

MINUTES OF THE SENATE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Mark Taddiken at 8:30 A.M. on March 15, 2005 in Room 423-S of the Capitol.

All members were present.

Committee staff present:

Raney Gilliland, Kansas Legislative Research
Amy VanHouse, Kansas Legislative Research
Lisa Montgomery, Office of Revisor of Statutes
Jacqui Jones, Committee Secretary

Conferees appearing before the committee:

Proponents:

Debra Duncan, Director, Animal Facility Inspection Program, Kansas Animal Health Department (KAHD)
Betty Westhoff, Kansas Pet Profession, Inc.
Betty Westhoff for Laura Morland, Girard Animal Hospital
Chuck Westhoff, Kennel Owner, St. Paul, Kansas
Dorothy Brecheisen, President, Kansas Pet Professionals
Midge Grimstead, Executive Director, Lawrence Humane Society
Opal Featherston, Royale Kennel Owner/Operator, Whiting, KS.
Becky Blaes, Chairman, Kansas Pet Animal Advisory Board (written)
Sharon Munk, BJ's & Guys, Breeder (written)
Loren Pachta, General Manager, Lambriar, Incorporated (written)
Marie & Robert Pepper, Pepper Kennels, Owners (written)
JoAnn Stuchlik, Marion, KS (written)
Karen Billington, St. Paul, KS (written)
Twila Wagner, St. Paul, KS (written)

Opponents:

Ed Rarden, Kansas Federation of Animal Owners for Marlene Aurand, Salina, KS - Kennel Owner
Sam Mosshart, President, Kansas Federation of Animal Owners (KFAO)
Rebecca Mosshart, Member (KFAO) (written)
Venettia Maddux, Kennel Owner/Breeder, El Dorado, KS
Karole Lindgren (written)

Others attending:

See attached list.

Chairman Taddiken advised the Committee that minutes of March 8 and 9, 2005 would be up for approval at the end of the meeting. The Chairman asked the Committee to hold questions until the end of the hearing, in the interest of time.

Hearings were opened on:

SB-288 - Kansas pet animal act, rules and regulations, fees and limitation on expenditures

Chairman Taddiken invited Debra Duncan, Director of Animal Facility Inspection Program, (KAHD) to testify before the Committee in support of **SB-288**. Ms. Duncan explained that the bill was essentially the same as that sent to the house floor from the House Agriculture Committee. The bill raises KAHD's fee cap which is the statutory maximum that can be charged for fees. The current fee cap has been in place for 14 years. Fees, with the exception of pounds and shelters have been at the statutory maximum for nine years. A listing of license categories and fee caps were referred to in written testimony, submitted to the Committee, setting out the current fee cap and that of the fee cap after **SB-288** (Attachment 1).

The Director assured members of the Committee that no public monies will be expended by the agency for meetings that are not directly related to the administration of the facility inspection program.

CONTINUATION SHEET

MINUTES OF THE Senate Agriculture Committee at 8:30 A.M. on March 15, 2005 in Room 423-S of the Capitol.

Ms. Duncan stated that if the program is to continue, there needs to be a fee increase. A top priority, if **SB-288** is approved, would be to hire an inspector in western Kansas.

The Director referred to a history of the Kansas Pet Animal Act as outlined in *Kansas Pet Animal News*, February 2005 issue, attached to her testimony. Charts outlining fee structures were also attached. A page from the *Animal and Plant Health Inspection Service, USDA* book was distributed to members of the Committee for information purposes, outlining Regulations in Part 2, Subpart A - Licensing, Section 2.1, and Part 3 - Standards.

Betty Westhoff, a kennel owner from St. Paul, KS testified in support of **SB-288**. Her kennel is always open to inspection and she is happy to know that **SB-288** will help fund the salary for a new inspector in Western Kansas (Attachment 2).

Betty Westhoff then read written testimony from Laura Morland, DVM, Girard Animal Hospital in support of **SB-288** (Attachment 3).

Charles (Chuck) Westhoff, St. Paul, KS testified in support of **SB-288** stating that the KAHD is doing a good job of running the inspection program to insure that the pet industry complies with the law (Attachment 4).

Dorothy Brecheisen testified in support of **SB-288**. She believes in the KAHD inspection program and testified that the industry has improved since the inception of the State program. She recognizes that funding is required for KAHD so the pet industry inspection program remains viable (Attachment 5).

Midge Grinstead, Executive Director of the Lawrence Humane Society gave testimony in support of **SB-288**. She said there has been a dramatic decrease in the number of cruelty and neglect cases in Douglas County since the inception of the KAHD program.

A 2004 survey sent out by the governor's Advisory board to shelters, pounds and rescue groups reflected favorably on the question of an increase in fees across the board for all licenses (Attachment 6).

Opal Featherston, kennel owner, testified in support of **SB-288**. She feels strongly that the survival of the Kansas pet industry is contingent upon the survival of the state inspection program. Licensed facility owners overwhelmingly are in favor of an increase in fees if this will ensure that the inspection program will continue (Attachment 7).

Becky Blaes, Kansas Pet Animal Advisory Board, sent in written testimony in support of **SB-288**. Ms. Blaes remarked that the State inspection program is now a model program for other states to emulate. She feels that the program should be adequately funded (Attachment 8).

Sharon Munk, kennel owner, sent in written testimony in support of **SB-288**. She asked that fees be raised according to the size of kennels. She said a good program will help to boost the state's economy (Attachment 9).

Loren Pacht, Lambriar, Inc., sent in written testimony in support of **SB-288**. His company is a licensed distributor of puppies purchased only from licensed professional breeders. He feels that the fee increase will help to assure the puppies from Kansas come from the best possible facilities. He stated that all facilities in the State of Kansas should be inspected, and passage of this bill will assure the program will continue (Attachment 10).

Marie and Robert Pepper, kennel owners, sent in written testimony in support of **SB-288**. Although they now live in Missouri, they operated a licensed facility in Kansas. They feel that Kansas maintains superior quality kennels because there is an inspection program in place (Attachment 11).

CONTINUATION SHEET

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Jo Ann Stuchlik sent in written testimony in support of **SB-288** (Attachment 12).

Karen Billington, St. Paul, KS, kennel worker, sent in written testimony in support of **SB-288**. She feels that by increasing fees, and assuring the inspection program is adequately funded, Kansas can be proud of the Pet Animal Industry (Attachment 13).

Twila Wagner, St. Paul, KS sent in written testimony supporting **SB-288**. She feels that the increase of fees is a very small amount compared to the good it will do to adequately fund KAHD and its inspection program (Attachment 14).

Ed Rarden, Kansas Federation of Animal Owners, read testimony by Marlene Aurand of Salina, KS, a small boarding kennel owner, in opposition to **SB-288**. She feels the increase in fees is unnecessary and there is no need for two inspectors. If USDA has a complaint then the state should be notified and then they could take action. (Attachment 15).

Sam Mosshart, kennel owner, testified in opposition to **SB-288**. He said now is not the time to provide KAHD with increased regulatory fee and authority (Attachment 16).

Becky Mosshart, breeder, presented written testimony in opposition to **SB-288** stating her reasons being the increased license cost, KAHD having increased power due to having access to the facilities animal records (Attachment 17).

A chart was attached to the testimony showing the results of a survey sent out to members of the Kansas Federation of Animal Owners showing that 89% did not believe KAHD needed an increase in funding.

Venettia Maddux, El Dorado, KS, presented testimony in opposition to **SB-288** on behalf of Venettia Maddux and her husband John who own a small dog breeding kennel. They felt that the doubling of fees charged by KAHD would hurt small breeders and distributors (Attachment 18). A chart was attached to her testimony showing the revenue generated by the current 471 licensed USDA facilities.

Karole Lindgren from Marion, KS presented testimony in opposition to **SB-288**. Her remarks stated that the increased fees for KAHD had not been recommended by the Governor or the budget committees. Her suggestion was that KAHD be absorbed by the Kansas Department of Agriculture who would then take over the programs KAHD provides. She did not feel that additional inspectors were needed. She had a concern about dual licensing and dual inspections (Attachment 19). Attached to Ms. Lindgren's testimony was a document entitled *Animal Protection Services Policy Statement*.

Chairman Taddiken closed the hearings on **SB-288**.

It was moved by Senator Francisco and seconded by Senator Morris that the minutes of March 8 and March 9 be approved. Motion carried.

The meeting adjourned at 9:30 a.m.

The next meeting of the Senate Agriculture Committee is scheduled for 8:30 a.m., March 16, 2005.

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/kahd

March 15, 2005

Senate Agriculture Committee

Chairman Taddiken and Members of the Committee:

My name is Debra Duncan and I am the Director of the Animal Facility Inspection Program for the Kansas Animal Health Department.

SB 288 is essentially the same bill that was sent to the house floor from the House Agriculture Committee. The bill raises our fee cap, i.e. the statutory maximum we can charge for fees. The current fee cap has been in place for 14 years. Fees, with the exception of pounds and shelters (which currently pay \$200), have been at the statutory maximum for 9 years.

The bill increases the fee caps for the following license categories:

	current fee cap	fee cap SB 288
USDA licensed breeder	150	300
retail breeder	300	600
hobby breeder	75	150
pound & shelter	300	600
research facility	150	300
boarding/training	75	150
USDA licensed pet shop	150	450
Pet shop	300	450
temp. closing permit	75	150
late fee	50	100

The reason for the 100% fee increase is because the bill requires the agency to establish categories of license and permit fees based upon the type of license, size of license or premises. To charge the small breeders a lesser amount, we have to be able to increase fees for the larger breeder to 100%. The bill also limits new revenue for each fiscal year to \$80,000.

Senate Agriculture Committee

Date 3-15-05

Attachment # 1

New section 3 states that no public moneys shall be expended by the agency for meetings except when the meetings are directly related to the administration of the facility inspection program. This amendment, which we do not object to, was added because of a belief by certain floor members that I use our fee funds to attend PETA meetings. Let me assure you that I have never been to, nor would I go to, a PETA meeting. Neither I nor my staff are animal activists. We are regulators who follow the statute and do what it tells us to do. We treat breeders and humane organizations alike and we try to be as fair as possible.

SB 288 is modeled after HB 2054. HB 2054, however, contained some language that was objected to by a small but vocal minority of breeders. That language has been removed with the exception of an amendment to K.S.A. 47-1712 of the Kansas Pet Animal Act. This amendment would allow the agency to adopt all regulations under the federal animal welfare act. Right now, the Department is limited to adopting sections 3.1 through 3.12 of the CFR which relate to the physical facility only. The amendment would allow us to adopt definitions and inspect for additional issues such as identification and humane care. We also would be allowed to look at records, which we want to do to locate unlicensed breeders.

Although I believe access to records, particularly distributor records, is very important we are willing to forgo this amendment if necessary. The bottom line is – if the program is to continue we need a fee increase.

Right now, because of budget shortfalls:

- We are holding open a western Kansas inspector position that became vacant when an inspector retired;
- we have not had a secretary in the office for over 2 years;
- we no longer inspect auctions and swap meets;
- we do not inspect boarding kennels except on application and complaint.
- we do risk-based inspections i.e., we try to focus on the problem licensees. Some of the USDA licensees, for instance, who always pass inspections, are inspected every 18 to 24 months.

Increasing our fees would allow us to assume most of our statutory duties and to hire a western Kansas inspector, which is a top priority.

Because SB 288 requires us to scale fees depending on size I am attaching a table that is an example of how we might accomplish this.

The bottom line is – we need funding and we need a western Kansas inspector. SB 288 would help accomplish this.

.I respectfully request that you pass SB 288 out of the Committee favorably. I am happy to answer any questions.

❖ Kansas Pet Animal News ❖

February 2005

Fun Fact:



Tia, a two year old Neapolitan Mastiff in Great Britain, is likely to have set a world record for both the largest litter and the most surviving puppies. Tia had 24 puppies; 20 survived. It was Tia's first litter.

KANSAS PET ANIMAL ACT

As many of you know, the Animal Facilities Inspection Program began 17 years ago, in 1988. The Act has an interesting history which is briefly summarized below:

1973 – Kansas began inspecting pounds and shelters of first class cities and pet shops.

1977 - Humane Society of the United States (HSUS) raided a *Columbus, Kansas* USDA licensed kennel that had been recently featured in an ABC-TV newscast reported by Roger Caras. The conditions were deplorable at the kennel.

1985 – A Humane Society of the United States documentary was filmed in Kansas. In the documentary, a breeder stated that she hadn't "checked out" her dogs or cleaned the facility for a week. Another was quoted as saying "it don't pay to take that sick pup to a vet – cheaper to let them die and take the loss."

1987 -

- the state veterinarian from Illinois contacted the Kansas Animal Health Department to notify Kansas that Illinois might have to

- embargo Kansas dogs from coming into their state.
- ill Kansas puppies were being quarantined in Connecticut. A reporter and camera person from a TV station in Hartford, Connecticut toured Kansas. Again conditions were poor.

1988 - H.B. 2219 established the regulation of the animal breeding and selling industry in Kansas. Representative Ginger Barr was instrumental in its passage.

I firmly believe that we should be the best." . "If we are going to export wheat, beef, airplanes or dogs we should have the best reputation" Representative Ginger Barr.

1990 - S.B. 776 established the Kansas Farm Animals and Research Facility Protection Act, which made it illegal to control or damage a research animal facility without the owner's consent; made it illegal to enter or remain concealed in a facility with the intent to damage the enterprise, and prohibited individuals from entering a facility with the intent to take pictures.

This bill was widely construed by the national press and the Humane Society of the United States to prevent humane societies and the media from uncovering and documenting "puppy mills" in the State of Kansas. Connie Chung, on a national broadcast of Face to Face, also noted that the bill took away the power to investigate and document cruelty to animals. This was

refuted by then Attorney General Robert Stephen. Attorney General Stephen wrote to Ms. Chung to express his opinion that the act applies only to animals used in food, fur, or fiber productions, agriculture, testing, or education at an animal facility. The controversy culminated in the summer of 1990 when a group of Californians advocating a boycott of Kansas puppies shipped 15,000 pounds of dog bones to Attorney General Bob Stephen and held a rally on the grounds of the Kansas Statehouse. At the same time, the California Legislature was debating bills to restrict the sale of Kansas dogs in their state. After the release of the Attorney General's opinion on S.B. 776, and the passage of some token legislation in California, the controversy died down.

1990 - the Humane Society of the United States announced a boycott of pet stores selling puppies bred in seven states, including Kansas.

The state Legislative Post Audit Report determined the Companion Animal Program had not been administered, managed, funded, or staffed to the extent needed to efficiently and effectively carry out its responsibilities to regulate the Companion Animal Industry.

1991 - Fees were increased to today's levels and various provision of the Act were strengthened.

1996—The Act was renamed the Kansas Pet Animal Act. Some terminology was changed and the law (for the first time) allowed the KAHD to routinely inspect boarding kennels and hobby breeders.

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WARNING—BREEDERS

We have recently had reports of several dogs being stolen from kennels in Northeast and Northcentral Kansas. Please be cautious. We suggest—when someone drives up to your house to look at your animals, jot down the license tag number on your hand or a piece of paper.

**SB 288
ALL INSPECTOR
POSITIONS FILLED**

**\$80,000 increase
(maximum under SB 288)
begins in '06**

	Actual FY 2004	Gov Rec. FY 2005 (current year)	Gov. Rec FY 2006	FY 2007	FY 2008
Animal Dealer (kennel) fee fund					
Beginning Balance	204,039	174,980	117,621	69,759	34,886
Net Receipts	180,495	177,467	266,901	266,901	266,901
Total Funds Available	384,534	352,447	384,522	336,660	301,787
Less: Expenditures	209,554	234,826	314,763	301,774	309,318
Ending Balance	174,980	117,621	69,759	34,886	(7,531)

- * \$60,000 to \$70,000 of fees are used to support the administration program each year
- * calculations assume SGF remains the same
- *current revenue - based on \$186,901, the average for the last five fiscal years plus \$80,000 generated by SB 288

Expenditures for FY 2006 based on:

- \$248,472 - Governor's recommendation
- \$37,091 - (\$26,042 in salary and \$11,049 in benefits) to fill the western Kansas inspector position
- \$12,200 to buy a truck for the inspector
- \$12,000 for travel & subsistence (includes training)
- \$5,000 for capital outlay & supplies (laptop, home office equipment etc.)

TOTAL: \$ 66,291

FY 2006 total expenditures: \$314,763

Expenditures for FY 2007 based on:

- \$248,472 - 2006 Governor's recommendation
- \$ 6,211 - 2.5% increase over FY 2006
- \$37,091 for salary & fringe benefits
- \$10,000 for travel and subsistence & other supplies

FY 2007 total expenditures: \$301,774

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FEE INCREASE SB 288
3/15/2005

Kansas Animal Health Dept

breeders: \$49,840
pounds/shelters \$16,600
out-of-state distributor \$3,500 (\$500 fee)
Other revenue @ 50% \$14,581
Total new revenue \$84,521

NOTE: these would have to be adjusted down because the revenue exceeds \$80,000.

USDA licensed animal and retail breeders sells 6+ litters wholesale projected number of dogs/cats	# of licensees we think have these numbers of dogs/cats	fee paid now	dollar amount fee would be increased	new Fee under SB 288	percent fees were increased	additional revenue generated by SB 288	total revenue generated current law	total revenue generated w/ fee increase
up to 10	54	150	45	195	30	2,430	8,100	10,530
11 to 20	55	150	45	195	30	2,475	8,250	10,725
21-30	72	150	60	210	40	4,320	10,800	15,120
31-40	43	150	60	210	40	2,580	6,450	9,030
41-50	32	150	60	210	40	1,920	4,800	6,720
51-75	71	150	75	225	50	5,325	10,650	15,975
75-100	52	150	113	263	75	5,850	7,800	13,650
101-150	30	150	113	263	75	3,375	4,500	7,875
151-200	11	150	150	300	100	1,650	1,650	3,300
200+	12	150	150	300	100	1,800	1,800	3,600
USDA breeders total	432					31,725	64,800	96,525

Hobby Breeders sells 3-5 litters projected number of dogs/cats	# of licensees we think have these numbers of dogs/cats	fee paid now	dollar amount fee would be increased	new Fee under SB 288	percent fees were increased	additional revenue generated by SB 288	total revenue generated current law	total revenue generated w/ fee increase
up to 10	117	75	18	93	30	2,106	8,775	10,881
11 to 20	49	75	18	93	30	882	3,675	4,557
21-30	21	75	22	97	40	462	1,575	2,037
31-40	9	75	22	97	40	198	675	873
41-50	1	75	22	97	40	22	75	97
hobby breeder total	197		102			3,670	14,775	18,445

Retail Breeders sells 6+ litters retail projected number of dogs/cats	# of licensees we think have these numbers of dogs/cats	fee paid now	dollar amount fee would be increased	new Fee under SB 288	percent fees were increased	additional revenue generated by SB 288	total revenue generated current law	total revenue generated w/ fee increase
up to 10	24	300	90	390	30	2,160	7,200	
11 to 20	44	300	90	390	30	3,960	13,200	17,160
21-30	22	300	120	420	40	2,640	6,600	9,240
31-40	23	300	120	420	40	2,760	6,900	9,660
41-50	10	300	120	420	40	1,200	3,000	4,200
51-75	5	300	150	450	50	750	1,500	2,250
75-100	2	300	225	525	75	450	600	1,050
101-150	1	300	225	525	75	225	300	525
151-200	0	300	300	600	100	-	-	-
201+	1	300	300	600	100	300	300	600
total retail breeders	132					14,445	39,600	44,685

Pounds and shelters includes cities, humane organizations and indiv. with 20 + dogs/cats	number of cities or humane groups in each category	fee paid now	dollar amount fee would be increased	new Fee under SB 288	percent fees were increased	additional revenue generated by SB 288	total revenue generated current law	total revenue generated w/ fee increase
Third class cities and humane societies & individuals not housing dogs/cats for a city	126	200	-	200	-	-	25,200	-
Second class cities	41	200	200	400	-	8,200	8,200	16,400
First class cities	21	200	400	600	-	8,400	4,200	12,600
Total # pounds/shelters	188		-	-	-	16,600	37,600	29,000

Establishments or persons who in dogs used for hunting, security, breeding purposes;

(2) Establishments or persons exhibiting, selling, or offering to exhibit or sell any wild or exotic or other nonpet species of warmblooded animals (except birds), such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.;

(3) Any establishment or person selling warmblooded animals (except birds, and laboratory rats and mice) for research or exhibition purposes; and

(4) Any establishment wholesaling any animals (except birds, rats and mice).

(5) Any establishment exhibiting pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

Sanctuary area means that area in a primary enclosure for a swim-with-the-dolphin program that is off-limits to the public and that directly abuts the buffer area.

Sanitize means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health.

Secretary means the Secretary of Agriculture of the United States or his representative who shall be an employee of the Department.

Sheltered housing facility means a housing facility which provides the animals with shelter; protection from the elements; and protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs or pens with the inside pens in a totally enclosed building.

Standards means the requirements with respect to the humane housing, exhibition, handling, care, treatment, temperature, and transportation of animals by dealers, exhibitors research facilities, carriers, intermediate handlers, and operators of auction sales as set forth in part 3 of this subchapter.

State means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

Study area means any building room, area, enclosure, or other contained area outside of a core facility or central designated or managed area in which animals are housed for more than 4 hours.

Swim-with-the-dolphin (SWTD) program means any human-cetacean interactive program in which a member of the public enters the primary enclosure in which an SWTD designated cetacean is housed to interact with the animal. This interaction includes, but such exclusions are not limited to, wading, swimming, snorkeling, or scuba diving in the enclosure. This interaction includes, but such exclusions are not limited to, feeding and petting pools, and the participation of any member(s) of the public audience as a minor segment of an educational presentation or performance of a show.

Transporting device means an intermodal vehicle or device, other than man, used to transport an animal between the primary conveyance and the terminal facility or in and around the terminal facility of a carrier or intermediate handler.

Transporting vehicle means any truck, car, trailer, airplane, ship, or railroad car used for transporting animals.

Weaned means that an animal has become accustomed to take solid food and has so done, without nursing, for a period of at least 5 days.

Wild animal means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: Deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf.

Wild state means living in its original, natural condition; not domesticated.

Zoo means any park, building, cage enclosure, or other structure of a premise in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation.

[54 FR 36119, Aug. 31, 1989, as amended at 55 FR 12631, Apr. 5, 1990; 58 FR 39129, July 22, 1993; 62 FR 43275, Aug. 13, 1997; 63 FR 47148, Sept. 4, 1998; 63 FR 62926, Nov. 10, 1998; 65 FR 6314, Feb. 9, 2000; 68 FR 12285, Mar. 14, 2003]

Animal and Plant Health Inspection Service, USDA

EFFECTIVE DATE NOTE: At 64 FR 15920, Apr. 2, 1999, the definitions of *buffer area*, *inter-active area*, *interactive session*, *sanctuary area*, and *swim-with-the-dolphin (SWTD) program* were suspended, effective Apr. 2, 1999.

PART 2—REGULATIONS

Subpart A—Licensing Sec. 1.1 definitions

- Sec.
- 2.1 Requirements and application.
 - 2.2 Acknowledgement of regulations and standards.
 - 2.3 Demonstration of compliance with standards and regulations.
 - 2.4 Non-interference with APHIS officials.
 - 2.5 Duration of license and termination of license.
 - 2.6 Annual license fees.
 - 2.7 Annual report by licensees.
 - 2.8 Notification of change of name, address, control, or ownership of business.
 - 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.
 - 2.10 Licensees whose licenses have been suspended or revoked.
 - 2.11 Denial of initial license application.

Subpart B—Registration

- 2.25 Requirements and procedures.
- 2.26 Acknowledgement of regulations and standards.
- 2.27 Notification of change of operation.

Subpart C—Research Facilities

- 2.30 Registration.
- 2.31 Institutional Animal Care and Use Committee (IACUC).
- 2.32 Personnel qualifications.
- 2.33 Attending veterinarian and adequate veterinary care.
- 2.34 [Reserved]
- 2.35 Recordkeeping requirements.
- 2.36 Annual report.
- 2.37 Federal research facilities.
- 2.38 Miscellaneous.

Subpart D—Attending Veterinarian and Adequate Veterinary Care

- 2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).

Subpart E—Identification of Animals

- 2.50 Time and method of identification.
- 2.51 Form of official tag.
- 2.52 How to obtain tags.
- 2.53 Use of tags.
- 2.54 Lost tags.
- 2.55 Removal and disposal of tags.

Subpart F—Stolen Animals

- 2.60 Prohibition on the purchase, sale, use, or transportation of stolen animals.

Subpart G—Records

- 2.75 Records: Dealers and exhibitors.
- 2.76 Records: Operators of auction sales and brokers.
- 2.77 Records: Carriers and intermediate handlers.
- 2.78 Health certification and identification.
- 2.79 C.O.D. shipments.
- 2.80 Records, disposition.

Subpart H—Compliance With Standards and Holding Period

- 2.100 Compliance with standards.
- 2.101 Holding period.
- 2.102 Holding facility.

Subpart I—Miscellaneous

- 2.125 Information as to business; furnishing of same by dealers, exhibitors, operators of auction sales, intermediate handlers, and carriers.
- 2.126 Access and inspection of records and property.
- 2.127 Publication of names of persons subject to the provisions of this part.
- 2.128 Inspection for missing animals.
- 2.129 Confiscation and destruction of animals.
- 2.130 Minimum age requirements.
- 2.131 Handling of animals.
- 2.132 Procurement of random source dogs and cats, dealers.
- 2.133 Certification for random source dogs and cats.

AUTHORITY: 7 U.S.C. 2131-2159; 7 CFR 2.22, 2.80, and 371.7.

SOURCE: 54 FR 36147, Aug. 31, 1989, unless otherwise noted.

Subpart A—Licensing

§ 2.1 Requirements and application.

(a)(1) Any person operating or desiring to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the AC Regional Director in the State in which that person operates or intends to operate. The applicant shall provide

Pt. 3

and an assurance that the person, pound, or shelter was notified that the cat or dog might be used for research or educational purposes;

(5) The date the dealer acquired the dog or cat from the person, pound, or shelter referred to in paragraph (b)(4) of this section; and

(6) If the dealer acquired the dog or cat from a pound or shelter, a signed statement by the pound or shelter that it met the requirements of paragraph (a) of this section. This statement must at least describe the animals by their official USDA identification numbers. It may be incorporated within the certification if the dealer makes the certification at the time that the animals are acquired from the pound or shelter or it may be made separately and attached to the certification later. If made separately, it must include the same information describing each animal as is required in the certification. A photocopy of the statement will be regarded as a duplicate original.

(c) The original certification required under paragraph (b) of this section shall accompany the shipment of a live dog or cat to be sold, provided, or otherwise made available by the dealer.

(d) A dealer who acquires a live dog or cat from another dealer must obtain from that dealer the certification required by paragraph (b) of this section and must attach that certification (including any previously attached certification) to the certification which he or she provides pursuant to paragraph (b) of this section (a photocopy of the original certification will be deemed a duplicate original if the dealer does not dispose of all of the dogs or cats in a single transaction).

(e) A dealer who completes, provides, or receives a certification required under paragraph (b) of this section shall keep, maintain, and make available for APHIS inspection a copy of the certification for at least 1 year following disposition.

(f) A research facility which acquires any live random source dog or cat from a dealer must obtain the certification required under paragraph (b) of this section and shall keep, maintain, and make available for APHIS inspection the original for at least 3 years following disposition.

(g) In instances where a research facility transfers ownership of a live random source dog or cat acquired from a dealer to another research facility, a copy of the certification required by paragraph (b) of this section must accompany the dog or cat transferred. The research facility to which the dog or cat is transferred shall keep, maintain, and make available for APHIS inspection the copy of the certification for at least 3 years following disposition.

[58 FR 39129, July 22, 1993]

PART 3—STANDARDS

Subpart A—Specifications for the Human Handling, Care, Treatment, and Transportation of Dogs and Cats

FACILITIES AND OPERATING STANDARDS

- Sec.
- 3.1 Housing facilities, general.
- 3.2 Indoor housing facilities.
- 3.3 Sheltered housing facilities.
- 3.4 Outdoor housing facilities.
- 3.5 Mobile or traveling housing facilities.
- 3.6 Primary enclosures.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

- 3.7 Compatible grouping.
- 3.8 Exercise for dogs.
- 3.9 Feeding.
- 3.10 Watering.
- 3.11 Cleaning, sanitization, housekeeping, and pest control.
- 3.12 Employees.

TRANSPORTATION STANDARDS

- 3.13 Consignments to carriers and intermediate handlers.
- 3.14 Primary enclosures used to transport live dogs and cats.
- 3.15 Primary conveyances (motor vehicle, rail, air, and marine).
- 3.16 Food and water requirements.
- 3.17 Care in transit.
- 3.18 Terminal facilities.
- 3.19 Handling.

Subpart B—Specifications for the Human Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

FACILITIES AND OPERATING STANDARDS

- 3.25 Facilities, general.
- 3.26 Facilities, indoor.
- 3.27 Facilities, outdoor.
- 3.28 Primary enclosures.

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Dear Legislators:

My Husband, Chuck & I have had a kennel since 1984. We enjoy working with animals, both having lived on a farm all of our lives.

We support Sen. Bill 288 as written to increase our inspection fees.

Kansas had the inspection program before Missouri. In Missouri, the breeders pay \$100.00 plus \$1.00 for each puppy they sell, give away or trade up to \$500.00 per year for their license. Why would anyone in KANSAS "THINK LESS OF THEIR PETS" in not wanting the pets to have the best inspection program possible?

We attended a USDA meeting in Springfield, Mo on Jan. 29th & listened to the Missouri people brag about Their State program & degrade the USDA inspectors. We listened to Dr. Gipson, the head of USDA from Washington, D.C. say that "He didn't think the Animal Activist were working at the Federal Level very much, that they, the Animal Activist, were HITTING at the State Level." Dr. Gipson added that the Animal Activist have a budget in excess of "NINETY-SIX MILLION DOLLARS". Dr. Gipson stated the USDA "does NOT have enough inspectors now & He has asked for MORE FUNDS to INCREASE the number of inspectors.

I've always offered to show our Kansas inspector any information that I keep for the USDA.

In Connecticut, the Animal Activist have a Repr. introducing a bill HB#5010 which if passed " would PROHIBIT A PET SHOP IN CONNECTICUT FROM SELLING A PUPPY UNDER ONE YEAR OF AGE".

No pet shop is going to buy a puppies 8 to 12 weeks old and hold them until they are ONE YEAR OLD.

In the state of Pennsylvania, in one county, there is a Bill board saying "THE PUPPY MILL CAPITAL OF THE WORLD".

IS THIS WHAT YOU WANT FOR KANSAS????

Millions of dollars are brought into Kansas from puppies sold out of state. Let's also consider the amount of farm grain grown in Kansas that is made into "pet food IN KANSAS & SOLD NOT ONLY IN KANSAS, BUT ALSO SOLD OUR OF STATE."

KANSAS HAS BEEN KNOWN AS THE "MODEL STATE" WITH THE PASSING OF THE KANSAS INSPECTION PROGRAM!!!! Let's keep it that way!!!! PASS SEN BILL#288.

Yes, we would be paying 100% more for our license SOMETHING I'VE STATED TIME & TIME AGAIN THAT I'M WILLING TO DO TO "HELP" KEEP THE KANSAS INSPECTION PROGRAM GOING!!!!

The House Ag Comm. passed HB#2054, only to have it lose on the floor by 2 votes.

We testified for a HB#2395 that would have increased fees for the KAHD only to hear the person that wanted it introduced testify against it. Wasn't that a WASTE OF THE COMM. TIME?. A WASTE OF OUR TIME AND "A WASTE OF THE TAX- PAYER'S MONEY?????" It would be my hope that that comm. would pass HB#2395, but use the schedule like Sen.Bill#288!

Thanks,
Betty Westhoff
St. Paul, Ks 66771
USDA#536 KANSAS #167A
Kansas Pet Professions, Inc. Sec/Trs. from 1996 to April 2004
Past Director of Neosho County Farm Bureau Of Kansas

Senate Agriculture Committee

Date 3-15-05

Attachment # 2



GIRARD ANIMAL HOSPITAL

Drs. Bill and Laura Morland
Dr. Kristal Endicott-Holder
Dr. Don Sotta

207 E. Southern Blvd.
Girard, KS 66743
Phone: (620) 724-8054

To members of the Senate Agriculture Committee

I am unable to attend the hearing on Senate Bill # 288, however I would urge you to vote yes on this Bill to assure that the Animal Health Dept. has the necessary funds to enforce the inspection of all kennels in the State of Kansas. The Dept. has done a tremendous job in the past and needs to be able to continue in the future. Both USDA and State-licensed kennels need to be inspected.

Sincerely
Laura Morland Don

Senate Agriculture Committee
Date 3-15-05

RE: HB#2395
Dear Legislator:

I'm a member of the Kansas Postive Pet Assn.

I support the Senate Bill#288 because I sure would hate to go back to the MESS we had in the early 1990's.

The Kansas Animal Health Department have done a good job of cleaning up the pet industry in the State of Kansas. It sure would be sad to let this ALL GO DOWN THE TUBES.

If it goes down, the State of Kansas will be the BIG LOOSERS and the ANIMAL ACTIVIST will MOVE IN ON ALL OF US!!

Lots of retired people have a small facility to supplement their income!

The system is not Broke; it just needs MORE FUNDING!

VOTE TO PASS Sen Bill#288
Thanks,
Charles (Chuck) Westhoff
St. Paul, Ks 66771

Senate Agriculture Committee
Date 3-15-05

Attachment # 4

Mr. Chairman and Committee Members:

My name is Dorothy Brecheisen. I am president of Kansas Pet Professionals. I have a kennel in Osage county where we also have a farm.

We need to fund our state inspection program. IT WORKS. We had only a USDA inspection program when our industry got such a bad reputation in the early 1990's. Our state inspection program was then started. It has helped to clean up our industry. Yes there are still a few substandard facilities out there. But most of these are not state licensed. There are a few people who try and slip through the cracks.

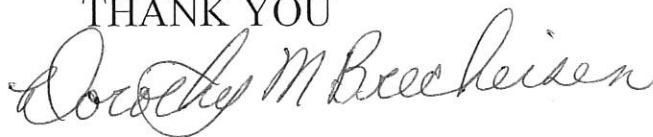
When the bones were being brought to Topeka Governor Finney came to see my facility. Not knowing she was coming was a surprise. Our inspection program was in effect then. She checked my inspection sheets from the state and federal to compare them.

We need to have funding for KAHD so our industry does not go backwards. Don't be misled by a few from our industry that don't want our state inspection program. As far as opening our records to the state inspectors I do this anyway. This helps them to find people who buy dogs that don't have a license. We need your help in keeping our state program funded. Please vote yes on SB288.

Our industry brings in a lot of revenue to the state. With the sale of our puppies and the grains used in our dog food this is a big industry. I am proud of my facility and want to keep it that way. I don't want to be embarrassed by our state not being able to fund our state program, and the bad publicity coming back.

I am asking you to raise our license fee to help fund this program.

THANK YOU



Senate Agriculture Committee

Date **3-16-05**

Attachment # **5**



Lawrence Humane Society, Inc.

P.O. Box 651 • Lawrence, Kansas 66044-0651

March 14, 2005

Testimony of Midge Grinstead
Executive Director - Lawrence Humane Society
Kansas Pet Animal Advisory Board - 2001-2004

Senator Taddiken and members of the committee; thank you for the opportunity to appear before you today. I am here to support the Kansas Department of Animal Health, the Kansas Pet Animal Act and SB288.

I have been the director of the Lawrence Humane Society for the past eight years. The Society is a not-for-profit 501 c (3) organization that is a licensed shelter through the Kansas Animal Health Department. We are the only shelter in the state of Kansas that investigates all cruelty and neglect calls for our entire county, averaging 700 cases per year. In the eleven years that I have been involved with the Lawrence Humane Society, we have seen a dramatic decrease in the amount of puppy mills in our county as a direct result of the Kansas Animal Health Department.

In the early nineties the animal inspection program was created as a result of complaints from consumers and the general public regarding the horrendous conditions found in facilities throughout our state. This department continually and effectively handles facilities that are not in compliance with the Kansas Pet Animal Act.

The legislative Post Audit Committee requested a performance audit of the Kansas Pet Animal Program on March 7, 2002. They found that of the 36 recommendations resulting from the 1990 audit, most either had been implemented or no longer appeared to be relevant. A survey was also conducted of out-of-state purchases of pets that were bred in Kansas facilities. In 1990, 41% stated that Kansas bred animals had more health problems than pets bred in other states. In 2002, only 3% stated that Kansas bred animals had more health problems than pets bred in other states.

In 2004, as the representative of shelters, pounds and rescue groups for the Governor's Advisory Board, I sent out a survey regarding fee increases, inspections and multiple license facilities. A total of 36% responded. Of those, 69% favored an increase in fees across the board for all licensees. Ninety seven percent thought that all records, including breeding kennels should be open to inspectors and 87% felt that facilities with multiple licenses should pay fees for all licenses.

It is clear, that this program is doing the job that it was intended to do, which is to ensure

Senate Agriculture Committee

Date **3-15-05**

Ise Memorial Animal Shelter • East 19th Street north of the Fairgrou

Attachment # **6**

the health and welfare of Kansas pet animals as well as improve the image of the state of Kansas. This program not only benefits the animals but helps breeders bring in millions of dollars in revenue to our state every year. Kansas is a leader in the pet industry because of this program.

As a volunteer at Helping Hands Humane Society in the seventies, I saw first hand what happens when no one is held accountable. Animals suffer and business dies. One thing in certain, without the help of the Kansas Animal Health Department, shelters, pounds, rescue groups and animal control agencies across the entire state, would be completely over-whelmed with animal overpopulation, animal diseases and bite cases. I support SB288 and I urge the committee to support the bill as well.

Thank you for your time and consideration in allowing me to appear today and share my views with respect to this vital issue. If you should have any questions, I would be please to answer them to the best of my ability.

Midge Grinstead
Executive Director
Lawrence Humane Society
1805 E. 19th St.
Lawrence, Ks. 66046
(785)843-6835
lawhumane@aol.com



Lawrence Humane Society, Inc.

P.O. Box 651 • Lawrence, Kansas 66044-0651

KANSAS PET ANIMAL ADVISORY BOARD Shelter, Pound, Rescue & Foster Representative

*Midge Grinstead
Lawrence Humane Society
PO Box 651
Lawrence, Ks. 66044
Phone: 785-843-6835
E-Mail MGrins501@aol.com
Kansas License #PS 006-05*

August 30, 2004

TO: Kansas Pounds, Shelters & Rescue Groups
RE: Information & Survey

Dear Friends:

As your Pet Animal Advisory Board Representative, I attended a hearing of the Special Committee on Ways and Means/Appropriations on August 25th in Topeka. The topic of the discussion was the funding of and review of the funding structure of the Animal Health Department. This included a review of the fees levied by the agency, the level and equity of the fees and the appropriate level of State General Fund support of the agency.

The Legislative Post Audit Committee requested a performance audit of the Kansas Pet Animal Program on 3/7/02. They found that of the 36 recommendations resulting from the 1990 audit, most either had been implemented or no longer appeared to be relevant. A survey was also conducted of out-of-state purchases of pets that were bred in Kansas facilities

- * In 1990, **41%** stated that **Kansas** bred animals had **more health problems** than pets bred in other states.
- * In 2002, only **3%** stated that **Kansas** bred animals had **more health problems** than pets bred in other states.
- * Of those surveyed, **97%** stated that **Kansas** bred animals had the same amount or **fewer health problems** than animals purchased from breeders in other states.

The program is doing the job that it was intended to do, which is to ensure the health & welfare of Kansas pet animals as well as improve the image of the state of Kansas.

A very extensive issue from the 2002 audit on funding focused on a means to recover the costs of boarding seized animals. Options to recover such costs were:

- * A lien to be filed against real property.
- * Use of the Dept. of Administrations Debt Set-Off Program
- * Garnish the wages of the violator

- * Follow Colorado and Missouri law, whereby the owner is required to post cash bonds.
- * Create a special fund, which would be financed by licensed pet facilities and used to pay for any costs not recovered.

To follow the Colorado and Missouri law was the option chosen and passed as Kansas law during the last legislative session. By statute, if the state were ever found wrong, the state would pay the costs involved, not the individual.

With the quick thought and foresight of your 2002-2003 Kansas Pet Professional Officers, you now have a choice in how to continue funding the program that has improved the image of pet facilities and pet care in the state of Kansas.

The majority of verbal testimonies given at the funding hearing in Topeka recommended a flat increase of 50% in all areas of licensing.

- * There have been no increases in license fees since 1991.
- * The legislators at the Topeka meeting requested a survey, which would reflect majority support of a funding method for the program.
- * The legislators expressed concern and questions as to why the state of Kansas was not allowed to view records of distributors to assist in locating non-licensed facilities. This would result in bringing unlicensed facilities into compliance so that these facilities would contribute to the fees paid.
- * At present, the Kansas Animal Health Dept. must scan newspaper ads for unlicensed facilities. The audit stated that, so far in the fiscal year 2002, the leads identified an additional 113 facilities that have since been licensed and are now paying their fees.
- * The topic of multiple licensing was also discussed. At present, there are 50 licensees with multiple licenses. Licensees are only obligated to pay for one license, while operating on one or more. An additional \$7,475 would be generated if licensees paid for each license.
- * The use of announced or scheduled inspections to better utilize the inspection time and funds was also discussed. Complaint-based inspections would not be announced.

The next Kansas Pet Animal Advisory Board Meeting is in October. Please feel free to contact me with any questions or concerns you may have regarding these issues. Please return the following survey in the enclosed, self-addressed, stamped envelope no later than ~~October 1st~~ ^{11/15/04}. That will provide adequate time for me to compile your survey answers prior to the upcoming Ways and Means/Appropriations Committee Meeting. Thank you for your time, effort and support.

Sincerely,
Midge Grinstead,
Pet Animal Advisory Board Representative, Exec. Director Lawrence Humane Society

SURVEY RESULTS
Shelters/Pounds/Rescues

Surveys sent - 213

2 were returned "undeliverable"

I received a total of 76 surveys which equals 36%

The first question dealt with an across the board fee increase of 25% or 50%.

16%	50% increase	12 responses
53%	25% increase	40 responses
8%	no increase	6 responses
15%	failed to respond	11
10%	Breeders/Pet stores	7 responses wanted breeders/pet stores to have an increase in fees only.

Additional Survey Questions:

Do you favor:

1. The majority of inspections to be announced, saving time & funds?

68%	yes	52 responses
31%	no	23 responses
1%	no answer	- 1

2. Records to be open to inspectors to bring more kennels into compliance with the law?

97%	yes	74 responses
0	no	
3%	no answer	- 2

3. Allowing the Kansas Animal Health Dept. to check the health of animals during a routine breeder facility inspection?

95%	yes	72 responses
3%	no	2 responses
3%	no answer	- 2

4. Multiple license facilities paying fees for all licenses.

87%	yes	66 responses
11%	no	8 responses
3%	no answer	- 2

KANSAS SHELTER/POUND/RESCUE SURVEY

One form per licensed facility

Please check the box in front of the statement which best reflects your choice of funding for the Kansas Pet Animal Act / Kansas Animal Health Department

- Increase fees by 50% on all facilities licensed by the Kansas Animal Health Department
- Increase fees by 25% on all facilities licensed by the Kansas Animal Health Department

Print Name

Sign Name

Kansas Facility License Number _____

To aid me in answering committee questions, based on the majority consensus survey responses, please circle which answer best reflects your choice.

Do you favor:

- Yes No The majority of inspections to be announced, saving time & funds?
- Yes No Records to be open to inspectors (same as USDA) to bring more kennels into compliance with the law?
- Yes No Allowing the Kansas Animal Health Dept. to check the health of animals during a routine breeder facility inspection?
- Yes No Multiple license facilities paying fees for all licenses, generating \$7,475 in additional fees?

Comments _____

Thank you for your response. Please use the enclosed stamped envelope to return your survey.

Dear Mr. Chairman and members of the Senate Agriculture Committee:

The survival of the Kansas Pet Industry is contingent upon the survival of our State Inspection program. Even though many of the facilities are both Federally and State licensed, it was the State program that made the difference back in 1990 and 1991. For the past fourteen years it has been the Kansas State Inspection Program that has rid our state of illegal kennels. In fact, not one substandard kennel or illegal kennel has been shut down by our federal program.

Consumer confidence in the Kansas Pet Industry is critical and can be paralleled with the United States Food Industry. Would we have the confidence in our food quality if we did not have a strict food safety inspection program? We too need to continue our state program that is working for us. As you are aware the 2002 Legislative Post Audit Performance Report concluded that great strides have been made to give consumers the confidence that our puppies are raised in healthy environments. Also you have been apprised of the controlled survey of licensed facility owners that showed overwhelmingly that 78 per cent want our license to be increased to enable our inspection program to continue forward. In recent years Kansas has been known as the "Model State" for its progressive pursuit of achieving excellence in the pet industry. This has come to fruition only because of our state inspection program and the enforcement of it.

The Pet Food Industry alone contributes over twelve billion dollars to our national economy. The amount that the pet industry contributes to Kansas economy is very significant. It seems only reasonable to a majority within our industry that at least a 50% fee increase would be in order especially since they have not been raised since 1991.

We must keep our state inspection program for if we do not we will revert back to the "dog Bone" days of the early 90's. The federal program was in effect at that time and was not successful in diverting the animal activists--it was the state program that made the difference.

It would be appreciated if you would support the funding especially in SB 288--which will allow our industry to continue to exist.

Thank You for your consideration,

Opal Featherston

Pet Industry Representative to the Kansas Animal Health Board

Senate Agriculture Committee

Date 3-15-05

Attachment # 7

Becky Blaes
Chairman and Animal Breeder Representative
Kansas Pet Animal Advisory Board
522 N. Maple ~ Cherryvale, KS 67335
Phone & Fax: (620) 336.3700 ~ E-Mail: bblaes2000@yahoo.com
KANSAS LICENSE # 173-A USDA LICENSE # 48-A-1196

Monday, March 14, 2005

RE: In FAVOR of Senate Bill 288

Senator Taddiken and Members of the Senate Agriculture Committee:

I am in full support of adequate funding for the *Kansas Animal Health Department Inspection Program*, which would allow continuance of the licensing and inspection of facilities according to the statutes already in place.

Members of the GOVERNOR APPOINTED *Kansas Pet Animal Advisory Board* are in full support of adequate funding for this important program. These appointed volunteers in the pet industry represent the ten different segments of the Kansas Pet Industry. They understand that this program has elevated the State of Kansas to model status for other States to emulate and has protected our industry's hard-earned reputation for excellence.

PLEASE DO NOT EXEMPT USDA LICENSED KENNELS FROM STATE INSPECTION!!!

The Federal Government alone is not capable of inspecting and applying the law in a timely and acceptable manner. Surely Kansas Legislators would not wish for the Federal Government to take credit for what our State has accomplished! Because the Federal Government was unable to maintain quality inspections and licensing when it was the sole inspecting agency, there was a PUBLIC OUTCRY FOR QUALITY REFORM IN THE PET INDUSTRY INSPECTION PROCESS. Thus, the KANSAS Inspection Program was formed and has accomplished what CONSUMERS DEMANDED BE DONE!

The Kansas Pet Industry infuses millions of dollars of "fresh", out-of-state income into the Kansas economy. To inadequately fund this program puts this income in real jeopardy.

In addition, DO NOT BE MISLED BY A FEW USING THE GROUP NAME OF "KFED" (Kansas Federation of Animal Owners). This group was formed in April of 2003 for the sole purpose of lobbying against fee increases. KFED is a husband/wife team (President, Vice-President). There are no meetings, no elections, and not everyone is allowed to join this organization. It is not recognized by the pet industry, but should be recognized for what it is – a disgruntled, anti-government movement with a negative agenda! This group's uncontrolled survey was not sent to every licensed animal breeder, nor was it sent to every taxpayer. In essence, it was solicited and self-serving.

Through a controlled, legitimate survey which was generated by questions posed by Kansas Legislators, the MAJORITY of licensed Animal Breeders ask that their Senators in Topeka listen to their request: PLEASE SUPPORT ADEQUATE FUNDING FOR THE KANSAS PET ANIMAL INSPECTION PROGRAM. Please contact me, should you have any questions. Thank you for your support.

Sincerely,

Becky Blaes
Cherryvale, KS
Chairman and Animal Breeder Representative
Kansas Pet Animal Advisory Board

Senate Agriculture Committee
Date **3/15-05**

Attachment # **8**



BJ'S & Guys

Paul & Sharon Munk

HC 1, Box 38

Menlo, Kansas 67753-9680

(785) 855-2251

FAX (785) 855-2252

3-14-05

SENATE BILL #288

Dear Senators,

- #1. DO NOT EXEMPT USDA Licensed Kennels from State inspections. This would be a negative publicity night mare.
- #2. FUND THE PROGRAM. Raise the CAPS, allow the commissioner to set fees according to our size.
- #3. Allow the agency to view our records to locate the unlicensed breeder more quickly, to bring all into compliance... Compliance is what brings about the reputation... the reputation is what leads to raised market value... the raised market value is the means to boost the states economy.

If you are not a member of a State Breeders Organization, then it is time to join. There are a lot of things going on in the industry that you need to stay aware of. The following organizations are available in your state.

Missouri: MPBA @ (417) 326-2913

Missouri: PPA @ (573) 564-2884

Kansas: KPP @ (785) 828-4760

Kansas: TSPPA @ (620) 378-2600

Iowa: Ia.P.B.A @ (641) 682-8277

Oklahoma: OKPP @ (918) 371-4998

Arkansas: STEPP @ (479) 754-7497

Arkansas: ABCDA @ (870) 448-2504

Texas: PCBA @ (903) 885-2465

Colorado: PLDBG of CO @ (719) 962-3236

North & South Dakota: Dakota Pet Breeders Association

@ (605) 256-9726 or (605) 327-3432

Ohio: OPDBA: (330) 674-0621

> Not K-FED

K-FED, Kansas Federation of Animal Owners was formed in April of 2003, for the sole purpose of lobbying against the Kansas Animal Health Department. K-Fed is a husband/wife team. The husband is the president, the wife is the vice-president. They don't allow all animal owners to join. They don't have meetings. They don't have elections. KPP and TSPPA are the recognized industry voices for the state of Kansas breeders. Call both numbers above to get the real picture.

Thankyou,

Sharon Munk



100 Pine Street
Mahaska, KS 66955
Phone 1-888-289-7871
Fax 1-785-245-3238

Testimony of Loren Pachta, Lambriar Inc., Mahaska, KS General Manager; Animal Distribution Representative, Kansas Pet Animal Advisory Board Member.

To the Senate Agricultural Committee

March 15, 2005

RE: Senate Bill 288

Mr. Chairman & the members of the committee, thank you for the opportunity to share my views in support of Senate Bill 288 and the importance of its passing to the pet industry.

My name is Loren Pachta. I am the General Manager of Lambriar Inc. and a member of the Kansas Pet Animal Advisory Board. Lambriar was founded in 1969 and has grown from a small family business to a leading distributor of puppies in the pet industry. We currently employ 90 people including several full time veterinarians who supervise our Animal Care operations. Lambriar, licensed as a distributor by both the USDA and State of Kansas, purchases puppies only from licensed professional breeders and markets them to retail pet stores throughout the United States. We take very seriously our obligation to provide superior animal care and healthy, quality puppies to our retail customers.

The Animal Facilities Inspection Program came into being in 1988. Since then, it been instrumental in building the good reputation the Kansas Pet Industry has today. As many of you may recall, there was a time when Kansas had one of the poorest reputations in the nation. The Kansas Pet Industry and Legislators saw the imminent need for this program and worked to develop and implement it. Why now would we restrict funding for it and therefore make it less effective?

Mr. Chairman, and members of the Committee, we recognize that you are confronted with many difficult and challenging decisions, however, I cannot overly emphasize how essential the proposed Senate Bill 288 will be to this program. The bill will provide an industry majority voice requested fee increase, the first increase in 14 years. This is a very modest increase to our facilities and is a small price to pay to assure our customers that puppies from Kansas come from the best possible facilities.

Retail pet store consumers are curious about where their new pet comes from. After learning that their puppy came from a Federal and State Licensed facility, the consumer can rest assured that they have made a sound decision. We must continue to inspect all of our facilities, USDA licensed or not. The Kansas Pet Industry should be proud of what they have now and should accept the opportunity and challenge of being a leading state in the industry. We must not jeopardize the confidence that we have gained with the public. We must not lower any of our standards. Restricting funding for this program would be a significant step in the wrong direction for the pet industry.

We urge the committee to recommend approval of Senate Bill 288 by the Legislature. This bill will ensure the continuation of this vital program and protect our industry from the problems of the past.

Thank you again for this opportunity. Should you have any questions or concerns, I would be happy to discuss them with you. You can reach me at 1-800-735-5364.

Sincerely,

Loren Pachta

Senate Agriculture Committee

Date **3-15-05**

Attachment # **10**

March 15, 2005

Pepper Kennels
Marie and Robert Pepper
311 Tree Line Drive
Walnut Shade, MO 65771-9318

Dear Legislators:
RE: Increasing of License Fees for the State of Kansas
To Whom It May Concern:

We are writing in support of Senate Bill#288 Increasing the fee for Kansas Licensed Facilities.

We currently live in the State of Missouri and have a State and USDA licensed facility. Prior to our move to the State of Missouri we had a State and USDA licensed facility in Kansas.

We felt and still feel that Kansas maintains superior quality kennels due primarily to the fact that they are inspected. Inspected facilities produce clean and well maintained kennels, healthy well cared for dogs and a proper paper trail for each dog in these facilities.

These types of facilities [licensed and inspected] are what Kansas wants to be recognized as maintaining. These are the types of facilities I would like to personally purchase a pet or breeding animal from.

Kansas has been and is known nation-wide for having top-notch facilities producing quality well cared for pets or breeding animals. This has come about because of licensed and inspected facilities and should continue even if it means an increase in license fees.

Please give strong consideration to increases in Kansas's license fees to continue maintaining the high quality facilities that Kansas is currently known and respected for.

Respectfully,

Marie and Robert Pepper

Senate Agriculture Committee

Date 3-15-05

Attachment # 11

Senate Bill#288

Dear Legislators:

I'd driven by a place in Marion County twice a week. I couldn't help but notice this place with LOTS OF HORSES. (I used to raise & train several horses.) I wondered how they could care for and feed so-o-o many horses. I thought some appeared to be in pour condition.!!!

The place turned out to be the place where the Kansas Animal Health Department found a number of Austrilian Shepards in VERY BAD CONDITION.

It is my understanding that the Marion County Sheriffs' Department took the poorly cared for horses. (80 horses---that's alot of horses to feed)!!!!

Senate Bill#288 needs to be passed which asked for an increase to HELP the Kansas Animal Department continue Their inspections.

Thanks for your time,
Jo Ann Stuchlik
Marion, Ks 66861
Marion County
3-15-2005

Senate Agriculture Committee

Date **3-15-05**

Attachment # **12**

3-15-2005

Dear Legislators:

Ref: Senate Bill#288

I work as a secretary for an insurance company.

In the past I've worked in a nursing facility and had to have a license. The facility had to be licensed and was inspected. Before that I worked in a facility that cared for and taught the mentally and physically impaired individuals. I had to have a license there, also. The facility had to have a license and was inspected.

When I'm not working at my secretary position, I've worked at a kennel doing book work, cleaning, feeding the pets, helping do repair work or new construction work. Yes, I can do carpenter work!

Pass Sen Bill#288 so the Kansas Animal Health Department Inspection program can KEEP KANSAS CLEAN!!!

An increase in fees is a SMALL PRICE TO PAY TO KEEP KANSAS CLEAN!

Sincerely,

Karen Billington
St. Paul, Ks. 66771

Senate Agriculture Committee

Date **3-15-05**

Attachment # **13**

March 15, 2005

Dear Legislators:

I am writing in support of the Kansas State Inspection Sen. Bill 288 to continue the inspection program. I understand due to the lack of funds, the KAHD is short one inspector and one person in the office. To insure that kennels, pet stores, etc. provide appropriate services, the inspection program is a necessity.

The increase of the fee amount is very small compared to the amount of good it will do for all of Kansas.

Thanks you for your time.

Twila Wagner

8600 Trego St. Paul, Ks 66771

Senate Agriculture Committee

Date **3-15-05**

Attachment # **14**

Read by Ed Rarden-Lobbyist for Kansas Federation of Animal Owners

03/15/05

Senate Agriculture Committee

I am a very small business owner of a boarding kennel and a small breeding kennel. I can not afford many more cost increases or I will be going out of business. My propane bill has just doubled this winter With it appearing it will possible double again next year. My boarding business is down with the price of gasoline going up people are not traveling as much. I am a handicapped person so it would be almost impossible for me to find a job in town. I can do the dogs and the boarding with some limited help from my family. Now I have turned down drawing disability payments for 11 yrs now If my costs continue to rise then it would be much easier for the government to take care of me. I have then gone from being an asset to being a cost to the taxpayers. I am sure many more are in the same boat that I am in. Our state has no money I understand but it makes no sense to take away a taxpayers income making them dependent instead of paying taxes.

I see no reason why we need two inspectors anyway. If there is a signed complaint then let the state come out and check if need be. At this point we have AKC that comes in checks the dogs and paper work, our vet comes at least once a year and I make vet visits all the time, USDA comes at least once a year ... I have people looking at my business all the time if the public wasn't happy then I am quit sure they would be calling some one. Most of my customers are Drs and Lawyers If I was a vet with a boarding kennel I wouldn't even have to be licensed that's not fair either....

Again please vote NO to Bill 288 and all future bills raising our fees.

Thanks

Marlene Aurand
13 N 170 Rd
Salina, Ks 67401

Senate Agriculture Committee

Date 3-15-05

Attachment # 15

Opposed to SB 288

March 15, 2005

Honorable Senators
Topeka, KS 66612-1504

I am Sam Mosshart, from Protection, Kansas. Kansas State License #056-A-98 and USDA License #48-B-0229. I have been in the kennel business since 1989 as a USDA Licensed breeder and later a Kansas State Licensed breeder. I am a member and past president of the Kansas Pet Professionals and currently president of the Kansas Federation of Animal Owners. I am opposed to SB 288!

Senate Bill 288 provides for a dramatic increase in authority of the Animal Health Department, just by striking the words: cited at 9 C.F.R. 3.1 through 3.12, on page 1, line 36 of the bill. This bill would also permit the Livestock Commissioner to adopt rules and regulations for USDA licensed animal distributors and animal breeders and their associated premises dealing with all aspects of the federal Animal Welfare Act. (Current law only permits the Kansas Livestock Commissioner to declare rules and regulations associated with the standards of facilities under the federal Animal Welfare Act.)”

Senate Bill 288 would double the statutory cap on fees. Even though the increase this year is limited to around \$100,000 (\$80,000 for the department and the remainder to the general fund), the statutory cap is permanently double.

Senate Bill 288 would further increase fees on producers by allowing for dual fees. The current statute allows licensees to have multiple licenses located on one premise, but pay for only one. This bill would require all licensees to pay for each license under which they operate.

There have been statements made that livestock fee funds are being used by the Animal Health Department to pay expenses of the pet animal division, so that is cited as justification for increasing fees under the Pet Animal Act. But that hasn't been shown to be true in the Animal Health Department's budget or budget hearings.

Opposition by breeders is based on distrust of and dissatisfaction with the Animal Health Department. If breeders believe the agency to be a fair and equitable regulator, they would not oppose some increase in fees. Instead, there are many incidents of abuse by the Department that may be cited.

There are pending requests for investigation of this agency through an interim study and legislative post audit. There are numerous claims against the state being brought against this agency. Now is not the time to provide this agency with increased regulatory and fee authority.

I urge you to vote no on S.B. 288!

Thank you for your consideration.
Sam Mosshart
RR 1 Box 64
Protection, Kansas 67127
Phone: 620 622-4431
Fax: 620 622-4892

Senate Agriculture Committee
Date 3-15-05

Attachment # 16

Opposed to Senate Bill 288

Senate Agriculture Committee

Honorable Senators:

I have been a professional dog breeder since 1981, first as a USDA Licensed breeder and later a Kansas State Licensed breeder. I am a member of the Kansas Pet Professionals and the Kansas Federation of Animal Owners. **I am opposed to SB 288, which would increase KAHD license cost, give access to our facilities USDA records and greatly increase the power of the Kansas Animal Health Departments.**

In 2003, the Kansas Federation Of Animal Owners sent out a survey to all the USDA licensed kennels in Kansas. Replies were accepted from anyone who was interested in the survey both those for and against.

The first question on this survey was "Do you think that the Kansas Animal Health Department needs an increase in funding?" Of the 127 surveys returned 7% replied yes, 4% were undecided and 89% said **no**.

The next question was "How do you think the Kansas Animal Health Department should handle their financial needs in the future?"

This was followed by 5 choices. The largest majority thought that the KAHD did not need an increase in funding, and that the best choice was to *Inspect USDA licensed facilities on a complaint basis only*. Please see attached survey results.

This bill would also provide KAHD access to all our USDA records, such as medical records, records of where we acquire and sell our dogs etc. I believe our medical records should be private, between ourselves and whoever purchases our puppies. Kansas's inspectors are not trained in veterinary medicine. Distributor's puppy purchasing records, state health certificates which are required for pups entering or leaving the state, classified ads and internet searches would provide better leads to those who are selling puppies **illegally** rather than going through my USDA Record of Disposition.

Pet store licenses may be increased up to \$600. If you're a small mom and pop pet store it will sure take a lot of fish, hamsters, bunnies, etc. to make up the difference. Out of state distributor licenses will also be increased. Why to we want penalize the out of state distributors who spend their money in Kansas? Could it be to reduce competition for the larger Kansas distributors? I have yet to hear of **any** distributor or pet store (in state or out) that offers to pay a premium for Kansas raised pets.

The statement has been made that the KAHD would not be supporting this bill if they didn't need the money. I suggest that they use **our** resources more wisely. Keep the current law in effect except, that KAHD inspect USDA licensed facilities only on either a written, signed complaint by the public or upon request by the USDA.

I understand that some of the KAHD employees have taken some training with the Humane Society of the United States. Please see attached document regarding what the Humane Society of the United States policies actually are.

Thank you for your time and consideration in these matters.

Rebecca Mosshart

PO Box 65

Nashville, KS 67112

Phone: 620 246-5384

Fax: 620 246-5385

Senate Agriculture Committee

Date **3-15-05**

Attachment # **17**

Kansas Federation of Animal Owners Survey Results

	Yes	No	Undecided
Do you think that the Kansas Animal Health Department needs an increase in funding?	9	113	5
Percentage	7%	89%	4%

How do you think that the Kansas Animal Health Department should handle their financial needs in the future? Rate the following in the order you think they should be implemented. (Place a #1 in the blank for the option you think should be implemented first)

		# of times with a No, left blank, or 1st, 2nd, 3rd, 4th or 5th chosen							
		left blank	wrote in "NO"	1st choice	2nd choice	3rd choice	4th choice	5th choice	
Choice #1	Inspect USDA licensed facilities on a complaint basis only. (USDA licensed facilities would still pay an annual fee to the Kansas Animal Health Department)	3	68	48	1	4	0	3	127
	Choice #1 Percentage	2%	54%	38%	1%	3%	0%	2%	100%
Choice #2	Increase fees by 50% on all facilities licensed by the Kansas Animal Health Department.	13	83	8	1	5	10	7	127
	Choice #2 Percentage	10%	65%	6%	1%	4%	8%	6%	100%
Choice #3	Add a tax on all pet foods sold in the state of Kansas.	13	84	3	17	5	5	0	127
	Choice #3 Percentage	10%	66%	2%	13%	4%	4%	0%	100%
Choice #4	Add a tax to all rabies vaccinations, and require that <i>all</i> cats, dogs and ferrets in the state be vaccinated plus a 50% raise on the existing license fee	16	84	0	1	6	4	16	127
	Choice #4 Percentage	13%	66%	0%	1%	5%	3%	13%	100%
Choice #5	Add a per animal charge to the base license fee. (for example: charge \$1.00 for each adult animal in the facility in addition to the base facility license fee).	13	83	3	13	8	6	1	127
	Choice #5 Percentage	10%	65%	2%	10%	6%	5%	1%	100%

This survey was sent to all the USDA licensed kennels in the State of Kansas. Replies were accepted from anyone who was interested in the survey, both those for and against. Copies of the original survey replies can be obtained from the Kansas Federation of Animal Owners. Request for copies should be mailed to **Kansas Federation of Animal Owners**

**RR #1 Box 64
Protection, KS 67127.**

Yesterday the Humane Society of the United States (HSUS), the nation's richest animal rights organization, named long-time vice president Wayne Pacelle as its new chief executive. Pacelle will have virtually unfettered control over the group's \$96 million bank account. If you think this change amounts to a different leader's rubber-stamp on efforts to help puppies and kittens, think again. HSUS doesn't operate a single animal shelter, and it is completely unrelated to the local "Humane Society" in your home town. In reality, it's a gigantic animal-rights lobbying group, focusing more and more on the food we eat. Wayne Pacelle is a strict, near-religious vegan, whose goal is to create "a National Rifle Association of the animal rights movement." And if his past is any indication, the organization he leads will stray ever further into anti-meat and anti-dairy territory. In short, Wayne's world is about to look more like the anti-human nightmare promoted by People for the Ethical Treatment of Animals.

Back in 1980, HSUS stated unequivocally that "there is no rational basis for maintaining a moral distinction between the treatment of humans and other animals." The group has followed through on this radical philosophy by quietly funding an Internet service used by the terrorist Animal Liberation Front (ALF), heavily promoting a ballot initiative that gave pigs constitutional rights in Florida, and employing a former ALF spokesman as an official emissary in its campaign against Americans who wear fur.

Pacelle will bring his own baggage to his new job. He told the *Des Moines Register* in 2001 that the ridiculous but well-funded pregnant pigs campaign (which also resulted in a \$50,000 election-fraud fine for the animal rights group Farm Sanctuary) was "intended to start a national effort" to force American agriculture into so-called "humane" farming methods. HSUS and Farm Sanctuary are now collaborating on a similar effort targeting California consumers.

Yet the promise of "humane" meat production (helped along by an unhealthy dose of mad-cow-disease scaremongering) may be the ultimate animal-rights Trojan horse. Pacelle summarized his philosophy over ten years ago in *Animal People News*: "We have no ethical obligation to preserve the different breeds of livestock produced through selective breeding ... One generation and out. We have no problems with the extinction of domestic animals. They are creations of human selective breeding."

During just one 24-hour period in 2002, Pacelle argued both for "humane" poultry production and for none at all. Out of one side of his mouth, Pacelle told the Associated Press that Americans should be willing to "pay a few cents more" for "free-range" turkeys. The previous evening, though, when CNN's Bob Novak asked if HSUS is "against killing chickens for food," Pacelle ended an interminable period of hemming and hawing with the admission: "Well, I'm against it."

This, of course, is the logical outgrowth of a mind that sees nothing wrong with securing "human rights" for animals. HSUS and Pacelle even endorsed a plan floated by erstwhile vegan presidential candidate Dennis Kucinich (D-Greenpeace) to create a cabinet-level "Department of Peace" -- a federal institution whose mandate would include what columnist Debra Saunders called an "I-kid-you-not clause" -- "policies to address violence against animals." Translation: the Humane Society of the United States dreams of White House-endorsed vegetarianism. *Worth* magazine rates HSUS among the worst-managed U.S. charities, noting that HSUS took in over \$65 million in 2000, yet spent more than half of it to raise additional money. "We're not saying they're crooked," offered *Worth* writer Reshma Memom Yaqub in November 2002, "but we do take issue with some business practices." As Wayne Pacelle prepares to accept the mantle of HSUS leadership from outgoing president Paul Irwin, he will undoubtedly have more on his mind than covering up the group's suspect finances. At the "Animal Rights 2002" convention in Virginia, he spelled out his master plan. "We would be foolish and silly," he told hundreds of activists, "not to unite with people in the public health sector, the environmental community, [and] unions, to try to challenge corporate agriculture." [Click here to hear Wayne.]

For more on the Humane Society of the United States, visit the ActivistCash profile.

March 10, 2005

Re: SB 288

Honorable Members of the Senate Agricultural Committee:

We operate a small dog breeding kennel at El Dorado. We are 69 and 66 years old and are using the income from the kennel to supplement Social Security. Interest rates have been going down on what little we have invested, making serious inroads to our income. On top of a decrease in income, there has been an increase in the cost of many of our daily needs, such as utilities, propane, gasoline, medical expenses including prescriptions, taxes at all levels of government.

We are opposed to SB 288 because it would double the allowable fees charged by Kansas Animal Health Department. This could hurt small breeders and small distributors. For some of us, that increase could really cut into our bottom line.

Small out-of-state distributors may discontinue buying Kansas puppies, allowing larger distributors both in and out of state to have more of a monopoly. This, in turn, could work to the detriment of small breeders by losing the valuable competition provided by small distributors.

On page 1 line 36 the proposal deletes a specified portion of the federal law and brings the entire federal Animal Welfare Act under the authority of the commissioner for issuing rules and regulations for USDA licensed facilities. We absolutely oppose any measure that gives the KAHD greater authority. We need less government intervention in our lives, not more.

At the present time, we are inspected by the USDA and KAHD. We believe if a premises is inspected by USDA there is no real reason for the State to follow behind and inspect again. This is a waste of time and money. USDA licensed facilities should continue to pay the current fee, but should be inspected by KAHD only upon written complaint or a request from USDA. Many fear this will cause us to regress back to the time when Kansas was known as a puppy mill state. However, when that was going on, USDA had only one inspector for the entire state because the dog industry had not been a problem issue. That has now changed and USDA is fully staffed. We should not, therefore, fear becoming a puppy mill state again.

A document prepared by Duane Goossen, Director of the Budget, shows 471 USDA licensed facilities out of a total of 1,184 facilities. Revenue generated by the 471 USDA licensed facilities at the current fee is \$70,650. Please refer to the attached chart. The money saved from cutting the number of inspections by about 40% would be the equivalent of a hefty fee increase and the inspectors could spend more time on the true problem and unlicensed facilities.

Thank you for listening to our point of view.

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

Senate Agriculture Committee

Date 3-15-05

Attachment # 18

This information is taken from the fiscal note from Director of the Budget, Duane A. Goosen, in connection with a similar bill. Figures in the far right column are mine, as are the underlined emphasis.

Number	License Type	Current Fee	Total from Current Fee
<u>382</u>	<u>USDA A breeders</u>	\$150	<u>57,300</u>
189	Hobby kennels	75	14,175
116	Boarding kennels	75	8,700
9	Out-of-state distributors	150	1,350
70	Pet shops	300	21,000
<u>16</u>	<u>USDA Pet shops</u>	150	<u>2,400</u>
196	Pounds/shelters	200	39,200
5	Research	150	750
128	Retail breeders	300	38,400
<u>73</u>	<u>USDA retail breeders</u>	150	<u>10,950</u>

Total USDA 471

Total facilities 1,184 = 39.78%

USDA fees under current fee structure	\$57,300
	2,400
	<u>10,950</u>
Total USDA fees	70,650

If the 471 USDA facilities were not inspected by KAHD, a large part of this revenue could be used for other purposes, negating the need for the large fee increase proposed by this bill.

STATEMENT TO THE SENATE AGRICULTURE COMMITTEE

SENATOR MARK TADDIKEN, CHAIR

REGARDING S.B. 288

MARCH 15, 2005

Mr. Chairman and Members of the Committee, I am Karole Lindgren, from Marion, Kansas. I am in opposition to S.B. 288. This bill would provide increased fees in order to generate additional revenue for the pet animal division of the Kansas Animal Health Department.

Are the increased fees needed? They have not been recommended by the Governor or the budget committees.

Are the increased fees warranted? I believe pet animal breeders would be willing to pay increased fees if they believed they were being regulated by a fair regulator.

The pet animal division is increasingly under scrutiny. The House Appropriations Committee has called for an interim study of whether the duties of the Animal Health Department should be transferred to the Department of Agriculture, as I believe is the case in all other states. This suggestion has been endorsed in hearings on the animal identification program by agricultural organizations, including the Kansas Farmers Union and Kansas Cattlemen's Association. There are also requests for legislative post audit studies of this department, and repeated claims against the state against this department. It would seem prudent to study what the problems and concerns may be with the department; why increased fees and funding are sought session after session; and whether there could be fiscal savings as a result of combining the department with the Department of Agriculture – prior to increasing fees on the industry and revenue for the agency.

How would the increased fees be spent? Are more inspectors needed? Why? Currently, the pet animal division inspects those facilities that are also federally licensed. Is dual licensure necessary? Is dual inspection necessary? In other areas, such as meat inspection and grain inspection, facilities have either a federal license or a state license, but not both. What would be the cost savings from eliminating dual inspections?

How many animal seizures has the division conducted? How many animals have been seized? How many people have signed consent agreements upon the insistence of the agency, allowing their animals to be taken, waiving their legal rights – when they didn't even have the minimum number of animals in order to be under the authority of the agency?

What is the training of the pet animal division inspectors? The agency has testified that all the inspectors have received up to 120 hours of criminal cruelty

senate Agriculture Committee

Date **3-15-05**

Attachment # **19**

investigation training from the American Humane Association. Attached to my testimony for your information are some of the positions of this organization. Do these positions reflect the positions of the Kansas Animal Health Department?

Senators, I believe there are too many unanswered questions to consider passage of increased fees for the pet animal division at this time.

Animal Protection Services Policy Statement

Dog Racing

Dog racing continues to grow in popularity in the United States, where its proponents seek legislation to establish dog racing in states that do not allow it and open new tracks in states that do.

Cruelty is an unavoidable by-product of dog racing. Even though banned by the National Greyhound Association, training of greyhounds with live rabbits or other animals is still practiced. The dogs are allowed to chase, terrorize, and rip apart the animal lures. If a rabbit succeeds in avoiding capture and death in one chase, it is used again until it is finally caught and killed.

The dogs themselves suffer from a planned breeding, testing, and rejection program that creates an unwanted overpopulation of racing dogs that do not "make the grade" on the track. This deliberate breeding adds to an already uncontrollable and tragic overpopulation problem with the general pet population. Despite some efforts to find homes for unwanted racing dogs, the majority are destroyed by their owners or taken to animal shelters to be euthanized.

Further, forcing dogs to race up to 60 or 70 times a year in "hard track" conditions has resulted in an epidemic of crippling leg injuries. In 1985, up to two thirds of advertised stud dogs were retired due to injury.

American Humane opposes dog racing and the use of live-lure training that often accompanies it. American Humane opposes any legislation that would legalize dog racing in areas where it is illegal and advocates legislative change to ban dog racing where it currently exists.

Farm Animal Welfare

Farm animal welfare is an issue of growing moral and social significance. For American Humane, protection of farm animals has always been a topic of deep concern, with efforts dating back to the organization's beginnings in 1877.

Traditionally, animal production methods have been, and in many cases still are, evaluated on economic grounds only. But productivity is not always a reliable indicator of the well-being of an animal. In some circumstances, productivity of a single animal or an animal operation may be negatively related to the well-being of farm animals. The use of force-feeding to produce "fatty livers" in geese or overcrowding of laying hens to achieve highest productivity per housing unit are examples of such a relationship.

Calling for an extension of the concepts of justice and fairness beyond the boundaries of human society, American Humane believes the welfare of the individual animal, and its protection from unnecessary suffering, should be a primary standard for procedures in farm animal operations.

American Humane takes as a guiding principle that every animal subjected to full, direct human control should have an opportunity to experience an environment for which its own species is predisposed in order to develop into a physically and psychologically healthy being.

This would mean that all farm animals should have the benefits of:

- Adequate air, water, and feed supply according to their biological requirements.

- Safe housing and a sufficient amount of space to prevent injuries or atrophies and ensure normal growth.
- Appropriate levels of environmental complexity to prevent harmful deprivation and boredom or aversive stimulation and fear.
- Regular daily supervision and effective health care to minimize undetected accidents, injuries, or illness and to initiate prompt assistance.
- Sensible handling in all stages of their life to avoid unnecessary suffering.

Finally, American Humane believes that a most important criterion of moral acceptability of a given animal production method is its impact on the ecology. Large animal operations, especially, often have serious difficulties in achieving sustainable ecological integration.

Fur Garments

The trapping, raising, and killing of animals for luxury fur garments causes great pain and suffering for both wild and ranched animals.

It is estimated that each year in the United States more than 13 million animals are the victims of suffering, injury, and death caused by steel-jaw leghold traps. The vast majority of animals that die in these traps are used for luxury fur garments. Furthermore, for every one target animal taken, at least one (1.4) nontarget animal is caught in the traps, including endangered species, domestic pets, and livestock.

Because ranched furbearers experience stress during life and suffering at death, ranched fur cannot be considered a humane alternative to wild fur. Ranched furbearers are generally raised in small pens, providing no opportunity to interact or otherwise express natural instincts or behaviors.

Ranched animals also suffer from genetic defects caused by excessive inbreeding to produce mutated fur colors. The methods used to kill these animals are chosen not for humaneness, but for economy and pelt protection. Methods may include inhalants such as carbon monoxide, calcium cyanide, or chloroform; oral poisons such as cyanide powder squeezed from a rubber syringe; injections of poisons such as magnesium sulfate (epsom salts); electrocution; or physical methods such as breaking the animal's neck with a twist or a blow.

It is clear that there is no basic human need met by the wearing of fur garments, and that animal abuse is inherent in the fur industry. Therefore, American Humane opposes the production and wearing of fur garments.

Realizing that many consumers are not aware of the cruelty behind the product, American Humane seeks to educate the public on the reasons to stop buying and wearing fur garments. In addition, American Humane advocates legislation to ban the steel-jaw leghold trap and to eliminate the industry of raising animals for their pelts.

Hunting

American Humane opposes the hunting of any living creature for fun, trophy, or for simple sport. American Humane believes that sport hunting is a form of exploitation of animals for the entertainment of the hunter and is contrary to the values of compassion and respect for all life that inform American Humane's mission.

American Humane finds that wildlife management often consists of creating habitat that favors "game" species, which creates an overpopulation available for the purposes of sport hunting. American Humane opposes these practices and favors wildlife "management" requiring the least human manipulation, favoring all wildlife in an ecosystem equally. On occasion when all other avenues have been exhausted and there remains a demonstrable necessity to kill some wildlife, it should be performed by responsible officials, and methods utilized must result in instantaneous and humane death.

American Humane considers sport hunting a violation of the inherent integrity of animals and disruptive of the natural balance of the environment through human manipulation, and calls for positive action to be taken to prevent such cruelties.

Local Events or Contests Involving Animals

American Humane has found that each year a variety of locally sponsored community events or contests, organized for profit or entertainment, involve the abuse of animals. Some examples are:

- Donkey basketball, baseball, hockey, or polo
- Wildlife roundups of animals, such as rattlesnakes, rabbits, or fox
- Greased pig contests
- Calf scrambles
- Chicken races
- Turkey drops and other similar events.

Often these animals are directly abused by being chased, beaten, grabbed at, squeezed, kicked, or killed for the sake of the event. In addition, the potential for abuse through neglect is great in the areas of transportation and care of the animals before and after the event.

In no case are these events vital to the community; entertainment or fund-raising events that do not involve animals can be as well or better enjoyed by participants and spectators.

These events have a desensitizing effect on children, making them unsympathetic to the suffering of other life forms and allowing them to believe that animal abuse can be thought of as an acceptable form of entertainment.

Therefore, American Humane opposes all such events or contests that feature or involve the abuse of animals.

Puppy Mills/ Mass Breeding

The mass breeding of dogs for the commercial pet market has resulted in numerous "puppy mills" in which animals suffer abuse and physical stress from poor care and facilities. In many cases, the animals suffer from exposure to extremes of heat and cold due to inadequate shelter and lack of sufficient food and water. They live in filthy conditions, which foster disease, and frequently suffer from the absence of veterinary care. Adults are bred excessively and often spend their entire lives in small runs or cages.

For the puppies, neglect of emotional needs due to lack of socialization, isolation, and the trauma of transportation at an early age is a serious problem. In addition, ignorance or indifference to good breeding practices often results in dogs with genetic problems such as bad temperaments, hip dysplasia, hernias, heart murmurs, eye defects, hemophilia, and others.

American Humane opposes the mass breeding of puppies for profit because of the suffering and exploitation of the dogs involved and because of the unnecessary addition of hundreds of thousands of animals to an already tragic overpopulation of pets.

American Humane seeks to eliminate mass breeding establishments through enforcement of current laws and regulations, enactment of legislation, and public education to eliminate the market for such animals.

Rodeo

American Humane is opposed to rodeos because they result in torment, harassment, and stress being inflicted upon the participating animals and expose rodeo stock to the probability of pain, injury, or death. American Humane denounces this type of unnecessary exploitation and the use of devices such as electric prods, sharpened sticks, spurs, flank straps, and other rodeo tack used to induce animals to react violently. American Humane finds these abuses cannot be justified.

American Humane recognizes and supports the responsibility of local and regional humane organizations to inspect, regulate, and enforce laws regarding the prevention of cruelty to animals at rodeos, and such efforts are not to be construed as any sanction or endorsement of rodeos, their views, practices, or the performance of rodeo events.

American Humane contends that rodeos are not an accurate or harmless portrayal of ranching skills; rather, they display and encourage an insensitivity to the acceptance of brutal treatment of animals in the name of sport. Such disregard of our moral obligations toward other living creatures has a negative impact on society as a whole and on impressionable children in particular.

It is, therefore, American Humane's policy to oppose all rodeos, to educate the public about our humane objectives, and to encourage like-minded individuals and groups to seek the elimination of rodeo cruelties through a program of local legislation and advocacy.