

**Minutes for the Pet Animal Advisory Board Meeting
December 12, 2012
Held at the KDA Office at 109 SW 9th Topeka KS**

Those in attendance:

Board Members

Lorilee Thomas
Dr. Morland
Sharon Munk
Dr. Snyder
Dr. Marlow
Maurine Cummins
LeAnne Trabuc

KDA Staff

Dr. Faurot
Dr. Brown
Jim Riemann
Carman Simon
Chelsea Good
Jeaneen Holt
Karrie Gibson
Jackie McClaskey

Public:

Midge Grinstead- HSUS
Greg Smith- Pet Shop Licensee
Dr. Chris Piplen
Terry Humphreys
Anthony Barnett- Lawrence Humane Society (LHS)
Kate Barnett- Attorney for LHS
Dori Villalon- LHS
Crystal Swann Blackdeer- Leavenworth County Humane Society, PACK Founder
Courtney Thomas-Great Plains SPCA
Dorothy Brecheisen- KPP president

The meeting was called to order at 9:00 am by Sharon Munk- Board Chair Person

- Sharon made a welcome speech to the Board.
- Sharon went over the Agenda for the day, and made changes.
 - Moved the KPAA Board presentation by Jackie to the afternoon and announced she would give it as she had handouts.
 - Added Additional Funding to the Statutory Additions
 - Board approved the Agenda changes.
- Board were given the minutes from the Oct.31-12 meeting- Those were approved by the board
- Board were given the minutes from the Nov.14 2012 meeting,
 - Sharon Munk asked for the following changes to be made-
 - Change Sharon Munk presiding to Chelsea Good and Dr. Faurot
 - Under Statutory Review- it read- Statutes were reviewed with some revision made and some discusses with the notes made to revisit at next KPAAB meeting.

- Under Statutory Review-now reads- Statutes were reviewed with some ~~revision made and some discusses~~ statutes **reviewed and discussed** with the notes made to revisit at next KPAAB meeting.
- The changes to the minutes were approved by the Board.

Dr. Faurot- Introduction of New Board Member-

- LeAnne Trabuc- Holds the Hobby Breeder Position on the Board
 - Board members welcomed her.

Jackie McClaskey- Budget Scenario

- Jackie referred to the handout given to the board- “ Animal Facility Inspection Budget Situation”
 - Dr. Marlow asked where other aspects of Animal Health waved for AFI.
 - Jackie- Yes, but it was not just for AFI and there maybe some more if needed.
 - Public Question-What were the other programs? And how many Staff?
 - Jackie- Large animal Disease Control and Brands.
 - Sharon Munk- Reminded the public to hold questions to the end of the meeting.
 - Board wants to view budget to look for cuts that can be made-stated she brought the income up to \$300 thousand with her proposed fee increases.
- **Dr. Faurot-Budget Discussion- slides**
 - Reviewed slides on the budget that were presented at the Nov 2012 meeting.
 - Reminded the Board that the AFI funding does not pay any of Dr. Brown’s or Amy’s salary.
 - **Presented new slides**
 - The AFI program spent \$468,726 in actual expenditures in FY 2012
 - \$268,145 of the AFI program expenditures were covered by State General Funds
 - which is 51 percent of the of the Animal Health total SGF allocation
 - AFI makes up 20% of the Animal Health Budget, but gets 51% of the SGF
 - To solve this inequity, three things must occur
 - Increasing the total AFI budget to account for actual expected expenses
 - Decreasing the % of SGF allocated to AH being expended in the AFI program
 - Increasing AFI’s fee revenue to cover a higher proportion of the program’s budget
 - **For FY 2013 the projected cost of the AFI program is \$600,000**
 - Fee revenue from FY ‘12 was approximately \$227,000
 - AFI currently funds 38% of the program’s budget with fees
 - Animal Disease currently funds 80% of their budget with fees
 - Animal Brands Division currently funds 91% of their budget with fees

- An increase in fee revenue to \$425,000 means that the AFI program would now fund approximately 71% of their budget with fees
- **How do we get there?**
 - **Statutory Caps**
 - USDA licensed- an amount not to exceed \$200
 - Any other premises besides USDA breeders, hobby breeders, kennel operators, or shelters/pounds- an amount not to exceed \$405
 - Temporary closing permit- an amount not to exceed \$95
 - Out-of-State distributor permit- an amount not to exceed \$675
 - Hobby breeder license or kennel operator license- an amount not to exceed \$95
 - Animal shelter or a pound- an amount not to exceed \$300
 - A late fee of \$70 to any person whose permit or license renewal is more than 45 days late
 - Additionally, licensees can't be required to pay for more than one license even if they hold multiple licenses
 - **Current fees under K.A.R. 9-18-1 (red indicates at statutory cap)**
 - *Animal breeder (USDA)- \$200*
 - *Animal breeder (non-USDA) breeder- \$405*
 - *Pound or Shelter in 1st class city- \$300*
 - *Pound or Shelter in 2nd class city- \$250*
 - *Pound or Shelter in 3rd class city- \$200*
 - *All other types of pound or shelter licenses- \$200*
 - *Retail breeder (USDA)- \$200*
 - *Retail breeder (non-USDA)- \$405*
 - *Temporary pet shop- \$75-\$350 (depending on # of sale days)*
 - *Pet shop- \$ 405*
 - *Research facility (USDA)- \$200*
 - *Research facility (non-USDA)- \$405*
 - *Hobby breeder \$95*
 - *Boarding /training kennel operator \$ 95*
 - *USDA – licensed animal distributor \$200*
 - *Non USDA – licensed animal distributor \$405*
 - *Out-of-state distributor \$650 (\$675)*
 - *Foster home shelter \$10*
 - *Rescue home shelter \$50*
 - *Group home shelter \$50*
 - *Temporary closing permit (TCP) for a hobby breeder or kennel operator \$45*
 - *TCP for a P/S, animal breeder, distributor, retail breeder, pet shop, or res. facility \$95*

- **Sharon Munk-** We don't have Distributors non USDA- It's illegal
- **Dr. Faurot-** That is correct. It will be removed.
- **Proposed fee w/category changes:**
 - Out-of-state distributor \$650
 - Breeder (USDA)- \$ 200 to \$300
 - Breeder (non USDA)- \$405 to \$650
 - Animal distributor (USDA)- \$200 to \$300
 - Animal distributor (non-USDA)- \$405 to \$650
 - Animal breeder and distributor (USDA)- \$200 to \$525
 - Research facility (USDA)- \$200-\$200
 - Research facility (non-USDA)- \$405-\$405
 - Pet shop- \$ 405 to \$550
 - Temporary pet shop- \$-(depending on # of sale days 80-90% ↑)
 - Pound or Shelter in 1st class city- \$300 to \$675
 - Pound or Shelter in 2nd class city- \$250 to \$575
 - Pound or Shelter in 3rd class city- \$200 to \$475
 - All other types of pound or shelter licenses- \$200 to \$475 (?)
 - Foster homes \$10 to \$45
 - "Rescue" homes \$50 to \$125
 - Boarding/training kennel \$ 95 to \$200
 - Hobby breeder \$95 to \$225
- **Other Proposed budget ideas:**
 - Increase late fees from \$70 to \$85 (est. \$450 increase in revenue) 47-1721 (a)(7)
 - Get rid of 45 day grace period-if you were licensed last year, you are required to renew by July 1st deadline or you pay the \$85 fee 47-1721 (a)(7)
 - Institute a fee for no-contacts
 - Would need language stating something along the lines of "A fee of \$XXX may be charged, if upon repeated reasonable effort, a licensee cannot be reached for routine inspection"
 - Charge an inspection fee for re-inspections/requested inspections (avg. \$215)
 - Example- licensee moving in the middle of the license year 47-1721 (c)
 - Current language states -If licensee "requests"
 - Example- failed re-inspections
 - Need language that allows us to charge these re-inspect fees?
 - E.g. Missouri 273.338 states "Failure of re-inspections after original violation, penalty, amount—payment of penalty required before license renewal. Persons and facilities which

subsequently fail two consecutive re-inspections for an original violation shall be charged a fee of \$100, which shall be paid before subsequent inspection and renewal of such person's or facility's license". **This would essentially be the third violation.**

- Sharon Munk- If pass 2nd fail-there would be no change?
- Dr. Faurot- Yes
- Maureen Cummins- Do we know if the violations are for records or animal issues?
- Dr. Faurot- Could be either. We need to discuss this.
- Dr. Morland-What if Animal is in Health Safety welfare.
- Dr. Faurot- Then we do a Health Safety Welfare Event/consent agreement.

There was much discussion on license fees and how to get the AFI program to where it needs to be to meet Program needs.

Statutory Review-Sharon Munk and Chelsea Good

- Sharon made an opening statement regarding Statutes for the AFI program.
 - We as the Board have to review everything
 - If we make a mistake it cannot be changed for 1 yr.

47-1701- Definitions

- Board motion- Definitions should be in alphabetical order.
- Board voted-100% Approved
- (b) "Adequate Watering"
 - means a supply of clean, fresh, potable water, supplied in a sanitary manner and in adequate amounts at intervals suitable for animal species and either continuously accessible to each animal or supplied to maintain the health and well-being of such animals. at a minimum of twice daily no less than six hours apart. at intervals suitable for the animal species, not to exceed intervals of 12 hours.
 - Motion to accept changes-
 - Board voted-100% Approved
- (f) Animal Breeder Premises
 - means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale, retail, or otherwise. for resale to another. This includes both individuals licensed by the USDA under 7 U.S.C. § 2131 et seq. as well as individual not licensed by the USDA.
 - This was tabled by board.
- (g) "Animal Shelter or pound"
 - means a facility which is used or designed for use to house, contain, impound or harbor any seized stray, homeless, relinquished or abandoned animal ~~or a person who acts as an~~

animal rescuer, or who collects and cares for unwanted animals or offering s such animal~~them~~ for adoption.

- Sharon wants pound shelter defined as bricks and mortar
- Group home foster- as records center
- Foster home-defined
- Maureen Cummins wants to address this also.
- Sharon wants to ditch the word pound

○ (v) "Primary enclosure"

- means any structure used or designed for use to restrict any animal to a limited amount of space, such as a room, pen, or cage, compartment or hutch.
- **Board vote-100% Approved**

▪ (x) "Sale," "sell" and "sold"

- " include transfers by sale or exchange. Maintaining animals for sale is presumed whenever 20 or more dogs or cats, or both, are maintained by any person or on one premise.
- **Board vote-100% Approved**

• (bb) "Out-of-state distributor"

- means any person residing in a state other than Kansas, who is engaged in the business of buying for resale dogs or cats, or both, within the state of Kansas, as a principal or agent, or who holds such distributor's self out to be so engaged.
- **Board Vote-100% Approved**

• (4) As used in the Kansas pet animal act, "~~adequate veterinary medical care~~" shall ~~not~~ apply to United States department of agriculture licensed animal breeders or animal distributors. USDA-licensed breeders may use their USDA vet care forms to meet the "adequate veterinary medical care" requirement. However, These records shall be made available to KDA inspectors for inspection or copying upon request and shall be maintained for three years after the effective date of the program or the administration of such veterinary care."

- **Board vote-100% Approved**

~~▪ (ff) "Retail breeder"~~

- ~~▪ means any person who operates a retail breeder premises.~~

~~▪ (gg) "Retail breeder premises"~~

- ~~▪ means any premises where all or part of six or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.~~

~~▪ (hh) "Retail"~~

- ~~▪ means any transaction where the animal is sold to the final consumer.~~

~~▪ (ii) "Wholesale"~~

- ~~▪ means any transaction where the animal is sold for the purpose of resale to another.~~

- **ANOTHER OPTION** – Animal Breeders = all breeders, define both wholesale breeder and retail breeder

- **Board vote-100% Approved**

47-1704. Pound or animal shelter license

- It shall be unlawful for any person to operate a pound or animal shelter, except a licensed veterinarian who operates such pound or animal shelter from such licensed veterinarian's clinic, unless a license for such pound or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date. Once a pound or shelter license has been obtained, the pound or shelter may host adoption events at a location other than besides the pound or shelter so long as all pound and shelter laws and regulations are followed.

- **Board vote-100% Approved**

47-1709. Inspections and investigations; confidentiality of complaints; records of inspections; training of inspectors and owners of pet animal facilities.

- (b) The commissioner or the commissioner's authorized, trained representatives may shall inspect each premises for which a license or permit has been issued under K.S.A. 47-1701 et seq., and amendments thereto based on an inspection frequency schedule adopted in rules and regulations. This frequency schedule may take into account the relative risk posed by facilities to the health, safety and welfare of animals.—The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license or permit. Notice need not be given to any person prior to inspection.

- **Board vote- for Shall vs May**
 - **Shall-6 votes**
 - **May-1 vote-LeAnne Trabuc**

47-1710-Release of disposition of animals from pound or animal shelter; use of proceeds from sale of animal

- An animal shall not be disposed of by an owner or operator of a pound or of an animal shelter as a pound until after expiration of a minimum of three full business days-of custody, not including the day the animal arrives, during which the public has clear physical access to inspect and recover the animal through time periods ordinarily accepted as usual business hours. During such time of custody, any owner or operator of such facility shall attempt to notify the owner or custodian of any animal maintained or impounded by such facility if such owner or custodian is

known or reasonably ascertainable. Such an animal may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such animal was a gift animal to an animal shelter, or euthanized by a ~~duly incorporated licensed pound or shelter humane society~~ or by a licensed veterinarian if it appears to an trained officer of such pound or shelter humane society or to such veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose.

▪ **Board Voted-100% Approved**

47-1711. Animal Control Officer Restrictions and Responsibilities ~~Dog warden; Kansas Pet Animal license as or employment by animal dealer or pet shop operator prohibited; record of taking custody and disposition~~

▪ An animal control officer shall not be granted a license under the Kansas Pet Animal Act ~~animal distributor's, animal breeder's, retail breeder's, hobby breeder's or a pet shop operator's license~~. Each application for a Kansas Pet Animal Act ~~any such license~~ shall include a statement that neither the applicant nor any of the applicant's employees is an animal control officer. An animal control officer, upon taking custody of any animal in the course of such officer's official duties, shall immediately make a record which shall include the color, breed, sex, approximate weight and other description of the animal, the reason for seizure, the location of seizure, the owner's name and address, if known, the animal license number, and any other identification number. Complete information relating to the disposition of the animal shall be shown on the record and shall be added immediately following the disposition of the animal. Such records shall be made available to the commissioner or the commissioner's authorized representative upon request.

▪ **Board voted- 100% Approved**

47-1712. Rules and regulations

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

▪ **Board voted-100% Approved**

47-1717. Invalidity of part

▪ ~~If any provision of this act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of the act, and the application of any such provision to any person or circumstance other than those as to which it is held invalid, shall not be affected thereby.~~

▪ This is addressed in KSA 47-1737

- **Board vote to strike duplicate entry and place at the end of statutes-100% Approved**

47-1721-(1) through (7)

- **Board vote to do away with renewal grace period**
 - **100% Approved**
- Discussion by board members of fee caps;
 - The motion made by Dr. Marlow and 2nd by Dr. Morland of the following:
 - (1) Except as provided in paragraph (5) or (6), for a license for premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et seq.), an amount not to exceed ~~\$200~~500; \$500
 - (2) except as provided in paragraph (5) or (6), for a license for any other premises, an amount not to exceed ~~\$405~~750;
 - ~~(3) for a temporary closing permit, an amount not to exceed \$95;~~
 - (4) for an out-of-state distributor permit, an amount not to exceed ~~\$675~~750;
 - (5) for a hobby breeder license or a boarding or training kennel operator license an amount not to exceed ~~\$95~~250;
 - (6) for a license for an animal shelter or a pound, an amount not to exceed ~~\$300~~; 750
 - (7) a late fee of ~~\$100~~70 shall be assessed to any person whose permit or license renewal is ~~more than 45~~ days late.
 - **Poll taken- All voted YES-100% Approved**
- **(f) Premises required to be licensed under the Kansas pet animal**
 - act under multiple license categories shall receive a license for each applicable category and comply with the applicable statutes and rules and regulations pertaining to each category. Premises required to be licensed under the Kansas pet animal under multiple categories shall pay for the most expensive license required and \$50 for each additional license. act shall not be required to pay for more than one license. If more than one operation is ongoing at the premises, each operation shall comply with the applicable statutes and rules and regulations pertaining to such operation.
 - Dr. Marlow moves to Strike (f) put in regulations
 - **Board vote- 6-Yes 1 No (Sharon Munk wanted noted she voted No)- Approved**
 - (g) Except as provided further, when a premises required to be licensed or permitted under the Kansas pet animal act applies for an initial license or permit, the commissioner shall prorate to the nearest whole month the license or permit fee established in subsection (a). The commissioner shall have discretion to determine whether the application is an initial application or an application for a premises for a premise which has been doing business but is not licensed or permitted. If the commissioner determines the premise has been doing business without a license or permit, the commissioner may charge a license fee for up to the previous three years of regulated business being conducted without a

license." If the commissioner determines the premises has been doing business without a license or permit, the commissioner is not required to prorate the fee.

- **Board voted to strike prorating-100% Approved**

47-1725. Kansas pet animal advisory board; duties and powers

(a) There is hereby created the Kansas pet animal advisory board, consisting of 108 -13 members. Members shall be appointed by the secretary of agriculture-governor as follows:

- (1) Two to three members shall be representatives of licensed breeders, hobby breeders, and/or distributors;
- (2) Two to three members shall be representatives of licensed pet shops and/or boarding and training kennels;
- (3) Two to three members shall be representative of licensed animal pounds/shelters, group homes, and/or foster homes.
- (4) One to two members who are licensed veterinarians and/or representatives of a licensed research facility.
- (5) One to two citizens not licensed by the Kansas pet animal act or employed by a licensee under the act.
- (6) One member shall be a representative of a licensed animal shelter or pound;
- (2) one member shall be an employee of a licensed research facility;
- (3) one member shall be a licensed animal breeder;
- (4) one member shall be a licensed retail breeder;
- (5) one member shall be a licensed pet shop operator;
- (6) one member shall be a licensed veterinarian and shall be selected from a list of three names presented to the governor by the Kansas veterinary medical association;
- (7) one member shall be a private citizen with no link to the industry;
- (8) one member shall be a licensed animal distributor;
- (9) one member shall be a licensed hobby breeder; and
- (10) one member shall be a licensed kennel operator.

(b) Of the members first appointed to the board, the secretary of agriculture-governor shall designate at least two three whose terms shall expire June 30, 2013 1992; at least two three whose terms shall expire June 30, 2014 1993; and at least two three whose terms shall expire June 30, 2015 1994. After the expiration of such terms, each member shall be appointed for a term of three years and until a successor is appointed and qualified.

(c) A vacancy on the board of a member shall be filled for the unexpired term by appointment by the secretary of agriculture-governor.

- **Board vote on change to Secretary of Agriculture appointment of members as well as to keep current positions on board, but add position for Group Home Shelters- Approved.**
 - Yes-5
 - No=1 Maureen Cummins
 - Abstain=Sharon Munk

Board Comments-

- Dr. Marlow-

- Liked the way Sharon ran meeting keeping everyone on track.

Public Comments

- Courtney Thomas-
 - Supports much of what was discussed
 - Wants to see more discussion on Fees for non-profit licenses
 - Watering statute was good.
- Crystal Swann Blackdeer-
 - Apologized for her outbursts
 - All license categories pay their fees thus deserve to have a representative on the board.
 - Really would like to see Group foster home position appointed to the board.
 - Made a statement about Group fosters not being under pound shelters, they are stand alone and have own fosters.
- Greg Smith-
 - USDA-NonUSDA should be for Pet stores
 - USDA does not regulate birds or reptiles
 - State does full inspection, USDA does not
 - Need to get information out about the KAAPB –no one knows about it or that they have a representative for their license type.
- Midge Grinstead-
 - Fees for pound shelters and rescues need cleanup
 - They have thousands of dollars in expense
 - Most are non profit and not making money
 - Thinks Groomers should have to license
 - Need to define pound shelter
 - Could we separate to Sanctuary- Hoarders
- Terry Humphreys-
 - Commended Board for a good meeting
 - Looking at regulations would benefit the board
 - Board needs to do round table discussions
 - In preparing for regulations-need more statistics on inspections pass/fail

Sharon recognized Secretary Dale Rodman coming into the meeting.

- Asked Sec. Rodman for speech.
 - Secretary Rodman- addressed the meeting attendees
 - Thank you for your time KDA understands what you do, how important it is and how it creates jobs. We want to be here to help you get your job done and then get out of the way.
 - Jackie McClaskey-addressed the Board
 - Thank you for your service
 - If you have any additional commits please her know

- Dr. Brown-
 - The board is vital to us.
 - Thank you for everything you do.

- Chelsea Good-
 - Thank you for your comments and discussion today.

- Jim Reimann
 - Can empathize with the Board and what a difficult job they have
 - He has admiration of each member

- Dr. Faurot-
 - Thank you, what we do is close to our hearts.

Last order of business-Sharon Munk

- Sharon asks board if KDA can write statute regarding "Groomers to be required to license and add the word "Sanctuary to definitions."
 - **Board votes 100% Approved**
 -

Next meeting- On regulations

Wed. March 13th 2013 9:00 am

At KDA office in Topeka

Motion to adjourn-Dr. Marlow, 2nd by Dr. Snyder

Recorded and typed by Karrie Gibson