	Approved	March 21, 1990		
		Date		
MINUTES OF THE Senate COMMITTEE ON	Agriculture			
The meeting was called to order bySenator Allen	Chairperson		at	
10:08 a.m./p.m. on March 1	, 19 <u>9</u> 0	in room 423-S of	the Capitol.	
All members were present except:				

Committee staff present: Raney Gilliland, Legislative Research Department Lynne Holt, Legislative Research Department Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Larry Woodson, Director, Division of Inspections, Kansas State Board of Agriculture

Senator Allen called the Committee to order and called attention to \underline{SB} 504 for Committee action.

Senator Doyen made a motion that the Committee recommend SB 504 favorably. Senator McClure seconded the motion. Motion carried.

The Chairman turned Committee attention to \underline{SB} 632 and then called on Larry Woodson to present a balloon draft of amendments for \underline{SB} 632.

Mr. Woodson gave the Committee copies of the balloon draft of amendments (attachment 1) and explained that representatives of the Weights and Measures Department of Kansas had met with the Board of Agriculture and that the amendments were written and agreed upon. Mr. Woodson stated that the City of Topeka had seen the amendments and were in agreement also. Mr. Woodson commented that the amendments satisfy the concerns expressed during the hearing for <u>SB 632</u> on February 20.

Senator Doyen made a motion the Committee accept the balloon draft proposals for SB 632. Senator Francisco seconded the motion. Motion carried.

Senator Sallee made a motion that the Committee recommend SB 632 favorable for passage as amended. Motion was seconded by Senator Montgomery. Motion carried.

The Chairman turned Committee attention to $\underline{\text{SB }470}$ and called on Senator Montgomery.

Senator Montgomery gave the Committee copies of a balloon draft with amendments for <u>SB 470</u> (attachment 2) and explained the proposed changes which would eliminate the requirement that federal licensed kennels in Kansas be also inspected by the State. Also, yearly license fees for non-profit organizations, not federally inspected, should not exceed \$75. and that Hobby Kennels yearly license not exceed \$50. Senator Montgomery gave the Committee copies of an inspection report (attachment 3) of a state inspector and explained that some state inspections are harrassing. The example shows that an inspector checked a kennel with having a dead carcass in view when upon close inspection it was determined to be a sow sleeping. Senator Montgomery stated that instead of spending money for the State to do double inspections on kennels, that is, double for the federally inspected kennels, that those funds be used to find the so called unlicensed kennels that are referred to as 'puppy mills'.

Senator Montgomery made a motion that the Committee accept the amendment to remove the requirement of the state inspecting federally licensed kennels. Senator Sallee seconded the motion.

CONTINUATION SHEET

MINUTES OF	THE <u>Senate</u>	e C	OMMITTEE ON	<u>Agriculture</u>	,
room 423-S	Statehouse at	10:08	am. MAXXX on	March 1	10.90

Committee discussion included that licensed kennels that sell animals outside of the State of Kansas have to be federally licensed. It was stated that Kansas should have some control over any \$40 or \$50 million business within the State that should not leave all control to the federal It was mentioned that if <u>SB 470</u> is passed that a lot of government. people will be upset and that this subject of <u>SB 470</u> should be suggested for further study by recommending a summer interim study. It was commented that legislation was passed requiring the state to inspect federally licensed kennels but that extra personnel to do the job was not provided It was stated that wrong figures were used when the legislation of 1988 was passed. At that time, it was reported, that there were 4,000 kennels in Kansas but that the Animal Health Department has been able to locate only about 1,000 kennels. It was stated that only one conferee requested that federally licensed kennels not be inspected by the state and, if passed, a lot of prople will be upset. It was commented that the present law went into affect on July 1, 1988 and to date no Rules and Regulations have been set. It was stated that federally licensed kennels are in business to make money and that sick animals do not make for good business. It was stated that Rules and Regulations have been working on regulations regarding state inspections of federally licensed kennels and all other kennels but that they are not finalized as yet. It was stated that some Committee members were not involved with earlier legislation dealing with inspection of kennels so felt unable to make a decision on SB 470 at this date. A comment was made that if a federally inspected kennel is o.k. that a second inspection by the State should not cause alarm. It was suggested that instead of using budgeted money for cost of inspections that that money could be used to try and find unlicensed kennels. It was answered that there are four federal kennel inspectors in the state and that a fifth is being hired and that the state has two kennel inspectors.

The Chairman called for a vote on the motion to remove the requirement of the state inspecting federally licensed kennels and stated that the issues of SB 470 will be requested for further study in a summer interim committee. The motion carried. Senator Francisco requested that it be recorded that he voted 'No'.

Senator Montgomery made a motion the Committee accept the proposed amendment changing the license fee for non-profit animal shelters to \$75. and for Hobby Kennels to \$50. Seconded by Senator Sallee. Motion carried.

Senator Montgomery made a motion that SB 470 be recommended for passage as amended. Senator Sallee seconded the motion. Motion carried. Senator Francisco requested that the record show that he voted 'No'.

The Chairman called for Committee action on minutes.

Senator Daniels made a motion that the Committee minutes of February 28 be approved. Seconded by Senator McClure. Motion carried.

The Chairman adjourned the Committee at 10:54 a.m.

GUEST LIST

COMMITTEE: Senate Agriculture DATE: March 1,1990

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Topela	KS FOOK Dealers As
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SENATE BILL No. 632

By Committee on Federal and State Affairs

2-8

AN ACT concerning weights and measures; relating to annual inspections; amending K.S.A. 83-304 and 83-404 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 83-304 is hereby amended to read as follows: 83-304. (a) The owner or operator of a scale which is used for the commercial weighing of commodities shall have the scale tested and inspected at least annually for accuracy. Except in any city or countywhich has a department of public inspection of weights and measures which annually inspects such scales, the test shall be conducted by a registered technical representative employed by a licensed scale testing and service company in accordance with rules and regulations adopted by the state sealer. The test weights used by the scale testing and service company shall have been approved and sealed by the state sealer pursuant to K.S.A. 1987 Supp. 83-214, and amendments thereto, within the 12 calendar months preceding the date of the test. The annual tests and inspections of each scale shall be at the expense of the owner or operator of the scale. In any city or county which has a department of public inspection which annually inspects such scales, the test shall be conducted by an authorized representative of the city or county weights and measures department. Farmers or ranchers who own and operate scales used in private treaty transactions are exempt from the annual testing

(b) A scale testing and service company or the city or county which conducts tests pursuant to this section shall, at the time of testing and inspection, promptly furnish to the owner or operator of the scale a report showing the results of the tests and inspection. Within five calendar days thereafter, the scale testing and service company or the city or county shall furnish a copy of such report

(c) Subject to the provisions of K.S.A. 1987 Supp. 83-215, and amendments thereto, the owner and operator of a scale which is found to be inaccurate at the time of testing shall withdraw im-

DELETE **INSERT** either INSERT an authorized representative of any city or county which has established a department of public inspection of weights and measures pursuant to K.S.A. 83-210 which inspects such scales DELETE **INSERT** Except at the option of the city or county which has an established department of public inspection of weights and measures, DELETE **INSERT** may INSERT

department of public inspection or weights and measures

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mediately the scale from further use until the necessary corrections, adjustments or repairs are made and the scale is determined to be accurate by a scale testing and service company or the city or county or serviced shall meet the tolerances and specifications adopted by the state sealer by rule and regulation. The scale testing and service company or the city or county shall notify the state sealer of any scales which are found not to comply with such tolerances and specifications. A copy of the report prepared by the scale testing and service company or city or county showing the results of the scale test and the work done to correct any deficiencies shall be filed with the state sealer by the owner or operator of the scale within 15 days after the test and inspection has been completed.

Sec. 2. K.S.A. 83-404 is hereby amended to read as follows: 83-404. (a) The owner or operator of a dispensing device which is used for commercial purposes shall have such device tested and inspected at least annually for accuracy. Except in any city or county which has a department of public inspection of weights and measures which annually inspects such dispensing devices, the test shall be conducted by a testing service in accordance with rules and regulations adopted by the state sealer. The test weights and measures used by the testing service shall have been approved and sealed by the state sealer pursuant to K.S.A. 83-214, and amendments thereto, within the 12 calendar months preceding the date of the test. The annual tests and inspections shall be at the expense of the owner or operator. In any city or county which has a department of public inspection of weights and measures which annually inspects such dispensing devices, the tests shall be conducted by an authorized representative of such city or county weights and measures department. Farmers or ranchers who own and operate a dispensing device used in private treaty transactions are exempt from the annual testing requirements.

(b) A testing service or the city or county which conducts tests pursuant to this section, at the time of testing and inspection, shall promptly furnish to the owner or operator a report showing the results of the tests and inspection. Within five calendar days thereafter, the testing service or the city or county shall furnish a copy of such report to the state sealer.

(c) Subject to the provisions of K.S.A. 83-215, and amendments thereto, the owner and operator of a dispensing device which is found to be inaccurate at the time of testing shall withdraw immediately the device from further use until the necessary corrections, adjustments or repairs are made and the device is determined to be accurate by a testing service or the city or county weights and

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or by an authorized representative of any city or county which has established a department of public inspection of weights and measures pursuant to K.S.A. 83-210 which inspects such dispensing devices.

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Except at the option of the city or county which has an established department of public inspection of weights and measures.

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measures department. The devices which have been repaired or serviced shall meet the tolerances and specifications adopted by the state sealer by rule and regulation. The testing service or the city or county shall notify the state sealer of any devices which are found not to comply with such tolerances and specifications. A copy of the report prepared by the testing service or the city or county weights and measures department showing the results of the test and the work done to correct any deficiencies shall be filed with the state sealer by the owner or operator of the device within 15 days after the test and inspection have been completed.

83-302. Scales; testing and service company license required; application; fees; out-

of-state-places of business; technical representatives, registration; weights tested by state sealer; deposit of moneys. (a) Each person desiring to operate and perform testing and other services as a scale testing and service company in Kansas shall apply to the state sealer for a scale testing and service company license, on a form to be supplied by the state sealer, and shall obtain such license from the state sealer before operating and performing testing or other services as a scale testing and service company. Each scale testing and service company shall obtain a license for each place of business maintained in Kansas and shall pay a license application fee of \$50 and thereafter an annual license renewal application fee of \$50 for each place of business. Each scale testing and service company license shall expire on June 30 following issuance and shall not be transferable.

(b) If any scale testing and service company maintains any out-of-state places of business which the company operates in serving Kansas patrons, the applicant seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the company operates at each such place of business. If any out-of-state place of business is established by a scale testing and service company after being licensed under this section, the licensee shall supply such information to the state scaler before any work is performed in Kansas from such

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Section 3. K.S.A. 83-302 is hereby amended to read as follows: 83-302

, other than an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210,

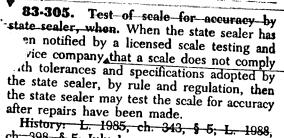
out-of-state location. Each nonresident scale testing and service company shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of K.S.A. 1987 Supp. 83-301 to 83-311, inclusive, and amendments thereto or any liabilities arising from operations thereunder. Each nonresident scale testing and service company which maintains no established place of business in Kansas shall obtain a license under this section for each out-of-state place of business and shall list on the application the firm name or names for each place of business from which the scale testing and service company intends to operate.

(c) Each scale testing and service company shall have each of their technical representatives registered annually by the state sealer. The technical representative shall be required to pass a reasonable examination prescribed by the state sealer before being registered. Each scale testing and service company shall have at least one registered technical representative

in its employ at each licensed place of business. For any scale testing and service company not subject to the provisions of this subsection (c) prior to the effective date of this act, the provisions of this subsection (c) shall become applicable to such scale testing and service company on and after September 1, 1988.

(d) No scale testing and service company license may be issued or renewed under this section until the applicant's weights have been tested for accuracy and sealed by the state sealer. The state sealer is authorized to accept a certification of the accuracy of the applicant's weights or measures issued by the national bureau of standards or by a weights and measures laboratory certified by the national bureau of standards in lieu of a test by the state sealer, if such certificate shows that the weights or measures have been tested within the 12 calendar months next preceding the license application.

(c) The state sealer shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the weights and measures fee fund.



ch. 398, § 5; July 1.

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Section 4. K.S.A. 83-305 is hereby amended to read as follows:

or by a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210.

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Section 5. K.S.A. 83-310 is hereby amended to read as follows:

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or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210,

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Section 6. K.S.A. 83-402 is hereby amended to read as follows:

other than an authorized representative of a city or county department of public inspection established pursuant to K.S.A. 83-210,

83-310. Unlawful acts. It is unlawful for any person, other than the state sealer or the state sealer's authorized representative, to: (a) Operate or perform services as a scale testing and service company without having a valid scale testing and service company license; or

(b) adjust, calibrate or repair any scale other than at the person's residence or at the person's established place of business without having a valid scale testing and service company license.

History: L. 1985, ch. 343, § 10; L. 1988, ch. 398, § 9; July 1.

83-402. Same; testing service license-required; application; fees; technical representative registration, weights and measures tested for accuracy by state-scaler; deposit-of moneys. (a) Each person desiring to operate and perform testing and other services as a testing service in Kansas shall apply to the state sealer for a testing service license, on a form to be supplied by the state sealer, and shall obtain such license from the state sealer before

operating and performing testing or other services as a testing service. Each testing service shall obtain a license for each place of business maintained in Kansas and shall pay a license application fee of \$50 and thereafter an annual ense renewal application fee of \$50 for each ace of business. Each testing service license shall expire on June 30 following issuance and shall not be transferable.

(b) If any testing service maintains any outof-state places of business which the testing service operates in serving Kansas patrons, the applicant seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the testing service operates at each such place of business. If any out-of-state place of business is established by a testing service after being licensed under this section. the licensee shall supply such information to the state sealer before any work is performed in Kansas from such out-of-state location. Each nonresident testing service shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of K.S.A. 1987 Supp. 83-401 to 83-410, inclusive, or any liabilities arising from operations thereunder. Each nonresident testing service which maintains no established place of business in Kansas shall obtain a license under this section for each out-of-state place of business and shall list on the application the firm name or names for each place of business from which the testing service intends to operate.

(c) Each testing service shall have each of their technical representatives registered annually by the state sealer. The technical representative shall be required to pass a reasonable examination prescribed by the state sealer before being registered. Each testing service shall have at least one registered technical representative in its employ at each licensed place of business. For any testing service not subject to the provisions of this subsection (c) prior to the effective date of this act, the provisions of this subsection (c) shall become applicable to such testing service on

and after September 1, 1988.

(d) No testing service license may be issued or renewed under this section until the applicant's weights and measures have been tested for accuracy and sealed by the state sealer. The state sealer is authorized to accept a certification of the accuracy of the applicant's weights or measures issued by the national bureau of standards, by a weights and measures labora-

tory certified by the national bureau of standards, or by the appropriate certifying agency of another state in lieu of a test by the state sealer, if such certificate shows that the weights or measures have been tested within the 12 calendar months next preceding the license application.

7-1

History: L. 1985, ch. 344, § 2; L. 1988, ch. 397, § 2; July 1.

83-405. Test of dispensing device for accuracy by state sealer, when. When the state sealer is notified by a licensed testing service. that a dispensing device does not comply with tolerances and specifications adopted by the state sealer, by rule and regulation, the state sealer may test for accuracy after repairs have been made.

History I 1005 oh 244 \$ 5. I 1000

INSERT Section 7. K.S.A. 83-405 is hereby amended to read as follows:

or by a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210

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83-302,

Section 8. K.S.A. 83-409 is hereby amended to read as follows:

, other than the state sealer, the state sealer's authorized representative or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210,

83-409. Unlawful acts. It is unlawful for any person to: (1) Operate or perform services as a testing service without having a valid license under K.S.A. 83-401 to 83-410, inclusive, and amendments thereto; or

(2) adjust, calibrate or repair a dispensing device, without having a valid license under

K.S.A. 83-401 to 83-410, inclusive, and amendments thereto. 1085 ch 344. § 9; L. 1988,

Sec. 3. K.S.A. 83-304 and 83-404 are hereby repealed. Sec. A.D This act shall take effect and be in force from and after its publication in the statute book.

83-305, 83-310, 83-402,

.83-405, and 83-409

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SENATE BILL No. 470

By Joint Committee on Administrative Rules and Regulations (By Request)

1-17	47-1702,
AN ACT concerning the licensure and registration of certain persons	147-1702,
dealing in animals; amending K.S.A. 1989 Supp. 147-1721 and	47-1722 and
repealing the existing section.	
the Charles of Vancous	sections
Be it enacted by the Legislature of the State of Kansas:	-
Section 1. K.S.A. 1989 Supp. 47-1721 is hereby amended to read	
as follows: 47-1721. (a) Each application for issuance or renewal of	
a license or certificate of registration required under K.S.A. 47-1701	
et seq. and amendments thereto shall be accompanied by the fee	
prescribed by the commissioner under this section. Such fees shall	
be as follows:	
(1) For a license for premises of a person licensed under public	
law 91-570 (7 U.S.G. § 2131 et seq.), an amount not to exceed \$75.	\$75
For a license for premises of a nonprofit organization exempt	
from federal income tax pursuant to section 501(c) of the Internal	(2)
Revenue Code of 1986, an amount not to exceed \$25.	
(2) (3) For a license for any other premises, an amount not to	(3)
exceed \$150.	
(3) (4) For a certificate of registration, an amount not to exceed	\$50
\$25 .	
(b) The commissioner shall determine annually the amount nec-	
essary to carry out and enforce K.S.A. 47-1701 et seq. and amend-	
ments thereto for the next ensuing fiscal year and shall fix by rules	
and regulations the license and registration fees for such year at the	
amount necessary for that purpose, subject to the limitations of this	
section. In fixing such fees, the commissioner may establish cate-	
gories of licenses and registrations, based upon the type of license	
or registration, size of the licensed or registered business or activity	
I business or activity is conducted and	•

by this subsection.
(c) If a licensee, registrant or applicant for a license or registration

and the premises where such business or activity is conducted, and

may establish different fees for each such category. The fees in effect

immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the commissioner as provided

Sente agriculture commite 3-1-90 attachment 2

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requests an inspection of the premises of such licensee, registrant or applicant, the commissioner shall assess the costs of such in-
spection, as established by rules and regulations of the commissioner,
to such licensee, registrant or applicant.
(d) No fee or assessment required pursuant to this section shall
be refundable.
(e) The commissioner shall remit all moneys received by or for

- (e) The commissioner shall remit all moneys received by or for the commissioner under this section to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit it to the animal disease control fund.
- (f) This section shall be part of and supplemental to K.S.A. 47-1701 et sea, and amendments thereto.

1701 et seq. and amendments thereto.

Sec. 2. K.S.A. 1989 Supp. 47-1721-is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

47-1702,

and 47-1722 are

See Attached

Renumber sections accordingly

7-7

Sec. 2. K.S.A. 1989 Supp. 47-1702 is hereby amended to read follows: 47-1702. Except as otherwise provided by K.S.A. 1988 1989 Supp. 47-1722, and amendments thereto, it shall be unlawful for any person, other than a person licensed under public law 91-579 (7 U.S.C. § 2131 et seq.), to act as or be an animal dealer unless such person has obtained from the commissioner an animal dealer license for each animal dealer premises operated by such person. Except-as-otherwise-provided-by--K-S-A---1988--Supp-47-1722,--on--and-after-January-1,-1989,-it-shall-be-unlawful-for any-person-licensed-under-public-law-91-579-(7-U-S-C--5--2131--et seq-)--to--act--as--or-be-an-animal-dealer-unless-such-person-has obtained-from-the-commissioner-an-animal-dealer-license-for--each animal--dealer--premises-operated-by-such-person. Application for such license shall be made in writing on a form provided by commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

Sec. 3. K.S.A. 1989 Supp. 47-1722 is hereby amended to read as follows: 47-1722. (a) Except as provided in subsection (c), any person who is acting as a pet shop operator or animal dealer on the effective date of this act but was not required to be licensed under K.S.A. 47-1701 et seq. as it existed on June 30, 1988, must apply for a license as a pet shop operator or animal dealer before January 1, 1989, if such person wishes to continue acting as a pet shop operator or animal dealer on and after January 1, 1989. However, such person shall not be required to have obtained a license until January 1, 1991, or such earlier time as the commissioner completes the inspection required by subsection (a) of K.S.A. 47-1709 and amendments thereto and grants or denies the person's application for an original license.

(b) Any certificate of registration issued to a pound or animal shelter before the effective date of this act and valid for the fiscal year ending June 30, 1988, shall continue to be valid, unless suspended or revoked, until January 1, 1989, at

which time the certificate shall expire, and no additional license or fee shall be required hereunder until January 1, 1989.

- (c) Any person licensed under public law 91-579 (7 U.S.C. 2131 et seq.), to act as or be an animal dealer shall not be required to be licensed under this act.
- (e) (d) This section shall be part of and supplemental to K.S.A. 47-1701 et seq. and amendments thereto.

I do hereby testify that the words crossed out on the inspection sheet dated February 27, 1990 in Pottawatomie county for the residence located at Rt. 1 box 645, Havensville, Ks. 66432; were in reference to a sleeping sow. The sow was located 400 - 500 feet from the nearest public thoroughfare. The animal was concealed from view and could only be seen by trespassing. The words crossed out are as follows: "DEAD CARCASS IN PUBLIC VIEW."

Kathleen M. Ross

Sathlien M. Rose

STATE OF KAR My Appt. Expires June 80, 1000

Senate agriculture committee 3-1-90 attachment 3

Name & Addre			Initial Routine Routine	Special License No. Special License No.
	Zip Code (144- Area Code 113	4. Code: 5. Person	١	IFL #3 PET □
7. BUILDINGS & PREMISES a. Appearance: b. Floor: c. Ventilation: d. Temperature:	☐ Acceptable ☐ Acceptable ☐ Acceptable ☐ Acceptable ☐ Satisfactory	☐ Unacceptable ☐ Unacceptable ☐ Unacceptable ☐ Unacceptable ☐ Unacceptable ☐ Unsatisfactory	8. State reason for Item 7 X TEASH PILE X NUMERCUS SHAKING HE	The same of the sa
9. SANITATION a. Dog Cages b. Dog Runs c. Cat Cages d. Bird Cages e. Other Cages 10. ANIMALS: Number of Doga. Appearance: Good	Fair	Unaccep	f. Floors & Walls in Anim Good Fair J Odorless X Oo Disinfectant Used? How often? Waste Disposal Birds Fish table Comme	Unacceptable HOROX, LYSOL CHNYS DXS.
b. Health: Good c. Care: Water d. Isolation Room RECORDS	Yes 🗹 No 🗆	Feed FAL Comment	IN SADAMPEAR	Comment
11. Satisfactory?	ldress: NYNE	CHUPPLE	ES, EXICIFY F	GR ADULTS
Ells To: FE Signature of Person Interviewed CA-2	PRIET KE	-	nspector's Signature	Luca