

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 Statues
 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 (Attachment 1-2).

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 (Attachment 1-2). Charts outlining fee structures were also attached (Attachments 1-3 thru 1-). 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 (Attachment 1-8, 1-9).

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. (Attachment 17-1).

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. (Attachment 18-1).

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* (Attachments 19-2 thru 19-5).

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 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.