculture
 - KS Dept. Wildlife & Parks



KANSAS BIOLOGICAL SURVEY

KARS Kansas State Fair

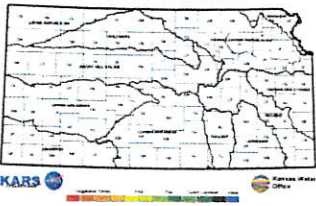
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KS House Higher Education and Agriculture Committees*



Kansas Water Office
<http://www.kwo.org/>

KWO's animated drought maps were very popular and ran on a PC at the KWO booth throughout the fair.

KWS Vegetation Condition Map
April 5, 2002 - October 11, 2002



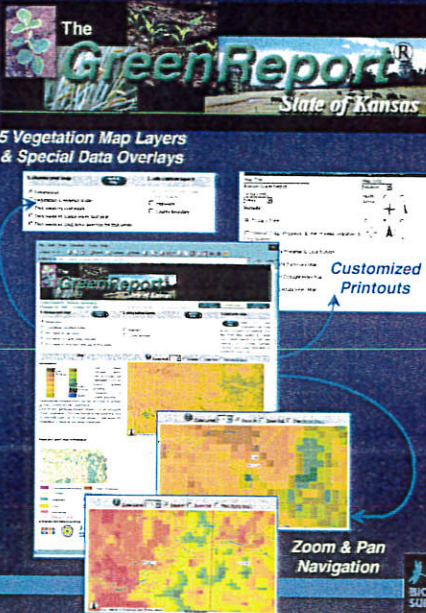
KWS Staff (left) reviews the weekly KS Drought Report with a fair-goer while another person studies the KARS Vegetation Condition Map.

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KANSAS BIOLOGICAL SURVEY

KARS Interactive Visualization Products

*KBS Director's Overview - Monday, March 17th 2003, Topeka Kansas
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The GreenReport
State of Kansas

5 Vegetation Map Layers & Special Data Overlays

State-based, free public service
http://mapster.kgs.ukans.edu/kars/kars_map.cfm

Features

- ArcIMS-Enabled Interactive Layers
- Additional Ag Reports
- Print Custom Maps & Reports

Status:

- KS version to be released in April 2003
- Prototype for multi-state implementation

Zoom & Pan Navigation

accessKansas

KARS Crop Yield Forecasts

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2002 Season

- 8 pre-harvest forecasts were made, updated biweekly.
- Season forecasts were made for 7 crops.
- In addition to national estimates, thousands of regional (state and ASD) forecasts were generated.

CROP	# of States Forecast	# of ASDs Forecast
Winter Wheat	42	262
Corn	41	260
Soybeans	29	196
Oats	27	188
Barley	24	112
Sorghum	18	102
Spring Wheat	12	64



© Blair Photography
www.photobair.com

KARS Crop Yield Forecasts

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FORECAST ERROR (bushels/acre): Small Grains

(Winter Wheat, Spring Wheat, Barley, Oats)

	KARS	USDA
National	1.07	2.22
Top State	1.40	3.18

- KARS' initial small grains forecasts were *released over 5 weeks before the first USDA estimates.*
- Similar relative accuracy was observed for corn, soybean, and sorghum yield forecasts.
- Yield forecast accuracy improved between 2001 and 2002.



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www.photobair.com

KANSAS BIOLOGICAL SURVEY

KARS Commercial Crop Yield Forecasts

www.tmaiaoutlook.com
www.soygrowers.com

Crop Yield Planner™

Choose From 3 Different Crop Reports:

- Corn
- Soybeans
- Winter Wheat

View & Download KARS® Yield Forecast Tables

Region Yield Forecasts, by State or Region
(last updated September 5, 2002)

View Report Maps By Region

Select Map Area:
 - All Regions
 - Northeast
 - Midwest
 - South
 - West
 - Jan Yield Forecast Map

View, Save, or Print Yield Maps

Corn Yield Forecast by Agriculture Statistics District (ASD)

Winter Wheat Yield Forecast by Agriculture Statistics District (ASD)

Toggle Through Full Suite of GreenReport Maps

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TerraMetrics

KANSAS BIOLOGICAL SURVEY

KARS Commercial Crop Yield Forecasts

American Soybean Association (ASA)

- New brochure
- Cooperative marketing arrangement with ASA
- Trade Show
- New subscription-based website

2002 Subscribers

Subscription Distribution:

- Louisiana
- Kansas
- Minnesota
- Ohio
- Michigan
- Switzerland and South Korea
- Indiana
- Iowa
- Oklahoma
- Illinois
- California

2002 Crop & Yield Outlook

Use Free App & Reference For Agriculture Decision Support & Planning

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KARS Support for KS Wheat Tour 2002

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Kansas Association of Wheat Growers & the Wheat Quality Council

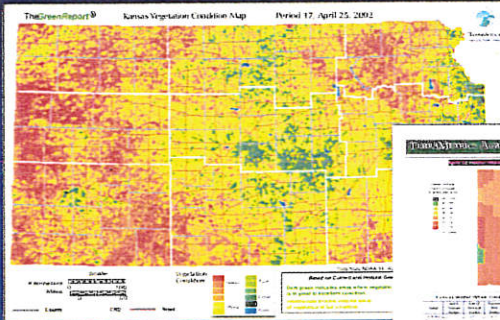
Annual 3-day statewide tour

- Agronomists
- Milling / baking reps
- Grain company executives
- Government officials
- University scientists
- Economists

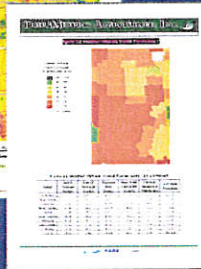
- Custom sets of **GreenReport®** maps and additional information were provided after the tour to provide validation for the end-of-harvest yield estimates that were made.
- **KARS' end-of-harvest yield forecasts matched the Tour participants' to within one-tenth of a bushel.**

KARS Support for KS Wheat Tour 2002

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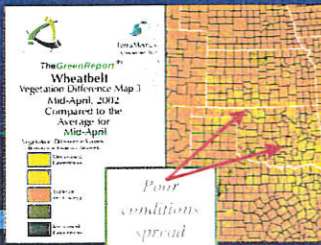
- 11" x 17" Foldout Maps:
- Vegetation Condition Index
 - Greenness
 - Difference/Comparison Maps
 - Kansas GAP Map



KARS Yield Forecast Maps and Tabular Data bu/ac

Winter Wheat Yield Forecasts, by State
(last updated May 6, 2002)

State	Area (Ac)	Yield (bu/ac)	Forecast (bu/ac)	Yield (bu/ac)	Forecast (bu/ac)	Yield (bu/ac)	Forecast (bu/ac)
AK	37,721	4.2	4.2	4.2	4.2	4.2	4.2
AL	5,242,561	4.2	4.2	4.2	4.2	4.2	4.2
AR	52,334,400	4.2	4.2	4.2	4.2	4.2	4.2
AZ	117,991,680	4.2	4.2	4.2	4.2	4.2	4.2
CA	368,812,800	4.2	4.2	4.2	4.2	4.2	4.2
CO	101,942,400	4.2	4.2	4.2	4.2	4.2	4.2
CT	48,422,400	4.2	4.2	4.2	4.2	4.2	4.2
DC	686,400	4.2	4.2	4.2	4.2	4.2	4.2
DE	2,422,400	4.2	4.2	4.2	4.2	4.2	4.2
FL	139,422,400	4.2	4.2	4.2	4.2	4.2	4.2
GA	59,422,400	4.2	4.2	4.2	4.2	4.2	4.2
IA	282,422,400	4.2	4.2	4.2	4.2	4.2	4.2
IL	142,422,400	4.2	4.2	4.2	4.2	4.2	4.2
IN	42,422,400	4.2	4.2	4.2	4.2	4.2	4.2
KS	37,721	4.2	4.2	4.2	4.2	4.2	4.2
KY	42,422,400	4.2	4.2	4.2	4.2	4.2	4.2
LA	52,422,400	4.2	4.2	4.2	4.2	4.2	4.2
MA	7,422,400	4.2	4.2	4.2	4.2	4.2	4.2
MD	24,422,400	4.2	4.2	4.2	4.2	4.2	4.2
ME	9,422,400	4.2	4.2	4.2	4.2	4.2	4.2
MI	92,422,400	4.2	4.2	4.2	4.2	4.2	4.2
MN	242,422,400	4.2	4.2	4.2	4.2	4.2	4.2
MO	152,422,400	4.2	4.2	4.2	4.2	4.2	4.2
MS	47,422,400	4.2	4.2	4.2	4.2	4.2	4.2
MT	372,422,400	4.2	4.2	4.2	4.2	4.2	4.2
NC	52,422,400	4.2	4.2	4.2	4.2	4.2	4.2
ND	77,422,400	4.2	4.2	4.2	4.2	4.2	4.2
OH	42,422,400	4.2	4.2	4.2	4.2	4.2	4.2
OK	37,721	4.2	4.2	4.2	4.2	4.2	4.2
OR	242,422,400	4.2	4.2	4.2	4.2	4.2	4.2
PA	112,422,400	4.2	4.2	4.2	4.2	4.2	4.2
RI	1,422,400	4.2	4.2	4.2	4.2	4.2	4.2
SC	52,422,400	4.2	4.2	4.2	4.2	4.2	4.2
SD	77,422,400	4.2	4.2	4.2	4.2	4.2	4.2
TN	42,422,400	4.2	4.2	4.2	4.2	4.2	4.2
TX	692,422,400	4.2	4.2	4.2	4.2	4.2	4.2
UT	242,422,400	4.2	4.2	4.2	4.2	4.2	4.2
VA	112,422,400	4.2	4.2	4.2	4.2	4.2	4.2
VT	9,422,400	4.2	4.2	4.2	4.2	4.2	4.2
WA	372,422,400	4.2	4.2	4.2	4.2	4.2	4.2
WI	52,422,400	4.2	4.2	4.2	4.2	4.2	4.2
WV	24,422,400	4.2	4.2	4.2	4.2	4.2	4.2
WY	242,422,400	4.2	4.2	4.2	4.2	4.2	4.2

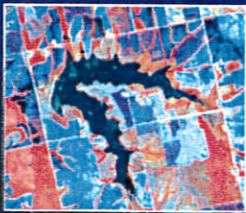


2002 Wheat Progress Report – Custom map series from Dec. 2001 – April 2002

Poor conditions spread

Kansas Aquatic Mesocosm Project

KBS Director's Overview – Monday, March 17th 2003, Topeka Kansas
KS House Higher Education and Agriculture Committees



Dr. Jerry deNoyelles

- Perform research on the use of small experimental ecosystems as surrogates of natural aquatic habitats
- Simulate environmental change
- Develop modeling techniques
- Research focus:
 - Fisheries management
 - Impact of pharmaceuticals and hormone disruptors on water quality
 - Monitoring suspended sediments in reservoirs

Kansas Aquatic Mesocosm Project

KBS Director's Overview – Monday, March 17th 2003, Topeka Kansas
KS House Higher Education and Agriculture Committees



Dr. Jerry deNoyelles

Facilities:

- 100 experimental ponds
- 80 outdoor fiberglass tanks
- Many different *in situ* enclosures
- Experimental reservoir
- Laboratories
- Workshop
- Storage area for field equipment

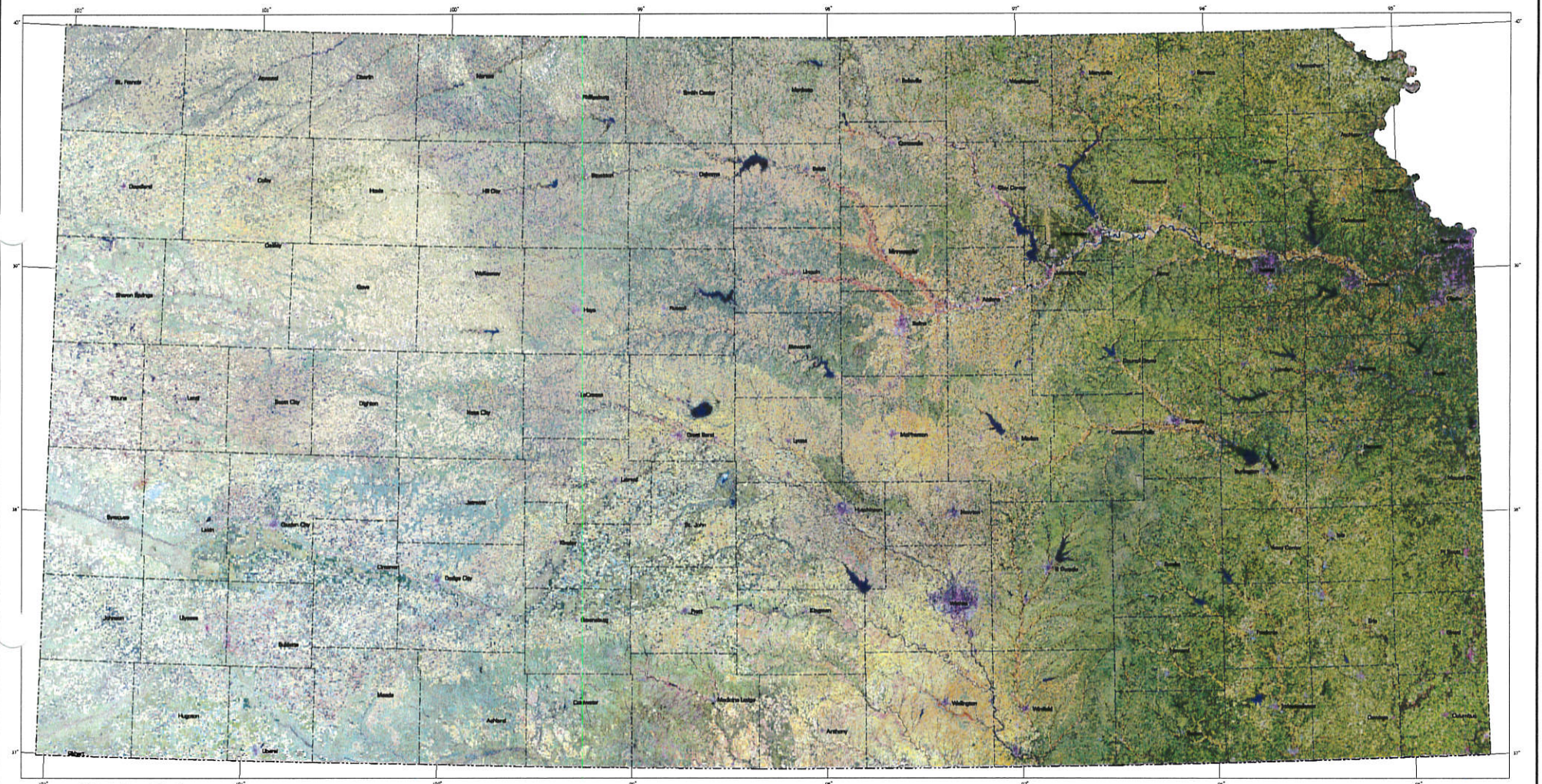


KANSAS BIOLOGICAL SURVEY

Dr. Edward A. Martinko
Director, KBS
State Biologist

martinko@ku.edu

SATELLITE VIEW OF KANSAS

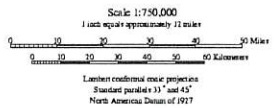


- 1 Dark Purple
- 2 Dark Blue
- 3 Dark Green
- 4 Medium Green
- 5 Light Green
- 6 Yellow
- 7 Tan
- 8 Light Brown
- 9 Dark Brown
- 10 Black

Satellite View of Kansas is a mosaic of 16 Landsat Thematic Mapper (TM) satellite images acquired during late summer of 1988 through 1993. The TM instrument records both reflected and emitted energy from the earth's surface in 7 regions, or bands, of the visible and infrared portions of the electromagnetic spectrum. Although the images displayed here appear in natural color — vegetation appears green, water appears blue — they are actually a composite of 2 infrared and 1 visible bands. Infrared bands are used because they are less affected by atmospheric scatter from water vapor and other airborne particles than visible bands. The benefit is a high-contrast, near-true image.

An amazing amount of detail about the physical landscape of Kansas can be seen from Landsat's vantage point 620 miles above the earth's surface. Rolling hills and low broadlands characterize the Great Plains in the southeastern corner. The Cherokee Lowlands, just to the southwest, are low hills and low broadlands. Both physiographic regions have abundant tallgrass and bur oak forests. Large areas of oak can be seen as dark forest covering the north-west corner of Cherokee County. The wooded and undulating landscape of the Osage County region shares the same oak forest cover as Kansas in the east. The timber grows most densely throughout Cherokee County north to Woodson County and the

area with forests of the Cherokee Hills, known for their thick sandstone layers. About 750,000 years ago, at least two glaciers sculpted the Glaciated Region in the northeast corner. The Flint Hills are broken to east of Anselton's last large exposure of native prairie grassland. The western divide of great sand in Chase County are indicative of extensive grasslands. Butler County, one of Kansas' top wheat-producing counties, lies in the Phillips-McPherson Lowlands. The large low areas in Sumner County are fields covered with wheat stubble. The Smoky Hills change from sandstone-capped hills in the west to limestone-capped hills in the middle, with shale limestone outcrops in the west. The Niobrara Chalk formation can be seen as light purple to white outcrops in Geary County. Irrigated croplands dominate portions of the Arkansas River Lowlands. Crop fields resulting from center pivot irrigation can be seen throughout the lower half of Finney County. The Red Hills are their name for the red sand, or soil, found throughout the region's mesa and basin topography. The High Plains consist of open exposures of sandstone and poorly rolling hills. Most of the land has been farmed, although a few areas of native short-grass prairie remain along draws and hill slopes along stream valleys. From north to south and west to east, the landscape of Kansas is a unique and beautiful mosaic.



KARS
Kansas Applied Remote Sensing Program

KANSAS BIOLOGICAL SURVEY

GF RESAC
Great Plains Regional Earth Science Application Center

Compiled, edited, and published by the Kansas Applied Remote Sensing Program of the Kansas Biological Survey at the University of Kansas, Lawrence. Edward A. Martinko, Director; Kevin P. Price, Associate Director.

Satellite View of Kansas was prepared by Jerry L. Wulder, Michael B. Hyatt and Jacarita Smith-Kennedy. Funding for this project was provided by the National Aeronautics and Space Administration (NASA) and the State Department of Wildlife and Parks.

For additional information see the KARS home page at <http://www.kars.k-state.edu>

Observe Trends

Difference Map 3 compares the current vegetation/crop condition to the 11-year greenness average. The yellow areas in the maps below illustrate the expansion of poor winter wheat crop development from early-March through early-April of 1996. Yields throughout the region were 50% of normal.

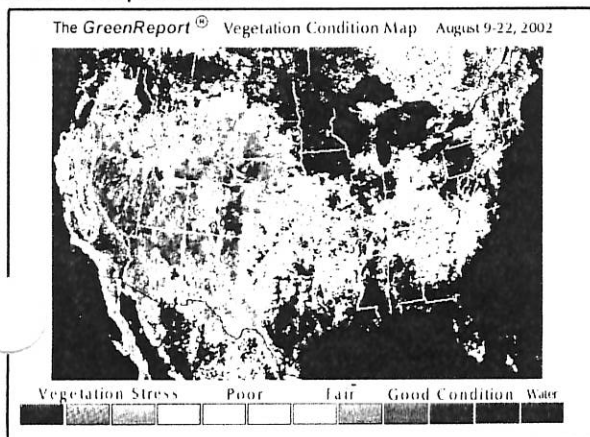


Early-March

Early-April

The **Vegetation Condition Map**

ustrates vegetation health and levels of plant stress, based on current and historic vegetation greenness and surface temperature data.



People Who Use the **GreenReport**®

"We use the *GreenReport* extensively in our analysis and research operations to monitor crop progress during the growing season. This allows us to anticipate our losses and put some cash reserves aside..."

- Duane Short
Product Underwriting and Research Specialist
IGF Agribusiness Insurance, Des Moines, Iowa

"As a meteorologist serving grain market clientele, I need to know where marketers will be focusing their attention next, or said another way, where my next batch of questions will target. For instance, early this growing season the market was locked into dryness across Minnesota and Iowa. Our medium range forecast projected this as a short term problem, but the *GreenReport* pin-pointed an equal or worse problem developing in central Illinois..."

- Fred Gesser
Chief Forecaster,
Strategic Weather Services, Omaha, Nebraska

"The *GreenReport* should take some of the emotion out of the markets by measuring, not just speculating on, how rain or other environmental factors affect the crop..."

- Hank Ernst
Editor, Kansas Farmer, Missouri Ruralist Magazines
Topeka, Kansas

"The maps have been very accurate and useful..."

- Sid Love
Grain Analyst/Crop Scout Kansas City, Kansas

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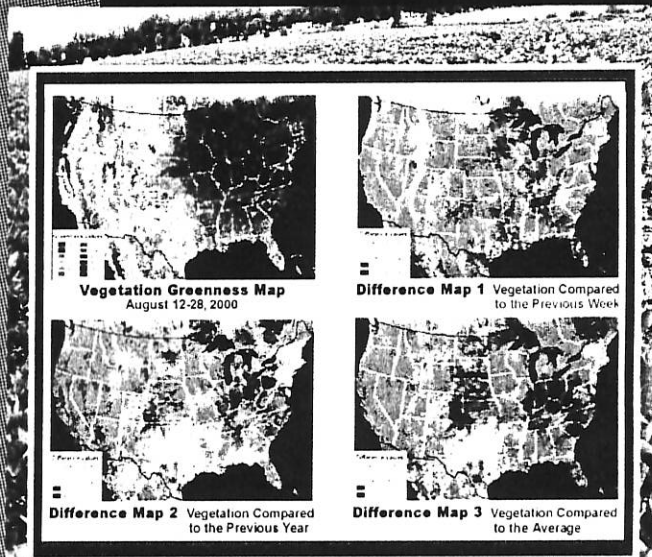
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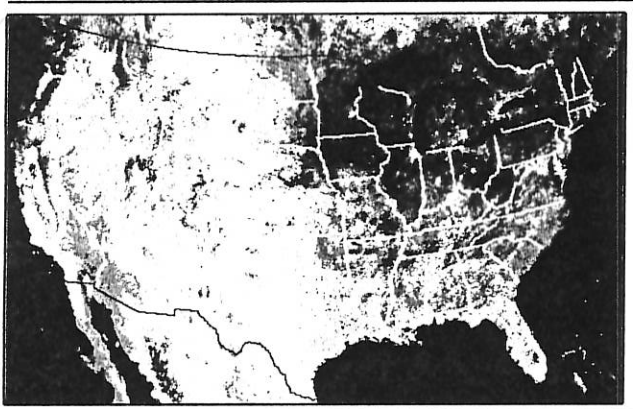
Satellite-Derived Weekly Map Series



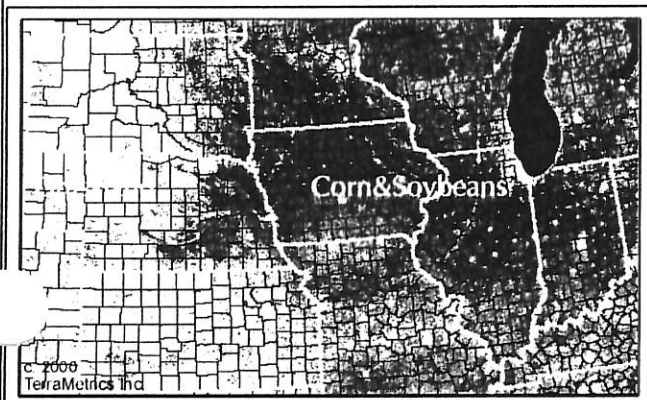
Dynamic and Timely Decision Support for Agri-Business

Observe Crop/Vegetation Conditions

The **Vegetation Index Greenness Map** illustrates locations and amounts of plant biomass. Dark green colors indicate areas containing abundant vegetation. Brown indicates sparse vegetation. In this mid-August, 2000 image, the highest concentration of green plant material can be seen in Iowa, Minnesota, Illinois, and forested areas in the Northeast and Northwest.



High amounts of green plant biomass, consisting mainly of corn and soybeans, can be seen below through the central-cornbelt from this early-August 1999 map. Grassland areas to the west produce less biomass



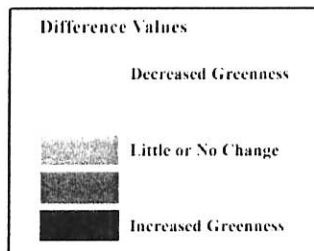
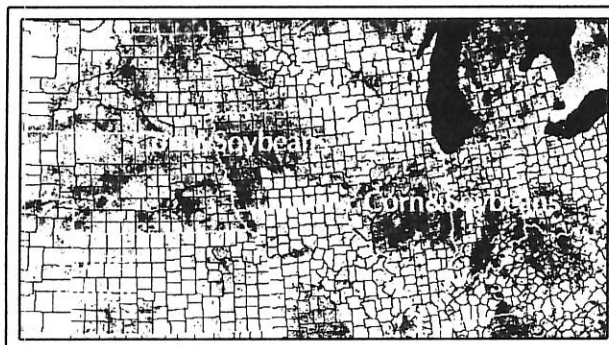
Vegetation Difference Maps

compare the current greenness conditions to the previous period, previous year, and average. When used together, *GreenReport*® maps become a useful tool for monitoring crop/vegetation progress, condition, and change.

Monitor Crop Progress

Difference Map 1 compares the current crop/vegetation development to the previous period within the same year. When early-May, 1997 is compared to late-April, areas of growth can be seen in green, areas of little change in brown, and areas of decreased greenness in shades of yellow.

Difference Map 1 can monitor growth patterns throughout the season. The map below illustrates areas of growing corn and soybeans, and shows where winter wheat is maturing.

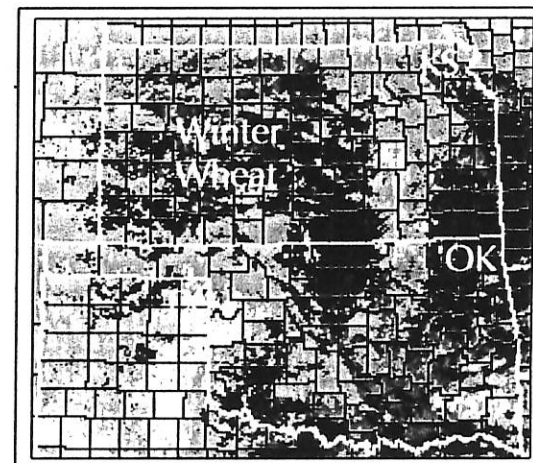


Legend for Difference Maps

Compare Growth Rates and Plant Development

6/1-1

Difference Map 2 compares the current crop/vegetation condition to same period from the previous year. The map below is showing the winter wheat crop. Improved winter wheat condition can be seen as green areas, when early-April of 1997 is compared to early-April of 1996. Kansas went on to have a record 1997 wheat harvest.



GreenReport® APPLICATIONS

- Observe crop/vegetation condition, progress and relative development
- Determine times of peak maturity and start of senescence
- Project relative yields
- Determine where crops are late/early to emerge
- See how crops/vegetation respond to weather and environmental conditions



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MEMORANDUM

TO: House Agriculture Committee
FROM: Kansas Judicial Council
DATE: March 17, 2003
RE: 2003 SB 46 - Kansas Pet Animal Act

In March of 2002, Senator Steve Morris requested that the Judicial Council review the 2001 incident that resulted in significant financial liability to the Kansas Animal Health Department to determine if some form of relief would be available to the state in such situations or if potential law changes could prevent of such occurrences.

The Judicial Council agreed to undertake the study and concluded that a statutory amendment that requires a bond sufficient for the seized animals care and keeping was the approach it would recommend to address the problem. The Council was pleased the performance audit report from the Legislative Division of Post Audit proposed such an approach as one of the ways the Animal Health Department could recover the costs of caring for seized animals.

The Judicial Council reviewed the Colorado and Missouri statutes and utilized both to draft the proposed legislation. After the draft was completed the Council asked Debra Duncan who is Director of the Animal Facilities Inspection Division of the Animal Health Department to review the proposed bill. Her comments were helpful and the completed draft is before you in the form of 2003 SB 46, as amended by the Senate Federal and State Affairs Committee.

House Agriculture Committee
March 17, 2003
Attachment 2



LEGISLATURE OF KANSAS

LEGISLATIVE DIVISION OF POST AUDIT

800 SOUTHWEST JACKSON STREET, SUITE 1200
TOPEKA, KANSAS 66612-2212
TELEPHONE (785) 296-3792
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Testimony for the House Agriculture Committee on SB 46 E-MAIL: lpa@lpa.state.ks.us
LeAnn Schmitt, Senior Auditor
March 17, 2003

Mr. Chairman and members of the Committee, thank you for allowing me to appear before you to provide background information in support of SB 46, as amended. This bill would implement a recommendation from our recent performance audit looking at animal breeders and sellers in Kansas. The Legislative Post Audit Committee had originally voted to introduce legislation in this same area, but withdrew its motion after SB 46 was introduced, since both bills would do virtually the same thing.

Background Information

One of the concerns addressed in the audit related to boarding costs for animals that had been seized from their owners because of animal health, safety, or welfare reasons. Those concerns surfaced in 2000 after the costs of caring for dogs and cats seized in a single case exceeded \$65,000. I'm going to briefly summarize our findings from reviewing the records of that case, but I've also attached a copy of the relevant sections from our audit.

In the 2000 case, Animal Health Department staff seized more than 130 dogs from a facility in Marion County. The County Sheriff's Office also seized more than 90 horses and cattle from that facility. (The Department has no jurisdiction over horses and cattle; that falls under the Animal Cruelty Act.) Many of the animals were starved or diseased, and the dogs were cannibalizing one another.

The district court ordered the owners to post a \$15,000 bond (\$5,000 cash and \$10,000 property) to cover the cost of caring for the seized dogs during the appeal process. Legal proceedings continued for 10 months as the owners filed a number of motions and delays. In January 2002, the judge issued the final order granting disposition of the dogs to the Department, and assigned all costs to the owners. The Department was able to collect \$5,000 from the cash bond, but only a small portion of the property bond because much of the property was worth less than the value assigned to it.

House Agriculture Committee
March 17, 2003
Attachment 3

Under current law, Animal Health Department staff have 3 ways to try to recover the costs of caring for and boarding seized dogs or cats: filing a lien against real property if it's located in the county where the judgment occurs; using the State's Debt Set-Off Program; and garnishing the animal owner's wages. However, Department staff told us these methods often aren't effective because the violators frequently don't have a lot of property or ^{income} jobs.

We identified 2 other approaches the Department could use to try to recover the costs of caring for seized animals.

1. Like Colorado and Missouri, Kansas could require the owners of seized animals to post a cash bond for 30 days to cover the costs of care, and to renew those bonds after 30 days or the animals would be turned over to the State for final disposition.
2. Kansas could create a special fund financed by licensed pet facilities that would be used to pay for any unrecoverable costs of caring for seized animals.

SB 46 as amended addresses the first approach, and the one that we preferred: requiring a cash bond.

I would be happy to answer any questions you may have about our audit findings and recommendations.

Question 2: What Mechanisms Can Be Put in Place to Ensure That the Animal Health Department Can Avoid or Recover the Costs of Boarding and Feeding Animals It Seizes?

Concerns about animal boarding costs surfaced in 2000 after the costs of caring for animals seized in a single case exceeded \$65,000. One option for avoiding or recovering these costs would be to statutorily require the owner to post a cash bond covering the cost of animals that are seized, and allow the Department to add to the amount of that bond if the costs exceed the original bond amount during legal proceedings. Both Colorado and Missouri use this option. Another option would be to create a special fund to protect the Program against these costs. All licensees would pay a fee to finance the fund until it reaches some specified amount. These options will be discussed in more detail in the sections that follow.

Concerns About Animal Boarding Costs Surfaced in 2000 After the Costs of Caring for Animals Seized in a Single Case Exceeded \$65,000

The Kansas Pet Animal Act requires Program officials to seize animals if there's reason to believe the animals' health, safety, or welfare is endangered. When animals are seized, they need to be boarded and cared for until after an administrative hearing officer or a judge has determined whether the owner violated the law.

If the owner is found to be in violation of the law, the law says the costs of boarding and caring for the animals during the process are the owner's responsibility. If the owner hasn't violated the law, the Department is responsible for those costs.

The table on the next page shows the number of times Program officials have seized animals from their owners during each of the last 5 years, and the costs associated with each case.

In each case, the owner was found to be in violation of the law and was ordered to pay the costs as required by the law. Program officials told us some of those costs remain unpaid primarily because the parties involved had no income or assets to pay off the debt.

The majority of the costs incurred over the past 5 years are associated with a single case in Marion County. In that situation, which is described in more detail in the profile on page 19, Department officials found more than 130 dogs and 78 horses and 14 cattle that were starving, diseased, and living in filthy conditions. Department staff seized the dogs, and the horses and cattle were taken by the Marion County sheriff. (The Department

Animal Health Department Seizures 1998-2002

Fiscal Year	Total Number of Seizures	Total # of breeders ordered to pay who couldn't or didn't	Total costs of care & service	Costs collected / recovered	Moneys still owed to the Department
1998	1	1	\$2,000	\$500	\$1,500
1999	1	1	\$3,343	\$0	\$3,343
2000	1	1	\$2,585	\$0	\$2,585
2001 (b)	6	6	\$71,215 (a)	\$5,000	\$66,215
2002	1	1	\$120	\$0	\$120
Total	10	10	\$79,263	\$5,500	\$73,763

Source: Animal Health Department

(a) Department staff couldn't locate the costs incurred for 2 of the 6 seizures, so the total spent for the cost of care & services for fiscal year 2001 is higher than what is indicated here.

(b) Department officials said the number of seizures has increased because they hired an attorney who could expedite the legal process required for animal seizures.

has no jurisdiction over horses and cattle; that falls under the Animal Cruelty Act).

This case drug on during 10 months of legal proceedings, after which the judge declared the owners to be in violation of the law and ordered them to pay more than \$65,000 for the cost of caring for the seized dogs. The Department has collected only \$5,000, which came from a \$5,000 cash bond the judge had ordered the owners to post early in the case if they didn't want the dogs to be destroyed.

The judge also had ordered the owners to post a \$10,000 property bond. Program officials told us the property pledged for that bond included antiques, old household furnishings, and 2000 railroad ties which, if they can be sold, likely will yield only a fraction of the \$10,000 due. And even if the full amount of the property bond were recoverable, the amount paid still would be \$50,000 short of the true costs.

***Under Current Law,
Program Staff Have 3
Ways To Try To Recover
Costs of Caring for and
Boarding Seized Animals***

As described below, these including filing liens against facility owners' real property, using the Department of Administration's Debt Set-Off Program, or garnishing owners' wages.

Filing a lien against real property

- The property must be located in the county where the judgment occurred.
- In some cases, the violator's house can have a lien placed against it, but the Department can only recover moneys when the house is sold, and only after other lien holders, such as banks, have recovered any moneys owed to them.

**One Case Involving an Unusually Large Number of Dogs and a Lengthy Court Process
Has Cost the State More Than \$65,000**

In September 2000, the Department received a complaint about an unlicensed breeding facility operating in Marion County. In response to the complaint, the Department made several unsuccessful attempts to contact the owners to conduct an inspection.

In February 2001, a second complaint was lodged against the facility. This complaint was about there being a large number of dogs on the property, and poor health conditions of horses at the facility. After this second complaint, Department staff conducted surveillance of the facility and provided information to a judge so that a 'probable cause' inspection warrant could be issued. Department staff and law-enforcement officials subsequently found 133 live dogs and 5 dead ones, 78 horses, and 14 cattle on the property. Many of the animals were starving and diseased, and were cannibalizing one another. The owners ultimately were arrested and jailed on animal cruelty charges. The Animal Health Department took possession of the dogs, and Marion County authorities seized the other animals.

In March 2001, a 2-day post-seizure hearing was held in Marion County. The administrative law judge awarded custody of the dogs to the Animal Health Department. The owners of the animals appealed the decision to the district court, and the district court judge issued a stay order, but required the owners to post a \$15,000 bond (\$5,000 cash and \$10,000 property) to cover the cost of caring for the animals during the appeal process.

Legal proceedings continued throughout the summer and fall of 2001. The owners filed a number of motions and delays. Briefs were submitted by September 11, and by November 5 everything that could have been done was done and submitted to the judge.

January 3, 2002 the judge issued a final order granting disposition of the animals to the Department, assigning all costs to the animal owners, and allowing the Department to begin executing the bond the owners had posted. The Department had spent more than \$65,000 caring for the seized dogs during the legal proceedings, which far exceeded the \$15,000 bond the owner had posted. It's unlikely the Department will be able to recover the full \$15,000 because much of the property put up as collateral may not be worth the value assigned to it.

- Exemptions allow violators to keep certain property necessary to maintain their livelihood (such as vehicles or farm land) and personal items (such as tools and jewelry).
- Department officials said most violators don't have any "real property" that falls outside the exemptions, such as rental property or land that isn't farmed.

Using the Department of Administration's Debt Set-off Program

- The Set-Off Program would allow the State to withhold any State refund that's owed to a pet breeding facility in order to "set-off" the money the facility owes the Animal Facility Inspection Program.
- Program officials have only used the Set-Off Program since November 2001, and haven't collected any money yet.

Garnishing Wages

- The violator's employer is required to set aside a certain percentage of the employee's income to satisfy the debt.
- A drawback is that garnishment can only take place if the individual is employed.
- Department officials said many violators are unemployed, or self-employed with inadequate documentation of income, thereby preventing garnishment proceedings.

We Identified 2 Other Approaches the Department Could Use To Try To Recover the Costs of Caring for Seized Animals

During this audit, we contacted officials in several nearby states to determine how they handle these types of cases. We also consulted with the Revisor of Statutes Office to determine whether similar situations existed in other departments or programs in Kansas, and if so, what other statutory protections existed.

Although there could be a number of variations, we identified two general options the State could use to better protect the Program from bearing these costs:

- giving the Department the authority to require owners to post a cash bond when animals are seized
- creating a special fund to pay costs, which would be financed through an assessment against all licensed breeders

Colorado and Missouri currently require owners to post a cash bond to help ensure that the state doesn't bear the cost of caring for seized animals. We contacted officials in Colorado, Nebraska, Oklahoma, Missouri, and Iowa to determine how they handle the seizure of animals from animal breeders, and how they are able to ensure the state doesn't bear the costs of caring for those animals. As described in the table on the next page, only Colorado and Missouri have statutory provisions that would have protected their regulatory agencies in a case like the Marion County case.

An important point: in either state, if the owner doesn't post a bond for whatever reason, the state is given custody of the animals and can sell, adopt out, or euthanize them.

Requiring a cash bond ensures that the money can be recovered, no matter how long the case goes on. It also ensures that, if the owner doesn't take responsibility for the costs of care, the animals become the property of the state and can be disposed of appropriately. These provisions would protect the Department in cases like the Marion County one where the judge required and accepted cash and property bonds that didn't cover the state's costs.

Statutory Provisions in Colorado and Missouri For Recovering Costs Associated With Caring for and Boarding Seized Animals

Colorado	Colorado law requires the owner of seized animals to post a cash bond covering 30 days of care, effective the day of the seizure. The amount of the bond is based on an estimated daily boarding rate. At the end of 30 days, the owner can elect to post an additional 30-day bond. If not, regulatory officials may determine the disposition of the animals, unless there is a court order prohibiting disposition.
Missouri	Missouri requires owners of seized animals to post a bond to cover the care of the animals for 30 days. By statute, it can be cash or other securities, but according to the officials we talked to, in practice it has always been cash. If a court order prohibits the disposition of the animals at the end of the time period for which expenses are covered, the court order must provide for an additional bond in the amount necessary to protect the state from any cost of care or disposal of the animals.

Creating a special fund financed by pet breeders to pay for the “unrecoverable” costs of caring for seized animals would spread the costs among all licensees. The Legislature could establish a fund that’s financed by assessments against all pet animal breeders, cap it at a certain level, and authorize the Department to collect fees from each of its licensees until that overall cap was reached. Once the maximum was reached the fees would be discontinued, and would be reimposed only when the balance in the fund needed to be replenished.

This general concept has been used in several industries within the State. For example:

- The Real Estate Commission administers the Real Estate Recovery Revolving Fund, which was created to reimburse people who suffer monetary damage because of actions committed by any real estate broker or salesperson in connection with a real estate transaction in Kansas. If the balance in the Fund drops below \$100,000, each broker is assessed \$10 and each salesperson is assessed \$5 to replenish it.
- The Kansas Life and Health Insurance Guaranty Association, which was created by statute in 1972, provides coverage for insurance companies doing business in the State. The Association is funded by fees insurance companies pay. In the event an insurance company becomes insolvent, the Association covers its financial obligations.
- The Health Care Stabilization Fund was created by the Legislature to provide excess professional liability coverage for Kansas health care providers. This fund covers health care providers in the event of a situation that goes beyond what their regular liability insurance will cover. It is financed by fees paid by health care providers.

This approach would help ensure that money is available to cover the State’s costs of boarding and caring for seized animals.

However, it also forces those who run good facilities to pay for the costs of those who don't operate facilities that comply with the laws and regulations. Program staff also would have to administer the Fund.

Conclusion The Department has spent nearly \$80,000 to care for and board seized animals over the past 5 fiscal years, but has recovered only \$5,500 of that amount. In most cases, the Department hasn't been able to collect more money from owners through the options currently available to it—garnishing wages, filing liens, or using debt set-off. The Legislature could remedy this situation, and protect the State in extraordinary cases—such as the one in Marion County—by amending the law to authorize one or both options we've presented in this report: requiring owners to post a cash bond, or creating a special fund financed by assessments against pet breeders.

Recommendations To help ensure that the State can recover the costs of caring for seized animals, the Legislative Post Audit Committee should consider introducing legislation requiring owners to post a cash bond—as Colorado and Missouri have done—or creating a special fund financed by assessments against pet breeders.

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
www.accesskansas.org/kaahd

March 17, 2003

Chairman Johnson and Members of the Committee:

The Kansas Animal Health Department supports SB 46.

This bill amends the Kansas Pet Animal Act, 47-1701 *et seq.*. This act regulates dog and cat breeders, pet shops, pounds and shelters, rescues, individuals maintaining 20 or more dogs and or cats, or both, animal distributors, research facilities and boarding and training facilities.

K.S.A. 47-1707 and K.S.A. 47-1709 require the Animal Health Department to seize and impound animals on a licensee's premise, or the premise of someone required to be licensed under the Pet Animal Act, if the commissioner has reasonable grounds to assume the health, safety or welfare of animals in such person's possession, custody or care is endangered.

The statute provides that the cost of care and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person was found to be in violation of the Kansas pet animal act or any rules and regulations adopted hereunder. If the person is not found to be in violation, the commissioner shall pay the costs of care and impoundment.

SB 46 was generated in response to a 2002 performance audit conducted by the Legislative Division of Post Audit. One of the recommendations by Post Audit was for legislation to be introduced requiring owners to post a bond for the cost of care of the animals. Legislative Post Audit referred the matter to the Judicial Council who in turn proposed the bill.

During the past two fiscal years, the Department incurred a total of \$75,562.63 in boarding costs and \$7,572.55 in veterinary costs for the care and keeping of animals seized pursuant to the statute. All of the monies were expended from the Animal Dealer Fee Fund. Due to the financial constraints of the individuals or facilities whose animals are seized this money is generally not recoverable. Nevertheless, the Department routinely files an administrative petition for violations of the Kansas Pet Animal Act. Any fines recovered go directly to the State General Fund.

During a normal year, we spend between \$5,000 and \$10,000 per year to care for seized animals. Two years ago, the Department seized 138 dogs from an unlicensed kennel in Marion. Because of extended litigation the Department spent over \$60,000 for boarding and veterinary care on this one case. The District Court had ordered that the respondents post a bond – of \$15,000. The Judge allowed them to put up a \$5,000 cash bond and \$10,000 personal property bond. We did recover the \$5,000 and we now possess some of the property. Whether the property has any value is questionable.

Thank you for the opportunity to testify on this bill. We request that you pass SB 46 favorably.

Debra Duncan, Director
Animal Facilities Inspection Program
Kansas Animal Health Department

House Agriculture Committee
March 17, 2003
Attachment 4

FUND/ACCOUNT NAME AND NUMBER		FY 2001 ACTUAL	FY 2002 ACTUAL	FY 2003 REVISED ESTIMATE	FY 2004	FY 2005
ANIMAL DEALER FEE FUND	2207-00					
ADD:						
Balance Forward	20	277,118	255,557	217,706	126,838	57,585
RECEIPTS NAME AND NUMBER						
Charges – clerical issue certificates	2040	0	0	0	0	0
Licenses	2111	202,111	193,246	180,000	185,000	185,000
Small Animal Health Certificates	2220	3,642	3,144	3,000	3,000	3,000
misc.	6211	591	5,435	0	0	0
SUBTOTAL RECEIPTS		206,344	201,825	183,000	188,000	188,000
TOTAL AVAILABLE		483,462	457,382	400,706	314,838	245,585
SUBTRACT:						
Transfer Out	70	0	-396			
Balance Forward	90	255,467	217,706	126,838	57,585	(4,415)
Nonreportable Expenditures	100					
TOTAL EXPENDITURES		227,995	239,280	273,868	257,253	250,000

EXAMPLES OF HEALTH, SAFETY OR WELFARE ISSUES:





carpeted floor – dogs loose in house



Untreated wounds, no food, no water



8 live and one dead cat(s). Locked in room. Door had to be forcibly pushed open. Feces on carpet

Senate Bill No. 46
OPPOSED

March 17, 2003

Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

I am Sam Mosshart of Protection, Kansas. I have been raising dogs since 1985. I am USDA and KAHD licensed. My phone # 620- 622-4431.

Licensed professional dog breeders of Kansas have been singled out by SB 46. We have had a long term concern for and commitment to the welfare, humane treatment, and care of animals. Consequently, we must provide true and accurate information for the legislature and general public concerning the well being of our animals and the intent of the agency to steal private property without due process.

Recent events have shown that this may no longer be the rule in Kansas.

SB 46 by the Committee on Ways and Means is an act concerning seizure and impounding of private property – dogs. They have the means; they will make a way. This bill -in and of itself- is an example of a government agency's attempt to create a cash flow to justify its existence and perpetuating government jobs that allow the individuals to carry out their personal agenda.

The unreasonable demands that bond be posted in cash creates a major obstacle for most people.

The owner of the seized personal property does not even have the right to be notified prior to, during, or after the theft of the animals. A notice left on the private personal property is the most an agent has to do.

Despite excessive cash, the animals seized or stolen may be destroyed at any time by the decision of an untrained layperson that may have their own agenda. The owners are not even allowed to have a licensed veterinarian examine, diagnose and treat his own animals. An unlicensed, untrained pound person will be allowed to practice veterinary medicine without a license by declaring an animal unfit to live.

Under KSA 47-616, the owners of animals killed by order of the commissioner are paid for the value of the lost personal property.

KSA 79-1301 states that "dogs shall be considered personal property and have all the rights and privileges".

SB 46 references KSA 47-1706, 47-1707, and 47-1715 with regards to seizure or impounded animals.

47-1706 states that when the agency denies or revokes a license, the agency shall take the animals, if the "animal's health, safety or welfare is endangered."

47-1707 states when the agency "has reasonable grounds" that someone should have a license, but do not; the agency will take the animals from that owner.

47-1715 also states that the agency shall seize and impound private property.

In any and all of these sections, it NEVER states what "reasonable grounds" or "health, safety or welfare endangerment" is. The one reference is to the USDA's animal welfare act, which clearly states these items.

In all of the already committed crimes against personal property, I have yet to hear of the agency ONCE contacting the owner's licensed veterinarian regarding the care of the animals in question. The law clearly states that each facility must have a veterinarian of record and provide health care. The veterinarian is highly trained in detecting neglect, inhumane treatment, and poor management. But the agency

believes it is able to practice veterinary medicine without a license and con~~cern~~cern owners, steal their personal property, take their money, and leave the individual with no resource.

March 17, 2003

Honorable Legislator
Topeka, Ks

Ref: SB 46 Opposed

I am opposed to SB 46 for the following reasons.

-I see no need for another law to be passed that would supersede two laws that are already passed.

-I believe that this would allow for further "Gestapo" means to be used by the inspectors. (They need no more leverage to scar animal owners)

I would like to expound on these issues in verbal testimony.

I would also like to mention that I'm in fear of retaliation directly or indirectly do to my testimony.

Respectfully.

Eric E Krug
9727 Kay DR.
Leon, Ks 67074
316-742-9949

Re: SB 257 OPPOSED

Kansas Legislature:

I do not believe that we in the business do not need more laws on the books or an increase in license fees. Thank you

Phyllis Sheehart

2056 12th Road

Clay Center, Mo. 67432

PH. 785-485-2593

RE: SB257 OPPOSED

The Dog Kennels and
 Pet breeders ~~do~~ do not
 need more regulations or increased
 fees. More of this helps
 put more of us out of
 Business. This is a
 Business, that Nation wide
 caused Hundred of millions
 of dollars to change hands.
 It also also Pays State
 and Federal Taxes.

Sincerely,
 Bill Sherbert 67432
 2056 12th St. Road Clay Center Kansas

Senate Bill No. 46
OPPOSED

March 17, 2003

Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

In writing this letter I pray the Legislators of Kansas will understand the implications to Kansas animal breeders and owners. Please keep in mind that many dog breeders in the state of Kansas breed dogs as their only income, are stay at home mom's or as a second income so their families can make ends meet.

If bill 46 is passed the accused owners will have to scrape up CASH to save their property from disposal. A kennel owner will be hard pressed scrambling to achieve this feat. You need to keep in mind the property you are seizing is their livelihood. Using 20 dogs as a figure conservitly at \$10.00 a day, it could possibly be more, since the cost per day is not stated in the bill, and many kennels have more than 20 dogs, it would come to \$6,000.00 per month. I ask you how many stay at home Mom's have this kind of cash lying around? How many cases are settled in 30 days? In 60 days the cost to save your property becomes \$12,000, more than the dogs' worth. To save what is left of ones life after a seizure it would be easier to relinquish your property not fight. Please keep in mind The Kansas Animal Pet Act is administrative law and an attorney is not provided for the accused...just one more hurdle for the accused to leap over.

The animals being seized are property and evidence and should not be disposed of if the owner does not have the financial means to pay the State to care for them while in the states possession. The bill does not state if monies for the care of the property will be returned to the accused if the accused is found not guilty. K.S.A. 21-4311 already states procedure for seized animals.

Do we need a statute, which is unfair, vaguely written and already covered in the K.S.A. statutes? Passage of this bill would give KAHD free rein without consequences for their actions or recourse for the accused.

Sincerely,

Theresa Lange
Please accept this as my legal signature.
1076 W. 120th Ave. N
Conway Springs, KS 67031
316-258-9545
620-456-3192

3-16-03

I am opposed to Senate Bill 46.
If the State want my dog they should
be able to take care of them and
Licencing Kennels K

William J. Sater

Jerry Rodger
620 624 4903
Liberal, KS

OPPOSED

March 13, 2003

Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

I am Rebecca Mosshart of Nashville, Kansas. A professional dog breeder since 1981, being USDA licensed since 1985 and State licensed since the inception of state licensing. Phone # 246-5384.

A large percent of the licensed professional breeders are located on family farms, or are part of the income for a retired couple or maybe enable a young mother to be a stay-at-home mom. The kennel business is one of the few extra income opportunities that are available for these folks. There are a significant number of show and hobby breeders in the state, who have spent years trying to breed and raise the "perfect" dog for a specific breed. Usually the whole family is involved in the business in some way or another.

The pet industry supports a wide variety of businesses in rural and small town Kansas. Veterinarians, feed suppliers, pet stores, pet equipment suppliers and manufactures, utility companies, insurance providers, transportation providers, etc.

If I understand SB 46 correctly, it would require the animal owner or person who was in possession of the animal being seized, to post a *cash* bond to cover the cost of holding those animals for at least 30 days in advance. And that is just so their property isn't disposed of while they try to organize and defend themselves against the charges.

According to the KAHD, the average cost of boarding a dog in the state of Kansas is about \$10.00 per head per day. There is no provision in SB 46 that indicates how the dollar amount of the cash bond would be determined.

Using the \$10.00 per head per day number, for a kennel of 50 dogs this would be \$15,000 dollars for a *30-day period!* The average person doesn't have that kind of money readily accessible to them! Besides, how often does a case move through the legal system in one 30-day period?

There are already laws written, and well defined, which cover cruelty and subsequent seizure. Cruelty to animals is defined by K.S.A. 21-4310.

In K.S.A. 21-4311 it defines when animals can be seized, how disposition of the animals is handled, and that expenses incurred for the care, treatment or boarding of any animal, taken into custody, pending prosecution, shall be assessed to the owner as a cost of the case *if the owner or custodian is found guilty of the crime.*

Why do we need yet another law stating basically the same things, but written much more vaguely? If the accused is found innocent of any crime, do they get their money back? What exactly are the grounds for seizure of someone's animals? If the animals are not in immediate danger, why not revoke their license and shut them down or they would be in violation of the law? This would enable them to dispose of their animals (private property), whether it be through sale, given away or handed over to KAHD.

You know, KAHD could legally harass a lot of folks or even put them out of business, just by accusing them, and then dragging their heels through the legal system. Especially if they knew there was no chance of it hitting their budget!

March 15, 2002

Dan Johnson, Chairman	426-S	296-7639
Larry Powell, Vice Chairman	182-W	296-7694
Dan Trineach, Ranking Minority	278-W	296-7680
Mary Compton	110-S	296-7632
Barbara Craft	181-W	296-7652
Don Dahl	156-E	296-7659
John Fabea	181-W	296-7500
Bill Feuorborn	273-W	296-7697
Joann Freeborn	155-E	296-7645
Doug Gatewood	302-S	296-7686
William Kasselbaum	155-E	296-7653
Bruce Larkin	272-W	296-7643
Bill Light	175-W	296-7616
James Miller	273-W	296-7697
Sharon Schwartz	110-S	296-
Judy Showalter	273-W	296-87648

RE: Senate Bill No. 46

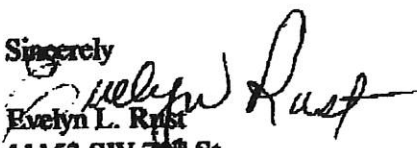
I am opposed to Senate Bill No. 46 as it has been presented. It is too vague.

I would be interested in knowing:

- How much would the cash bond be (is it to be the same in all cases, or according to each situation).
- Why does it have to be a cash bond?
- What is the daily fee for boarding/care of the animal(s) and how is that determined?
- What type of facility are these animals to be held in? Is it a licensed VET facility, or a licensed humane society facility?
- What are the criteria for seizing the animal in the first place? Are these non-licensed facilities have refused to get a license when required, or are they facilities that are licensed and have regularly been inspected and just out of compliance for some reason. Have these facilities been given ample time to correct the problems??

I would sincerely hope that you carefully consider these items before you cast your vote. That is what the voters are trusting you to do.

Sincerely


Evelyn L. Rust
11153 SW 70th St.
Angusta, KS 67010
316-775-6064

LouJean Kennel
John L. and Venettia Maddux
8888 SE Highway 54
El Dorado, KS 67042-8777
Phone (316) 321-6841

To the House Agricultural Committee

Re: SB 46

We strongly oppose Senate Bill 46. We believe people should have 30 days to clean up the facility or sell their dogs. We do not believe the State should seize a person's property and merely give it away. There should be an attempt by the State to sell the animals, apply funds to the dogs' upkeep and care and give any excess back to the owner.

We would like to see an amendment made to the Kansas Pet Animal Act that people who have a USDA license and are being inspected, be exempt from additional inspections from the State. This will allow the State inspector to spend more time on those facilities that are licensed only by the State or unlicensed facilities when they become known. This would also save money by lessening the need for more State inspectors.

I think both USDA and State inspectors do a good and thorough job. To substantiate this, we have attached copies of our inspections for the last 2 or 3 years.

John L. Maddux

Venettia Maddux



INSPECTION REPORT

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

Site

48-A-1356
13 Feb. 2001
9:30 AM
Routine

NARRATIVE

34 adult dogs+ 14 puppies= 48 total


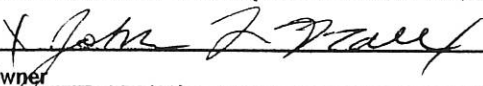
Last inspection: 25 July 2000

Kendall Lundy, ACI and John Maddux, owner conducted this routine inspection on 13 Feb. 2001.

CATEGORY III: Non-compliant item(s) identified this inspection:

Section 3.1(a) - Structure/construction. Housing facilities for dogs/cats must be kept in good repair and designed, constructed, and maintained so that the animals are secured, contained, and protected from injury. There is an old section of electric fence down in one enclosure. This shall be repaired or removed. Correct by 13 March 2001.

Section 3.4(b)(1)- Shelters shall provide the dogs and cats with adequate protection and shelter from the cold and heat. One dog shelter has lost it's door flap. This shall be repaired so the shelter provides protection from the elements. Correct by 20 Feb. 2001.

Prepared By: 
Title: Kendall Lundy, Animal Care Inspector, USDA, APHIS, Animal Care
Copy Received By: 
Title: Owner

Date: 13 Feb. 2001
LARIS ID: 4015
Date: 13 Feb. 2001



INSPECTION REPORT

JOHN & VENETTIA MADDUX
LOU-JEAN KENNEL

8888 SE HWY 54
EL DORADO, KS 67042

Customer ID: 6119

Certificate: 48-A-1356

Site: 001

LOU-JEAN KENNEL

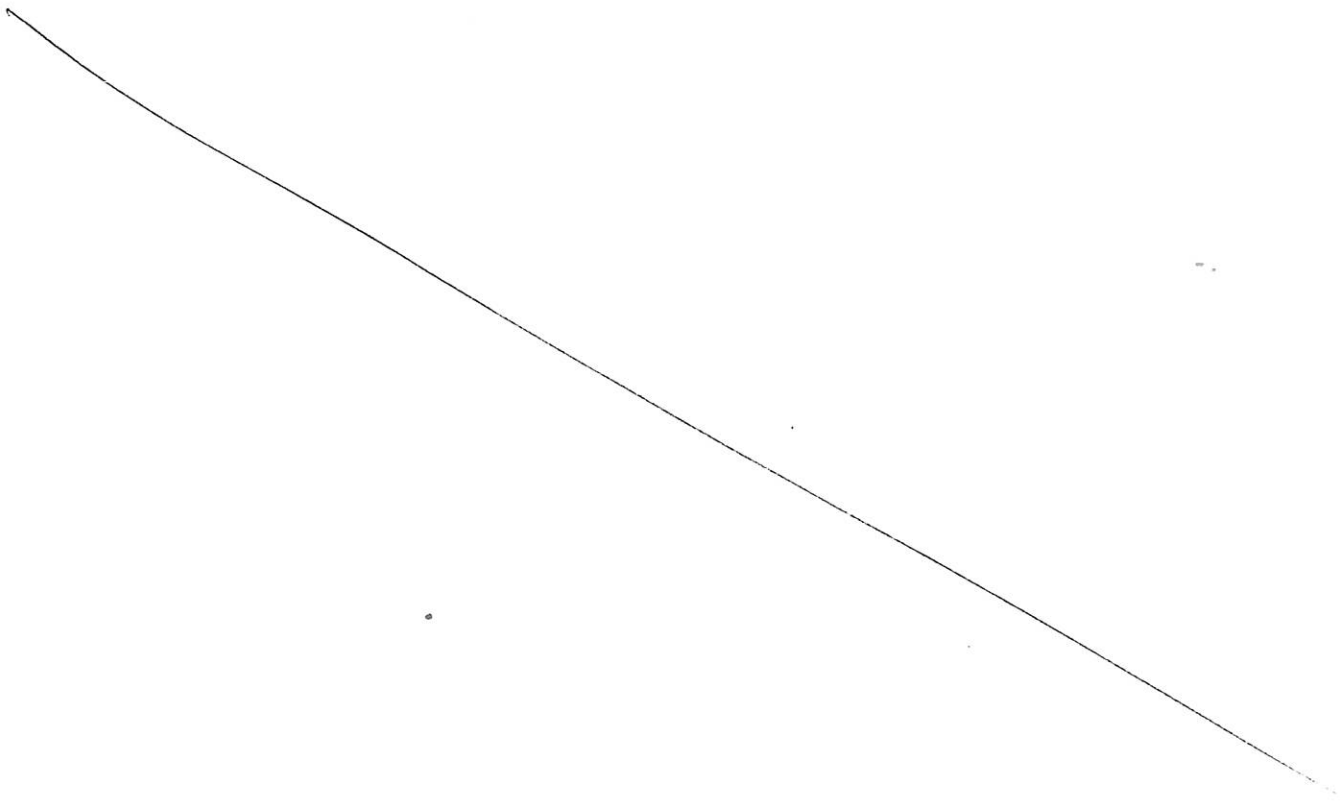
Inspection

Type: ROUTINE INSPECTION

Date: AUG-06-2001

Kendall Lundy, ACI and John Maddux, owner conducted this routine inspection on 6 Aug. 2001 of 27 adult dogs and 20 puppies at 10:00 AM. Last inspection: 13 Feb. 2001.

No non-compliant items identified on this inspection date.



Prepared By:

KENDALL LUNDY, ACI, USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR, Inspector ID: 4015

Date:

AUG-06-2001

Received By:

JOHN MADDUX

Date:

AUG-06-2001

Title: OWNER



INSPECTION REPORT

JOHN & VENETTIA MADDUX
LOU-JEAN KENNEL

Customer ID: 6119
Certificate: 48-A-1356

8888 SE HWY 54
EL DORADO, KS 67042

Site: 001
LOU-JEAN KENNEL

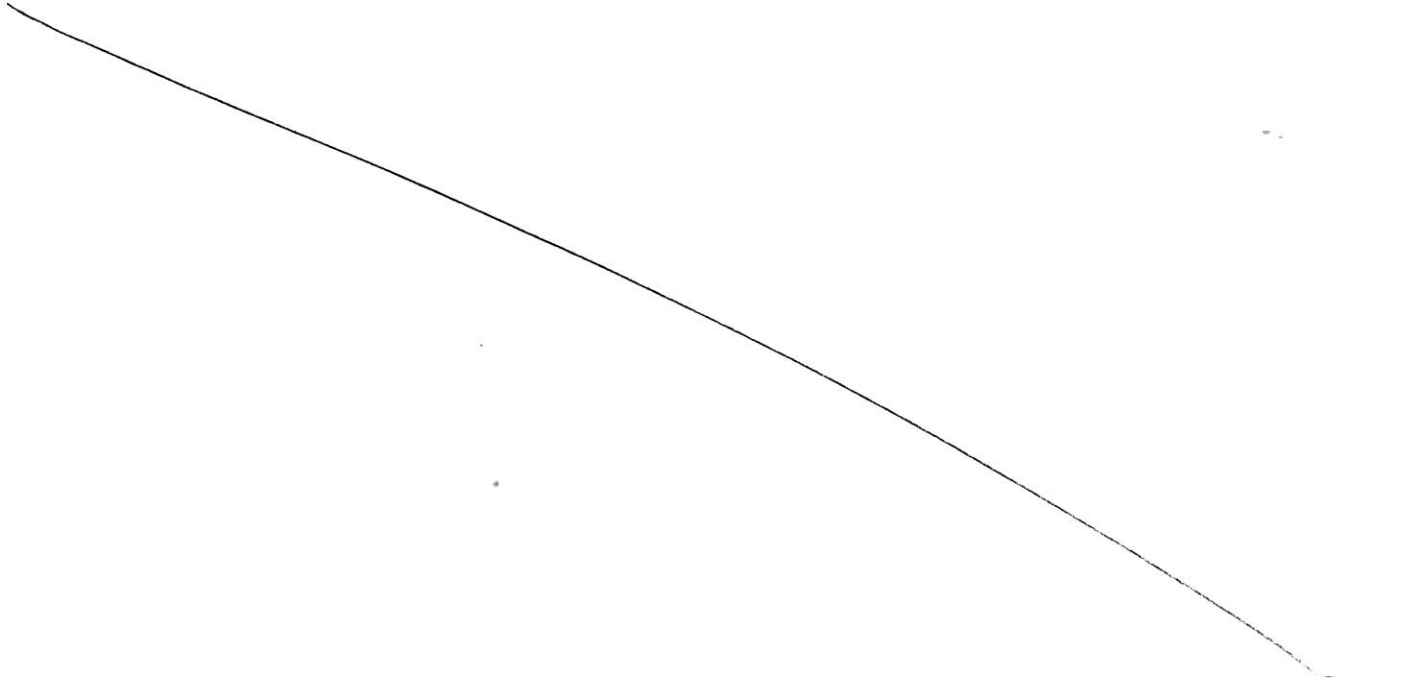
Inspection
Type: ROUTINE INSPECTION
Date: JUN-24-2002

3.1 (c) (1) (i)

HOUSING FACILITIES, GENERAL.

Section 3.1(c)(1)(i) - Surfaces. Surfaces that come in contact with dogs and cats must be free of excessive rust. Two metal shades are rusted along the bottoms. These shall be repaired or replaced. Correct by 24 July 2002.

Kendall Lundy, ACI and John Maddux, owner conducted this routine inspection of 39 adult dogs and 16 puppies on 24 June 2002 at 9:30AM. Last inspection: 6 Aug. 2001.



Prepared By:

[Signature]

KENDALL LUNDY, ACI, USDA, APHIS, Animal Care

Date:

JUN-24-2002

Title: ANIMAL CARE INSPECTOR, Inspector ID: 4015

Received By:

[Signature]

JOHN MADDUX

Date:

JUN-24-2002

Title: OWNER



INSPECTION REPORT

JOHN & VENETTIA MADDUX
LOU-JEAN KENNEL

Customer ID: 6119
Certificate: 48-A-1356

8888 SE HWY 54
EL DORADO, KS 67042

Site: 001
LOU-JEAN KENNEL

Inspection
Type: ROUTINE INSPECTION
Date: JAN-15-2003

Kendall Lundy, ACI and John Maddux, owner conducted this routine inspection of 36 adult dogs and 20 puppies on 15 Jan. 2003 at 9:30AM. Last inspection: 24 June 2002.

No non-compliant items were identified on this inspection date.

Prepared By:

KENDALL LUNDY, ACI , USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR , Inspector ID: 4015

Date:
JAN-15-2003

Received By:

JOHN MADDUX

Title: OWNER

Date:
JAN-15-2003

CA-

Date 4-25-01 Time 8:30 am

STATE OF KANSAS PET ANIMAL PREMISE INSPECTION

Routine | Initial

U.S.D.A. # 48-A 1356 Expires 12-6-01

| Complaint | |

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

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

NAME Maddux, John FACILITY NAME Lou Jean Kennel
 ADDRESS 8888 SE Hwy 54 PHONE (316) 321-6841
 CITY El Dorado COUNTY Butler ZIP 67042

PERSON INTERVIEWED Same HOURS AVAILABLE 7-10 am After 5pm

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

HEALTH & HUSBANDRY

16) FEEDING:				
17) WATERING:				
18) CLEANING:				
19) HOUSEKEEPING:				
20) PEST CONTROL:				
21) ANIMAL APPEARANCE:				
22) EXERCISE:				
23) *IDENTIFICATION: <u>chip</u>				
24) *VET CARE PROGRAM: <u>USDA</u> VETERINARIAN: <u>DVM Bigelow</u>				
25) *EUTHANASIA <u>vet</u> 26) *SPAY/NEUTER DEPOSIT <u>vet</u>				

RECORDS: not requested SELLS TO:

NUMBER ON HAND: adults (dog) 39 (cats) 0 litters /# (dog) 3 1 6 (cat) 0
 birds 0 reptile/amph 0 sm furry 0 exotic 0 pocket 0 other 0

BREEDS: JR 18 Dach 4 Carin 5 Westie 4
Bichen 4 Fox 4

REMARKS

Signature John Maddux

Inspector [Signature]

PASS | FAIL

7.13

CA-5 ()

Date 3-13-02 Time 10 am

18-A

USDA # 1356 Expires _____

STATE OF KANSAS

PET ANIMAL

PREMISE INSPECTION

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

Routine

Initial

Complaint

Re-inspection

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

NAME Maddox, John FACILITY NAME Lou Jean Kennel

ADDRESS 8888 SE Hwy 54 PHONE (316) 321-6841

CITY SI Daredo COUNTY BU ZIP 67012 D/H AVAIL M-F 9-12

ANIMALS BREED: Jack Russell adults _____ litters _____ # _____ BREED: Bichon adults _____ litters _____ # _____
ON BREED: Dach adults _____ litters _____ # _____ BREED: Fox adults _____ litters _____ # _____
HAND BREED: Carin adults _____ litters _____ # _____ BREED: _____ adults _____ litters _____ # _____
BREED: Westie adults _____ litters _____ # _____ BREED: _____ adults _____ litters _____ # _____
birds _____ reptile/amph _____ sm furry _____ exotic _____ pocket _____ other _____

FACILITIES	INDOOR	SHELTERED	OUTDOOR
------------	--------	-----------	---------

1) CONSTRUCTION			
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:			

HEALTH & HUSBANDRY

16) FEEDING:			
17) WATERING:			
18) CLEANING:			
19) HOUSEKEEPING:			
20) PEST CONTROL:			
21) ANIMAL APPEARANCE:			
22) EXERCISE:			
23) *IDENTIFICATION:			

24) *VET CARE PROGRAM: USDA VETERINARIAN: DVM J. Bigelow

25) *EUTHANASIA: Vet 26) *SPAY/NEUTER DEPOSIT: n/a

RECORDS: Mett's SELLS TO: Broker

Signature John Maddox

Inspector [Signature]

PASS

FAIL

7-14

Senate Bill 46 – Seizure and Impoundment

Opposed

I am opposed to SB46 because people shouldn't have to mortgage everything just to protect their property from seizure, especially a pet. There is no provision in SB46 for accused parties to recover their money when proven innocent and are meeting guidelines and requirements.

I think this should be left for local governments to decide!!!

Sincerely

Duane Mosshart

Duane Mosshart

202 E. Maple

Protection, KS 67127

(620) 622-4048

Senate Bill 46 – Seizure and Impoundment

Opposed

I am opposed to SB 46 because the accused shouldn't have to mortgage every-thing in their life just to protect their property from seizure. There is no provision in SB 46 for the accused to recover their money when proven innocent. I think if there is a problem it should be left to the city & the local government to decide!!

Sincerely,
Joyce Huls
P.O. Box 114
Protection, K.S. 67127
(620) 622-4848

TO WHOM IT MAY CONCERN

FROM: Martha Bartels, Marysville ks.

BILL 46 , NOT WROTE CLEARLY,PLEASE VOTE NO
GOD BLESS AMERICA. THIS IS WHAT OUR CHILDEN ARE GURDING .THE
TERRORIST ARE HERE AT HOME.

BILL 46 ,WILL ALLOW KAHD TO HARASS THE PEOPLE OF KANSAS AND
TERRIFIE OLD PEOPLE, AND ,CHILDEN. THEY HOLD PEOPLE FOR
HOURS.THIS IS JUST ANOTHER WAY TO GET MORE MONEY.

THERE ARE LAWS ,THAT ARE MORE CLEAR.

K.S.A. 214310 CRULTY AND SIEZER. K.S.A. 214311, WHEN AN ANIMAL CAN
BE SIEZED.

DISPOSITION OF THE ANIMALS, EXPENES INCURRED.

K.S.A.47-1706 WHEN THE AGENCY DENIES OR REVOKES A LI NCENS, SHALL
TAKE THE ANIMAL, IF THE ANIMAL HEALTH, SAFTY OR WELFARE IS
ENDANGERED.

47-1707 HAS REASONABLE GROUNDS SHOULD HAVE A LICIENSE, BUT DOES
NOT. THE AGENCY WILL TAKE THE ANIMAL.

K.S.A. 47-1715 THE AGENCY SHALL SEIZE AND IMPOUND PRIVATE
PROPERTY.

KAHD THEATENS, STEALS AND HARASS THE PEOPLE OF KANSAS. I STAND
BY ARTICLE 4 THE CONSTITUTION OF AMERICA.THE RIGHTS OF THE
PEOPLE TO SECURE IN THEIR PERSONS, HOMES, PAPERS AND EFFECTS,
AGAINST UNREASONABLE, SEARCHES AND SEIZERS SHALL NOT BE
VIOLATED AND NO WARRANTS SHALL BE ISSUE, BUT UPON PROBABLE
CAUSE, SUPPORTED BY OATH OR AFFIMATION AND PARTICULARLY
DESCULARLY DESCRIBING THE PLACE TO BE SEARD, AND THE PERSONS
OR THINGS TO BE SEIZED.”

MANY FARMERS ARE RAISING DOGS TO HELP THERE INCOME .I HOPE YOU
CAN HEAR WHAT WE ARE SAYING KAHD HAS CLOSE TIES TO ANIMAL
RIGHTS ORGANIZATIONS SUCH AS PETA AND ALF,AND THE JUDICIAL
REVIEW BOARD.

Please Say NO
Martha Bartels
Marysville KS
3-16-03

MARGARET KERR

10340N.W.46 SILVER LAKE,
KANSAS

March 16, 2003

Representative:

Regards to S.B.46

I have owned a kennel in Kansas for almost 30 years. I am writing in opposition to S.B.46. This bill is just a way to make it easier for more confiscation, and killing of animals. I don't believe any of this is necessary. If kennel owners knew Debra Duncan, was going to fine them, and kill their dogs. They would sell their dogs and get out of business, or move to another state. This is the right of every American to sell their own property.. This is not what the Animal Health Department and the Humane Societies wants. They would rather confiscate, and kill them. This is the reason, I want U.S.D.A. kennels to be exempt from inspection, by the state of Kansas. U.S.D.A does not confiscate and kill at the drop of a hat. They work with the kennel owners, to help, not to put them out of business. All the state would have to do is tell kennel owners, clean up or get out. NO, they want the money from confiscations. This is just another way for the humane societies, to help put the kennel owners out of business, along with the help of the Animal Health Department.

I propose the U.S.D.A kennels not be inspected by the state. That the state picks up where U.S.D.A. leaves off, this, would save the state money. My federal inspector told me that, All inspections will be come more frequent. The federal government has plenty of money for inspection. The animal rights groups made sure of that. Problem kennels will be inspected as much as every 3 months. Non problem kennels twice a year. Brokers every 3 months. I do not think Debra Duncan, wants you to know that the federal government is doing a good job. This would put her job in jeopardy. Heaven forbid she could not confiscate and kill them. She has been showing pictures of a kennel that the animal health department confiscated. THIS IS NOT A U.S.D.A. KENNEL.

I am asking you give kennel owners, a fighting chance to survive. Help us get rid of Kansas inspection. We are being taxed, and over regulated to death. I mean that literally. Double inspections. When one is sufficient.

Double taxed, by fees and fines, that can be applied by both. Our 5,000 dollar dogs confiscated and killed. Our livelihood taken from us.

Then to top this all off, make us pay for room and board for these animals, that have been confiscated. Just maybe we will get them back. Maybe not. Maybe they will be killed, more than likely. Then fine us thousands of dollars. CAN THIS BE THE AMERICA OUR SONS AND DAUGHTERS ARE FIGHTING FOR?

*Sincerely
Margaret L. Kerr*

Senate Bill No. 46
OPPOSED

March 17, 2003

Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

RE: An act concerning the Kansas pet animal act; relating to seizure and impoundment of animals.

I am opposed to SB 46. There are already laws on the books which clearly define cruelty to animals; custody of animals; disposition; when there may be damages collected for killing seized animals; when expenses of care may be assessed to the owner of seized or impounded animals. Please refer to K.S.A. 21-4310 and K.S.A. 21-4311.

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With SB 46 the accused is heavily penalized before they even have a chance to defend themselves.

In America, the accused is presumed innocent until proven guilty! And the government does not seize personal property without a clearly, pre-defined law!

Marion J. Bayer

FB 620 532-2908

Kingman, Kansas

67068

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Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

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Adam N. Bayer
620 532 6683
Kingman, Kansas 67068

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March 17, 2003

Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

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*Russell L Williams 620-532-5390
Kingham Ks,*

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300 SW 10th Street
Topeka, KS 66612-1504

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Richard J. Rohling
620-672-5828
Pratt Kansas 67124

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OPPOSED

March 17, 2003

Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

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Connie Ford
620-246-5258
Nashville Ks. 67112

Senate Bill No. 46

OPPOSED

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Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

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Tom Ford
620-226-5254
Nashville Ks
67112

Senate Bill No. 46

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March 17, 2003

Honorable Legislator
300 SW 10th Street
Topeka, KS 66612-1504

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NED ALBERS
PRATT, KS
620-672-3483

Senate Bill No. 46

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300 SW 10th Street
Topeka, KS 66612-1504

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Doug Giffis

620-298-2380

CUNNINGHAM KS.

67035

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OPPOSED

March 17, 2003

Honorable Legislator
300 SW 10th Street
Topcka, KS 66612-1504

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Karen Eck
(420) 298-3230
Pratt Ks. 67124

Senate Bill No. 46

OPPOSED

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300 SW 10th Street
Topeka, KS 66612-1504

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Russell Eck
(420) 298-3230
Pratt Ks. 67124

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George Hageman
111 S Valley
Cunningham, Ks 67035

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300 SW 10th Street
Topeka, KS 66612-1504

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Pat Thi
620-298-4311
CUNNINGHAM, KS 67035

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300 SW 10th Street
Topeka, KS 66612-1504

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D. Th.

620-298-4311

CUNNINGHAM, KS 67035

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Leon Fischer

Cunningham, Ks. 67035

620 - 298-2433