

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 14, 2000, in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department
Opal Featherston, Breeder Representative, Kansas Pet Animal Advisory Board, Whiting (written only)
Joleen Zimmerman, Dighton City Pound (written only)
John Maddux, El Dorado
Joyce Peckham, Meriden
Martha Bartels, Marysville
Rebecca Mosshart, Nashville
Audrey Rottinghaus, Baileyville
Margaret Kerr (written only)
Sam Mosshart, Protection
Suzanne K. Harvey, DVM, Buffalo, Oklahoma (written only)
B.C. Champlin, DVM, Director, and Margie Staggs, Manager, Dodge City Animal Shelter (written only)
Sheri Canfield, Executive Director, The Kansas Humane Society of Wichita (written only)

Others attending: See attached list

Discussion and action on HB 2674 - Structure of grain commodity commissions.

Chairman Johnson called for the subcommittee report on **HB 2674**. Raney Gilliland explained the changes proposed by the subcommittee and set forth in the balloon amendment. (Attachment 1) He reported that a number of technical changes were made in the bill. He said the first major change occurs on page 3 concerning election procedures. It was noted that "election officer" was not defined, but that the Kansas Department of Agriculture would serve as the election officer for the first three years. The second major change concerns the open records act on page 5 of the bill. It was noted this should also include the open meetings act. The change on page 6 clarifies that the administrator and other personnel of the commissions will not be employees of the state and removes the authority of the commissions to prosecute in the name of the state. Page 7 amendments specify details to be included in the annual reports, outline new duties, authorities and powers of the Secretary of Agriculture, and specify in the bill the levy assessments for soybeans and wheat. The change on page 9 states that the Secretary of Agriculture shall deposit all money received in payment of assessments in a bank account established in the name of the commission. Changes on page 11 transfers the powers and duties from the Kansas Department of Agriculture to the respective commissions, creates the grain commodities commission services fund in the state treasury, and makes several technical changes.

Representative Schwartz, chairman of the subcommittee, moved to adopt the committee's report on **HB 2674**. Seconded by Representative Weiland, the motion carried.

Representative Schwartz moved to include the language "as provided through the common election procedure required in subsection (e)" following the words "election officer" in Section 2 (b)(4) on page 3, and to include the open meetings act in Section 2 (k) on page 5. Seconded by Representative Weiland, the motion carried.

Representative Weiland moved to recommend **HB 2674** be passed as amended. Seconded by Representative Flower, the motion carried.

CONTINUATION SHEET

Hearing on HB 2485 - Kansas pet animal act, animal shelter or pound, forms documenting adequate veterinary medical care.

Chairman Johnson opened the hearing on **HB 2485** and asked Raney Gilliland to explain the bill. He explained that **HB 2485** would amend the definition section of the pet animal act. The bill would clarify that any person or group that acts as an “animal foster home” can purchase a facility license for the group as a whole; current law requires each individual of a group that fosters an animal to obtain a license. The bill would also amend the term “adequate veterinary medical care” to include USDA licensees, and would add definitions for “animal foster” and “adoption.”

Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department, testified in support of **HB 2485** which was introduced at the agency’s request. The department requested several amendments to the bill. On page 1, line 42, after adoption strike the words “or any person” and on page 4, line 18, strike “possession or.” Ms. Duncan explained that according to the Attorney General’s office in order to require veterinary medical care for federally licensed animal breeders and distributors K.S.A. 47-1712 would need to be amended. The department proposes to include section 2.40 (veterinary care); and to enable them to access breeder and distributor records, they also propose including sections 2.75 (breeder records) and 2.76 (distributor records). ([Attachment 2](#))

Opal Featherston, Breeder Representative to the Kansas Pet Animal Advisory Board from Whiting, submitted written testimony in support of **HB 2485** including the department’s proposed amendments. She would also support an additional amendment to define “reasonable hours” as 7 a.m. to 7 p.m., Monday through Friday, unless otherwise agreed by all parties.” ([Attachment 3](#))

Joleen Zimmerman, Dighton City Pound, submitted written testimony in support of **HB 2485** including the suggested amendments. As the animal breeder and distributor business is growing, she feels the state needs to hire additional inspectors. ([Attachment 4](#))

John Maddux, El Dorado, testified in opposition to **HB 2485**. He strongly opposes allowing animal foster homes and rescue groups to disperse their animals around the state in various locations under one license, with only the primary facility subject to inspections. He opposes duplication of efforts of the USDA. He believes that USDA should be the primary regulator of breeders holding USDA licenses, that state inspection should occur only if USDA finds problems and notifies the state. ([Attachment 5](#))

Joyce Peckham, Meriden, appeared in opposition to **HB 2485**, especially as it relates to animal rescuers and foster homes. She would like to see the term animal rescuer removed from the bill or at least modified to state “premises of a person who acts as an animal rescuer and houses more dogs than allowed by local pet ordinances.” ([Attachment 6](#))

Martha Bartels, Marysville, testified in opposition to **HB 2485**. She proposed an amendment to prohibit board members from serving two consecutive terms on the Companion Animal Board. ([Attachment 7](#))

Rebecca Mosshart, Nashville, appeared in opposition to **HB 2485**. She opposes duplication of veterinary inspection services and state inspector access to breeder and distributor records. She believes that all rules in effect for the Kansas pet animal industry should be equally enforced for animal shelters, animal rescue groups (including individual foster homes), kennel operators, hobby breeders, animal distributors, research facilities, and pet stores. ([Attachment 8](#))

Audrey Rottinghaus, Baileyville, testified in opposition to **HB 2485**. ([Attachment 9](#)) She read the written testimony submitted by Margaret Kerr also in opposition to the bill. Ms. Kerr supports an amendment to prohibit Companion Animal Board members from serving two consecutive terms. ([Attachment 10](#))

Sam Mosshart, Protection, appeared in opposition to **HB 2485**. He opposed more regulations for USDA inspected kennels and less for the rescue groups. ([Attachment 11](#))

Suzanne K. Harvey, DVM, Buffalo, Oklahoma, submitted written testimony in opposition to **HB 2485**. She stated that she is the veterinarian of record for several USDA licensed kennels in Kansas and has first hand knowledge of their skills and commitment towards furthering the quality of their animals. She questioned

CONTINUATION SHEET

exempting animal rescue people as she has seen more bad care given by rescue people than by licensed professional breeders. (Attachment 12)

Chairman Johnson closed the hearing on **HB 2485**.

Hearing on HB 2817 - Disposition of animals from shelters and pounds; spaying or neutering animals

Chairman Johnson opened the hearing on **HB 2817** and asked Raney Gilliland to brief the committee on the bill. He explained that the bill would clarify current law that a pound or shelter owns an animal that it has held for three days. It also clarifies that animal shelters releasing live animals to prospective owners must comply with the law that addresses spaying or neutering. The bill would also require that any premise where veterinary medicine is practiced must be registered with the Board of Veterinary Examiners. In addition, with written approval of the Livestock Commissioner, the bill would allow any pound or shelter to use an innovative spay or neuter policy if it can prove that it is actively enforcing related requirements set forth in statute. The Livestock Commissioner would have to adopt the necessary rules and regulations.

Debra Duncan, Director, Animal Facilities Inspection Program, Kansas Animal Health Department, testified in support of **HB 2817** which was requested by the department. Rather than try to enforce a vague law, the department would like to clarify the statute and incorporate language to allow the Livestock Commissioner to approve situations that do not completely conform to the spaying or neutering requirements but which are effective. She proposed three amendments to **HB 2817**:

- 1) On page 3, line 10, after the word premise insert “located in the state of Kansas”
- 2) On page 3, line 14, strike the word “policy” and insert in lieu thereof “program”
- 3) On page 3, line 15, strike “(b)” and insert in lieu thereof “(a)(2)” (Attachment 13)

B. C. Champlin, DVM, Director, and Margie Staggs, Manager, Dodge City Animal Shelter, submitted written testimony in support of **HB 2817**. They support allowing an animal shelter or pound to surgically spay or neuter an animal before it is transferred to the permanent custody of a prospective owner; allowing unclaimed spay or neuter deposits to be kept by the animal shelter after a six-month period; allowing the shelter to reclaim an unsterilized animal; and appreciate the opportunity to initiate a spay or neuter program with the permission of the Livestock Commissioner that fits individual communities. (Attachment 14)

Joleen Zimmerman, Dighton City Pound, submitted written testimony in support of **HB 2817**. She believes this bill will eliminate several problems she has encountered as a pound operator. (Attachment 15)

Sheri Canfield, Executive Director, The Kansas Humane Society of Wichita, submitted written testimony in support of **HB 2817** to clarify the laws regarding spay or neuter programs at pounds and shelters. (Attachment 16)

John Maddux, Martha Bartels, and Sam Mosshart, questioned allowing the Livestock Commissioner to approve a plan for spaying or neutering that does not precisely meet the requirements of the law but complies with the spirit of the law. (Attachments 5, 7, and 11, respectively)

Chairman Johnson closed the hearing on **HB 2817**.

The meeting adjourned at 5:07 p.m. The next meeting is scheduled for February 16, 2000.