

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

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

All members were present except: Representative Craft - Excused

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

Conferees appearing before the committee:

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

Others attending: See attached list

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

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

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

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

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

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

LeAnn Schmitt, Senior Auditor, Legislative Division of Post Audit, appeared in support of **SB 46** and reviewed the results of the performance audit concerning boarding costs for animals that have been seized from their owners because of animal health, safety, or welfare reasons. She explained that those concerns surfaced in 2000 after the costs of caring for dogs and cats seized in a single case exceeded \$65,000. Under current law, the Animal Health Department staff has three ways to try to recover the costs of caring for and

CONTINUATION SHEET

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

boarding seized dogs or cats: 1) filing a lien against real property if it's located in the county where the judgment occurs, 2) using the State's Debt Set-Off Program, and 3) garnishing the animal owner's wages. The Department reported these methods often aren't effective because the violators frequently don't have a lot of property or income.

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

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

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

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

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

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

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

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