

MINUTES OF THE HOUSE AGRICULTURE COMMITTEE

The meeting was called to order by Chairman Dan Johnson at 3:30 p.m. on February 9, 2005, in Room 423-S of the Capitol.

All members were present except:

Representative Joann Freeborn- excused

Committee staff present:

Raney Gilliland, Kansas Legislative Research Department
Amy VanHouse, Kansas Legislative Research Department
Gordon Self, Revisor of Statutes Office
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Debra Duncan, Director, Animal Facility Inspection Program, Kansas Animal Health Department
Loren Pachta, General Manager, Lambriar, Inc., Mahaska, Kansas
Becky Blaes, Chairman and Animal Breeder Representative, Kansas Pet Animal Advisory Board
Larry Louise Fowler, Retail Breeder Representative, Kansas Pet Advisory Board (written only)
Midge Grinstead, Executive Director, Lawrence Humane Society
Sharon Munk, Kansas Pet Professionals, Menlo, Kansas
Laura Morland, DVM, Girard Animal Hospital, Girard, Kansas (written only)
Betty Westhoff, Kansas Pet Professionals, St. Paul, Kansas
Marie and Robert Pepper, Walnut Shade, Missouri (written only)
Chuck Westhoff, Kansas Positive Pet Association, St. Paul, Kansas
Dorothy Brecheisen, President, Kansas Pet Professionals
Gary Reser, Executive Vice President, Kansas Veterinary Medical Association
Dale Lowe, Kansas Pet Professionals, Walnut, Kansas
Carolyn Lowe, Kansas Pet Professionals, Walnut, Kansas
Pam Franklin, Kansas Pet Professionals, Girard, Kansas (written only)
Mary Johnson, Kansas Pet Professionals, McCune, Kansas (written only)
Sam Mosshart, Kansas Pet Professionals and Kansas Federation of Animal Owners, Protection, KS
John and Venettia Maddux, Kansas Pet Professionals, El Dorado, Kansas (written only)
Rebecca Mosshart, Kansas Pet Professionals and KS Federation of Animal Owners (written only)
Chris Wilson, Executive Director, Kansas Dairy Association, and Legislative Representative for the Kansas Horse Council

Others attending:

See attached list.

Revised copies of the February 2 minutes were distributed. Members were asked to notify the committee secretary of any corrections or additions prior to Friday, February 11, or the minutes will be considered approved as presented.

Discussion and Action on SB 16 - Kansas agricultural remediation board; terms of members

Chairman Johnson opened discussion on SB 16. Representative Feuerborn moved to recommend SB 16 favorable for passage. Seconded by Representative Miller, the motion carried.

Hearing on HB 2054 - Kansas pet animal act, definitions, rules and regulations, fees

Chairman Johnson opened the hearing on **HB 2054**. Raney Gilliland explained that this bill to amend the Kansas Pet Animal Act would change the current definition of "animal" to include horses, cattle, sheep, goats, swine, ratites, domesticated deer or domesticated fowl when a state licensed animal pound or shelter is involved; would no longer exempt USDA licensed animal breeders or distributors from providing adequate veterinary care; would increase the cap on fees by 50 percent; pet shops would no longer be able to pay a reduced fee if they are USDA licensed; would eliminate the grace period for late fees and the late fee would be increased from \$50 to \$75; and would require all licensees to pay for each license under which they operate.

CONTINUATION SHEET

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Debra Duncan, Director, Animal Facility Inspection Program, Kansas Animal Health Department, appeared in support of **HB 2054** introduced at the request of the Department. She explained that this bill is the result of surveys and other studies conducted by the Governor-appointed Kansas Pet Animal Advisory Board, comprised of one representative for each license category. The Board is unanimous in its support of this bill. She noted that 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 9 years. (Attachment 1)

Loren Pachta, General Manager, Lambriar, Inc., a Kansas licensed pet distributor in Mahaska, Kansas, serving on the Governor's Kansas Pet Animal Advisory Board, testified in support of **HB 2054**. He stated that Kansas is one of the largest and most successful states in the professional pet industry bringing millions of dollars into the Kansas economy each year from other states. He noted that since 1988 when the Animal Facility Inspection Program came into being, it has been instrumental in building the good reputation the Kansas pet industry has today. This bill will ensure the continuation of this vital program and protect the industry from the problems of the past. (Attachment 2)

Becky Blaes, Chairman and Animal Breeder Representative, Kansas Pet Animal Advisory Board, testified in support of **HB 2054** and shared the results of a controlled survey mailed to every licensed animal breeder in Kansas. The results show that these constituents value the hard-earned reputation of their profession, one that has earned respect not only as the model for high standards, but as a multi-million dollar contributor of fresh, out-of-state income to the State of Kansas. As requested by the committee, she will be forwarding monetary numbers in regard to the positive affect the Kansas pet industry has on the Kansas agricultural community. (Attachment 3)

Larry Louise Fowler, Retail Breeder Representative, Kansas Pet Animal Advisory Board, submitted written testimony in support of **HB 2054**. She noted in her testimony that for a group of business persons to agree to raise their own fees to support a program that has been an asset in raising the standards of the pet industry in Kansas should speak volumes as to its importance in animal welfare and good industry relations in the state. (Attachment 4)

Midge Grinstead, Executive Director, Lawrence Humane Society, testified in support of **HB 2054**. As the Shelters, Pounds and Rescue Groups Representative on the Governor's Kansas Pet Animal Advisory Board, she shared the results of a 2004 survey sent to 213 shelters, pounds, and rescue groups in the state. She stated that this program is clearly doing the job that it was intended to do, which is to ensure the health and welfare of Kansas pet animals, as well as improve the image of the State of Kansas. (Attachment 5)

Sharon Munk, Kansas Pet Professionals, Menlo, Kansas, appeared in support of **HB 2054**. She reported that according to a recent survey, the overwhelming majority of Professional Licensed Pet Animal Breeders support this bill, only twenty breeders voiced their opinion of not supporting the Kansas Pet Animal Act with an increase in fees. (Attachment 6)

Laura Morland, DVM, Girard Animal Hospital, Girard, Kansas, submitted written testimony in support of **HB 2054**. Her testimony was read by Betty Westhoff, St. Paul, Kansas. As both a veterinarian and a small kennel owner, Dr. Morland supports this legislation to help protect the reputation of the Kansas pet industry and to continue the positive growth that has been accomplished in the past fourteen years. (Attachment 7)

Betty Westhoff, Kansas Pet Professionals, St. Paul, Kansas, appeared in support of an increase in license fees and open records. She fears that animal activists could come into the state if our inspection program should falter. She stated that Kansas has become known as the "model state" with the passing of the Kansas inspection program and asked that the legislature keep it that way and pass **HB 2054**. (Attachment 8)

Marie and Robert Pepper of Walnut Shade, Missouri, submitted written testimony read by Chuck Westhoff, St. Paul, Kansas, in support of **HB 2054**. They ask that consideration be given to this 50 percent increase in Kansas license fees to maintain the high quality facilities that Kansas is currently known and respected for. (Attachment 9)

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Chuck Westhoff, Kansas Positive Pet Association, St. Paul, Kansas, testified in support of **HB 2054**. He stated that the Kansas Animal Health Department has done a good job of cleaning up the pet industry in the State of Kansas since the problems in the early 1990's. The system is not broke, it just needs more funding. ([Attachment 10](#))

Dorothy Brecheisen, President, Kansas Pet Professionals, urged passage of **HB 2054** for the survival of the state pet animal licensing and inspection program. She noted that the last fee increase was 14 years ago and puppy prices have increased substantially in that time. She stated that the pet industry brings a lot of revenue into the state; therefore, it is important to keep high standards for our facilities. ([Attachment 11](#))

Gary Reser, Executive Vice President, Kansas Veterinary Medical Association, appeared in support of **HB 2054**. KVMA supports the following changes in particular: 1) The proposed fee increase and implementation of a late fee; 2) An increase in the scope of inspectors, including access to open records and the ability to enforce veterinary and humane care; and 3) The continuation of the state pet animal licensing and inspection program. ([Attachment 12](#))

Dale Lowe, Kansas Pet Professionals, Walnut, Kansas, testified in opposition to **HB 2054**. He believes larger facilities should be inspected more often than the small breeder and, therefore, should pay a higher fee. As the larger facilities generate more income, he suggests that like USDA the state charge license fees according to income. He would like to see USDA and Kansas inspectors work together and possibly reduce the number of inspections. ([Attachment 13](#))

Carolyn Lowe, Kansas Pet Professionals, Walnut, Kansas, appeared in opposition to **HB 2054**. She opposes an across the board fee increase, suggesting that the state base their license fees on income like USDA. She attached a copy of the USDA fee schedule with her testimony. She believes that if KAHD and USDA worked more closely together on inspections it would save time and money. ([Attachment 14](#))

Pam Franklin, Kansas Pet Professionals, Girard, Kansas, submitted written testimony in opposition to **HB 2054**. She supports state licensing, but offered two options for fairer licensing fees: 1) \$40.00 processing fee and \$1.00 per dog, or 2) \$10.00 processing fee and a certain percentage of the revenue collected, as USDA does. She believes a fee per animal would be the fairest, most honest means. She encouraged 24-hour notice prior to state inspection and believes the state and USDA should coordinate their inspections so they aren't inspecting the same facilities within a few days or weeks of each other. ([Attachment 15](#))

Mary Johnson, Kansas Pet Professionals, McCune, Kansas, submitted written testimony in opposition to **HB 2054**. She believes this legislation is unfair to the smaller breeding facility, that larger facilities should pay more than smaller facilities. ([Attachment 16](#))

Sam Mosshart, Kansas Pet Professionals and Kansas Federation of Animal Owners, from Protection, Kansas, testified in opposition to **HB 2054**. He believes an increase in license fees is unnecessary and doesn't feel that the Kansas inspectors are qualified to inspect or interpret his medical records or need to inspect his records of disposition as the USDA already does this. ([Attachment 17](#))

John and Venettia Maddux, Kansas Pet Professionals, El Dorado, Kansas, submitted written testimony read by Sam Mosshart in opposition to **HB 2054**. They oppose double inspections by Kansas and USDA, open veterinary records, a 50 percent fee increase, and double license fees when operations are at the same location and requirements for care are the same. ([Attachment 18](#))

Rebecca Mosshart, Kansas Pet Professionals and KS Federation of Animal Owners, Nashville, Kansas, submitted written testimony in opposition to **HB 2054**. Her testimony was read by Ed Reardon. She opposes an increase in KAHD license fees and giving access to their facility USDA records, including kennel medical records and disposition of dogs and cats, to Kansas inspectors. With her testimony she included the results of a survey by the Kansas Federation of Animal Owners opposing an increase in funding for the Kansas Animal Health Department. ([Attachment 19](#))

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Chris Wilson, Executive Director, Kansas Dairy Association, and Legislative Representative for the Kansas Horse Council, expressed concern with the provision on page 1, lines 30-32, of **HB 2054**. This amendment would include livestock species in the definition of “animal” under the pet animal act “when such animal is being housed at a state licensed animal shelter or pound.” The Animal Agriculture Alliance is opposed to this legislation because it believes that livestock or other food animals should not be subject to the same laws used to govern pet well being. She noted that the Council of State Governments in a statement released at its annual meeting asserted its opposition to legislation that “alters the legal status of the animals.”
(Attachment 20)

Written copies of testimony in support of **HB 2054** were received from: John Blaes, Cherryvale, Kansas; Patricia Lucke, Buffalo, Kansas; Dorothy Blaine, Chanute, Kansas; Andy Munk; Cindy Clausen, Portis, Kansas; Christie Munk; Ruth Snodgrass; Becky Simminger, Ludell, Kansas; Sara Gensil; Paul Munk; Karen Billington, St. Paul, Kansas; Robbie Meyer; Twila Wagner, St. Paul, Kansas; Jo Ann Stuchlik, Marion, Kansas; Shelby Vance; Joe and Anita Baker, Iola, Kansas. (Attachment 21)

Written copies of testimony in opposition to **HB 2054** were received from: Donna Winder, Erie, Kansas; Gary and Marguerite Wilson, Girard, Kansas; Nina Madl, Walnut, Kansas; Frances Duling; Marie Kirkpatrick, Walnut, Kansas; Randy Johnson, McCune, Kansas; Karen Stewart, Pittsburgh, Kansas; James Stewart, Pittsburgh, Kansas; Alberta House, Erie, Kansas; Donald House, Erie, Kansas; Cindy Vance, Erie Kansas; Betty Vance, Erie, Kansas; Kenny Simon, Stark, Kansas; Cornelius, Erie, Kansas; Justin Bishop, Erie, Kansas.
(Attachment 22)

There being no other conferees, the hearing on **HB 2054** was closed.

The meeting adjourned at 5:15 p.m. The next meeting is scheduled for February 14, 2005.