

Approved: February 24, 1994  
Date

## MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on February 21, 1994 in Room 423-S of the Capitol.

All members were present except: Senators Downey and Tillotson who were excused.

Committee staff present: Raney Gilliland, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

George Wingert, Governor's Office

Others attending: See attached list

Senator Corbin called for discussion on SB 413 - concerning the Kansas Animal Dealers Act. Senator Corbin gave a brief update on the bill. Two handouts opposing the bill were distributed, one from Margaret Kerr (Attachment 1) the other from Galen and Audrey Rottinghaus (Attachment 2). Also, information from the Animal Health Department, outlining changes proposed in SB 413 was distributed (Attachment 3). A balloon copy of amendments to SB 413 was distributed (Attachment 4), and staff reviewed the proposed amendments.

A member of the Committee expressed concern with opening up the Kansas Animal Dealers Act at this time, and suggested perhaps it would be advisable to delay any changes until the present Director and Staff and the Companion Animal Advisory Board have had an opportunity to work on the proposed amendments.

Concern was expressed with the language on page 7 concerning the temporary closing permit, and staff was asked to clarify when a temporary closing permit would be necessary. Senator Frahm stated if the bill was passed out of committee she would request an amendment to remove the word "or" from 47-1706 #4, per Sharon Munk's testimony on February 18, 1994.

A motion was made by Senator Wisdom to report favorably as amended SB 413. Senator Karr seconded the motion. Motion failed. Senator Frahm moved that SB 413 be reported adversely. Senator Saltee seconded the motion. Motion carried.

Chairperson Corbin opened the discussion on SB 711 and HB 2569 - concerning the State Fair Board. A bill draft for Senate Substitute for HB 2569 abolishing the Kansas State Fair Board and establishing a new Kansas State Fair Board was distributed (Attachment 5). Staff brief the Committee on the substitute bill.

A member of the Committee expressed concern with appointing all new members to the board and what affect this might have on the fair. Senator Karr said he had visited with the Governor's representative and suggested some of the new board members be appointed from the current board members. The Governor's office had taken the recommendation under consideration. He thought the Governor was receptive to appointing some of the current Board. He thought the substitute bill would fulfill the constitutional question.

Responding to a question regarding the appointment of persons to be on the State Fair Board, George Wingert, representing the Governor's Office, said they would take the recommendation under consideration, but no commitment had been made. He stated there are a number of people qualified to serve on this board, and he did not anticipate that they would have trouble finding people to serve on it.

Questions were asked regarding how often the Board meets. No one was certain of what the time commitment would be, but they probably would need to be available during fair week.

## CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 10:00 a.m. on February 21, 1994.

A member stated he was optimist that there would be many qualified people wanting to serve on the Fair Board, and he expected the board would be more of a policy making board than a working board. The members on the new Board need to be planning ahead for the next one hundred years. Another member question the compensation Board members would receive. Staff stated it was provided for in K.S.A. 75-3223. Another question had to do with no mention of political parties in the bill, it was suggested that probably didn't have anything to do with running the fair, but it probably didn't have anything to do with running the Board of Regents either.

Senator Karr moved to amend HB 2569 to a Senate Substitute for HB 2569 as presented in the bill draft before the Committee (Attachment 5). Senator Wisdom seconded the motion. The motion carried.

A motion was made by Senator Karr to move Senate Substitute for HB 2569 favorably. The motion was seconded by Senator Wisdom. Discussion followed on how this legislation would affect the operation of the 1994 Fair, and how quick this could be put in place. A member suggested it would be best to keep the Fair Board much as it is now for the 1994 Fair. The Chairperson suggested that if we only pass HB 2569 as it came from the House we will be right back here next year working on it, as the House Bill is only good for one year. It was suggested HB 2569 as it came from the House with the Sunset provision, and the provisions in Senate Substitute for HB 2569 could be incorporated into the same bill. The Chairperson called for the question. The motion failed.

Senator Wisdom moved to report HB 2569 as it originally came to the Committee favorably for passage. There was no second.

Staff was ask for clarification on the status of the bill. Staff stated the bill as drafted Senate Substitute for HB 2569 was still in committee and could be worked. The Chairperson asked Staff to draw up amendments to Senate Substitute for HB 2569 incorporating the original HB 2569 as it came to the Committee.

The meeting adjourned at 11:00 a.m.

The next meeting is scheduled for February 22, 1994.

## GUEST LIST

COMMITTEE: Senate Agriculture

DATE: February 21, 1994

[illegible]

Re: SENATE BILL #413

Senate Agriculture Committee:

I testified in front of your committee Feb. 9 1994. I did not want S. B. 413 passed. At this time several others on the board agreed with me. At our C.A.A.B. meeting Feb 11, I voted against this bill being supported by our board, along with 2 other members. Three members voted against opening the kennel law at this time. We voted unanimously, that we would not support this bill, if any deletions or addition were added. We decided at this time to write a letter to the legislature of our wishes. I voted yes, because if this bill were to go forward, I would hope no fanatics would add amendments. I know this could happen anyway, but wanted the Senators to understand how I felt. The letter sent by Dr. Graham did not adequately address this issue.

The people I represent (independent breeders) do not want any more regulations or laws. They know each time the law is expanded it causes increased over-regulation, and additional hardships. As a broker of puppies I can verify that there is a shortage of puppies. I would like to see more good kennels come to this state, than to see over-regulation cause them to close their doors. Eventually other states will pick up the revenue that Kansas is losing from these closed kennels. When the demand is there, someone will meet them. I would like to see Kansas meet these needs, without losing the good quality that we have established.

If this bill were to move forward, I would agree with Sharon Munks amendment to drop the word, or, in 47-1707 #4. If a murderer or rapist can raise puppies so should a person who does a crime of, misstatement, fraud, or dishonesty.

Thank you for your time.

*Margaret L. Kerr*  
Margaret L. Kerr

C.A.A.B. (representing independent breeders of Kansas)

*Senate Ag Co.*  
*2-21-94*  
*attachment 1*

Senator Dave Coriban & Committee:

We are writing in regard to Bill # 413.  
We feel the bill is working as it is  
& we do not want it opened up again, so  
We are against Bill # 413.

We are a USDA & State Licensed Kennel  
and we don't want any more rules & regulations  
written up. We already have inspectors  
for USDA & also inspectors for the State.

We feel if we get more regulations  
coming down it will put more kennels  
out of business & a big number of them  
have already quit.

It is us kennels out here - trying to make  
a living, that more rules would have  
a big impact on. The bill is already in  
effect & is working so please help us out on  
this or there will be lots more kennel quitting in  
Kansas - the other States do not even have a State Bill.

Thank You for your time. Gale's Kennel  
Gale & Audrey Kottmeyer  
Rt 3 Seneca Ks.

Senate App Co  
2-21-94

Attachment 2

*Bd. Supports  
Have been included in current bill.*

Outline of Changes Proposed by S.B. 413

February 11, 1994

Page 2

- 9) Adds 9 CFR Code of Federal Regulations) sections 2.75 - 2.78. Requires records to be available to inspector upon request. *See page 6, lines 28*
- 10) Adds 9 CFR sections 3.13 - 3.17. Involves transportation requirements from facilities. *See page 6, line 27*
  - a) Section 3.13 defines minimum and ambient temperature requirements for carriers or intermediate handling facilities, or requires statement of acclimation signed by a veterinarian.
  - b) Section 3.14 sets standards for primary enclosures used to transport live dogs and cats. Includes construction requirements and cleaning of primary enclosures, ventilation requirements, compatibility of animals transported in same primary enclosure, and defines minimum space and placement requirements. Requires records to accompany shipment.
  - c) Section 3.15 sets minimum standards for vehicles transporting live animals. Includes space, positioning, temperature, and ventilation requirements. Defines what materials they may be transported along with.
  - d) Section 3.16 - Food and watering requirements. Requires watering at least once every 12 hours. Dogs and cats 16 weeks and under fed once at least every 12 hours. Over 16 weeks must be fed at least once every 24 hours. Requires written instructions for in transit food and water requirements if in transit more than 24 hours. Food and water receptacles must be attached.
  - e) Section 3.17 defines Care in Transit - Makes individual transporting animals responsible for their well being.

*Senate Ag. Co.  
2-21-94*

*attachment 3*



## SENATE BILL No. 413

By Committee on Federal and State Affairs

3-9

Animal Health Dept.  
2-18-94Senate Org. Co.  
2-21-94  
Attachment 44  
4-1

8 AN ACT concerning the Kansas animal dealers act; amending K.S.A.  
9 ~~[47-1711 and 47-1713 and K.S.A. 1992 Supp.]~~ 47-1701, 47-1702,  
10 47-1703, 47-1704, ~~47-1712, 47-1721, 47-1725 and 47-1726 and re-~~  
11 pealing the existing sections; also repealing K.S.A. ~~[1992 Supp.]~~ 47-  
12 1722.

47-1711,  
47-1713, 47-1718,

13  
14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. (a) Any licensee or registrant, required to be  
16 licensed or registered under the Kansas animal dealers act, who is  
17 in the process of ceasing to do business on July 1, may be issued  
18 a temporary closing permit at the discretion of the commissioner.

19 (b) Application for such permit shall be made in writing on a  
20 form provided by the commissioner.

21 (c) The permit will be effective for 30 days. During the 30-day  
22 period, the licensee or registrant shall be required to comply with  
23 the Kansas animal dealers act and all rules and regulations adopted  
24 thereunder. By accepting such permit, the licensee or registrant  
25 agrees to allow an inspection of the facility at the end of the 30-day  
26 period to certify that the operation has ceased business. The licensee  
27 or registrant shall provide records as to the disposition of the animals  
28 to the commissioner upon request.

29 (d) The permit may be renewed, at the discretion of the com-  
30 missioner, for an additional 30-day period.

31 (e) This section shall be part of and supplemental to the Kansas  
32 animal dealers act.

33 Sec. 2. K.S.A. ~~[1992 Supp.]~~ 47-1701 is hereby amended to read  
34 as follows: 47-1701. As used in the Kansas animal ~~dealer~~ dealers  
35 act, unless the context otherwise requires:

36 (a) "Adequate feeding" means supplying at suitable intervals (not  
37 to exceed 24 hours) of a quantity of wholesome foodstuff, suitable  
38 for the animal species and age, and sufficient to maintain a reasonable  
39 level of nutrition in each animal.

40 (b) "Adequate watering" means a supply of clean, fresh, potable  
41 water, supplied in a sanitary manner and either continuously ac-  
42 cessible to each animal or supplied at intervals suitable for the animal  
43 species, not to exceed intervals of 12 hours.

(c) "Ambient temperature" means the temperature surrounding the animal.

(d) (1) "Animal" means any live dog, cat, rabbit, rodent, non-human primate, bird or other warm-blooded vertebrate or any fish, snake or other cold-blooded vertebrate.

(2) Animal does not include horses, cattle, sheep, goats, swine or domestic fowl.

(e) "Animal dealer" means any person who operates animal dealer premises.

(f) (1) "Animal dealer premises" means any premises where dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another.

(2) Animal dealer premises does not include: (A) Any pound or animal shelter; or (B) any premises described in subsection (m)(1).

(g) "Animal shelter" means a facility which is used or designed for use to house or contain any animal and which is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organizations devoted to the welfare, protection and humane treatment of animals.

(h) "Cat" means an animal which is wholly or in part of the species *Felis domesticus*.

(i) "Commissioner" means the livestock commissioner appointed by the Kansas animal health board.

(j) "Dog" means any animal which is wholly or in part of the species *Canis familiaris* but does not include any greyhound, as defined by K.S.A. 74-8802 and amendments thereto.

(k) ~~"Dog warden"~~ means any person employed by, contracted with or appointed by the state, or any political subdivision thereof, for the purpose of aiding in the enforcement of this law, or any other law or ordinance relating to the licensing of animals, control of animals or seizure and impoundment of animals, and includes any state, county or municipal law enforcement officer, animal control officer, constable or other employee, whose duties in whole or in part include assignments which involve the seizure or taking into custody of any animal.

(l) "Euthanasia" means the humane destruction of an animal, which may be accomplished by any of those methods provided for in K.S.A. 47-1718 and amendments thereto.

(m) (1) "Hobby kennel" means any premises where only dogs or cats, or both, which are produced and raised on such premises are sold, or offered or maintained for sale, by a person who resides on such premises, but only if the total number of dogs or cats, or both,

"Animal control officer"

Attachment 4  
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8-7-11-12



1 which are produced and raised on such premises and are sold during  
2 the registration year is fewer than all or part of six litters of animals  
3 or 30 individual animals, whichever is less, whether such animals  
4 are dogs or cats, or both.

5 (2) Hobby kennel does not include: (A) Any pound or animal  
6 shelter; or (B) any premises where fewer than all or part of three  
7 litters of animals, whether dogs or cats, or both, are sold during the  
8 registration year.

9 (n) "Hobby kennel operator" means any person who operates a  
10 hobby kennel.

11 (o) "Housing facility" means any room, building or area used to  
12 contain a primary enclosure or enclosures.

13 (p) (1) "Kennel operator" means any person who operates an  
14 establishment where animals are maintained for boarding or similar  
15 purposes for a fee or compensation.

16 (2) Kennel operator does not include an "animal dealer," "pet  
17 shop" "animal retailer A," "animal retailer B" or "hobby kennel"  
18 or any person on whose premises there are maintained, fewer than  
19 four dogs or cats, or both, in any one week.

20 (q) "Kennel operator premises" means the facility of a kennel  
21 operator.

22 (r) "License year" or "registration year" means the 12-month  
23 period ending on June 30.

24 (s) "Person" means any individual, association, partnership, cor-  
25 poration or other entity.

26 (t) (1) "Pet shop" "Animal retailer A" means any premises ex-  
27 cluding those premises which are animal retailer B's, where there  
28 are sold, or offered or maintained for sale, at retail and not for resale  
29 to another at a location operated as a business and not a private  
30 home: (A) (1) Any dogs or cats, or both; or (B) (2) any other animals  
31 except those which are produced and raised on such premises  
32 and are sold, or offered or maintained for sale, by a person  
33 who resides on such premises.

34 (2) Pet shop does not include: (A) Any pound or animal  
35 shelter; (B) any premises where only fish are sold, or offered  
36 or maintained for sale; or (C) any animal dealer premises, or  
37 any premises described in subsection (m)(1), where the only  
38 animals, other than dogs or cats, which are sold, or offered or  
39 maintained for sale, are animals which are produced and raised  
40 on such premises and are sold, or offered or maintained for  
41 sale, by a person residing on such premises.

42 (u) "Pet shop operator" means any person who operates a  
43 pet shop.

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Animal retailer A and animal  
retailer B do not include  
any premises where only fish  
are sold, or offered or main-  
tained for sale. This does  
not prohibit inspection of  
these premises to verify that  
only fish are being sold.

1 (u) "Animal retailer B" means any individual occupying a resi-  
2 dence from where there are sold, or offered or maintained for sale,  
3 at retail and not for resale to another in excess of 29 individual  
4 animals or more than all or part of 5 litters off.

5 ~~(1) Any dogs or cats, or both or~~

6 ~~(2) any other animals~~

7 (v) "Pound" means a facility:

8 (1) Operated by the state, or any political subdivision thereof,  
9 for the purpose of impounding or harboring any seized stray, home-  
10 less or abandoned animal; or

11 (2) operated for such a purpose under contract with any munic-  
12 ipality or incorporated society for the prevention of cruelty to animals  
13 or by another person under contract with such municipality.

14 (w) "Primary enclosure" means any structure used or designed  
15 for use to restrict any animal to a limited amount of space, such as  
16 a room, pen, cage, compartment or hutch.

17 (x) "Research facility" means any place, laboratory or institution,  
18 except an elementary school, secondary school, college or university,  
19 at which any scientific test, experiment or investigation involving  
20 the use of any living animal is carried out, conducted or attempted.

21 (y) "Sale," "sell" and "sold" include transfers by sale or exchange.  
22 Maintaining animals for sale is presumed whenever 20 or more dogs  
23 or cats, or both, are maintained by any person.

24 (z) "Sanitize" means to make physically clean and to remove and  
25 destroy, to a practical minimum, agents injurious to health, at such  
26 intervals as necessary.

27 (aa) "Adequate veterinary medical care" means:

28 (1) A documented program of disease control and prevention,  
29 euthanasia and routine veterinary care shall be established and main-  
30 tained under the supervision of a licensed veterinarian and shall  
31 include a documented on site visit to the premises by the veterinarian  
32 at least once each year; and

33 (2) that diseased, ill, injured, lame or blind animals shall be  
34 provided with veterinary care.

35 (bb) "No-kill shelter" means a facility of an individual or or-  
36 ganization, profit or nonprofit, maintaining 10 or more dogs or cats  
37 or both, for the purpose of collecting such animals, or offering for  
38 adoption, animals rescued as unwanted pets. A no-kill shelter is a  
39 shelter that does not prescribe to euthanasia of unwanted animals.

40 Sec. 3. K.S.A. ~~1992 Supp.~~ 47-1702 is hereby amended to read  
41 as follows: 47-1702. Except as otherwise provided by K.S.A. 1992  
42 Supp. 47-1722, it shall be unlawful for any person, other than  
43 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. 1992 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. § 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 the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

Sec. 4. K.S.A. ~~[1992 Supp.]~~ 47-1703 is hereby amended to read as follows: 47-1703. ~~Except as otherwise provided by K.S.A. 1992 Supp. 47-1722,~~ It shall be unlawful for any person to act as or be a pet shop operator an animal retailer A or animal retailer B unless such person has obtained from the commissioner a pet shop operator an animal retailer A or animal retailer B license for each pet shop establishment operated by such person. Application for each such license shall be made in writing on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

Sec. 5. K.S.A. ~~[1992 Supp.]~~ 47-1704 is hereby amended to read as follows: 47-1704. It shall be unlawful for any city or the officials thereof to operate a pound or, any corporate entity to operate an animal shelter as a pound or any individual or organization to operate a no-kill shelter, except a licensed veterinarian, unless a license for such pound or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the license year ending on June 30 following the issuance date.

Sec. 6. K.S.A. 47-1711 is hereby amended to read as follows: 47-1711. ~~[A dog warden]~~ shall not be granted an animal dealer's or a pet shop operator's an animal retailer A's license. Each application for an animal dealer's license or a pet shop operator's an animal retailer A's license shall include a statement that neither the applicant nor any of his such applicant's employees is ~~[a dog warden]~~ ~~[A dog warden]~~, upon taking custody of any animal in the course of his the ~~[warden's]~~ official duties, shall immediately make a record which shall include the color, breed, sex, approximate weight and other description of the animal, the reason for seizure, the location of seizure, the owner's name and address, if known, the animal license number, and any other identification number. Complete in-

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\_\_\_\_\_ An animal control officer

\_\_\_\_\_ an animal control officer

\_\_\_\_\_ An animal control officer  
officer's

1 formation relating to the disposition of the animal shall be shown  
2 on the record; this shall be added immediately following the dis-  
3 position of the animal.

4 Sec. 7. K.S.A. ~~[1002-Supp.]~~ 47-1712 is hereby amended to read  
5 as follows: 47-1712. (a) The commissioner is hereby authorized to  
6 adopt rules and regulations for hobby kennels, kennel operators,  
7 pounds, animal shelters, ~~pet shops~~ *animal retailer A's, animal re-*  
8 *tailer B's, no-kill shelters* and research facilities. Such rules and  
9 regulations shall include, but not be limited to, provisions relating  
10 to: (1) Reasonable treatment of animals in the possession, custody  
11 or care of a licensee or registrant or being transported to or from  
12 licensed or registered premises; (2) a requirement that each licensee  
13 and registrant file with the commissioner evidence that animals en-  
14 tering or leaving the state are free from any visible symptoms of  
15 communicable disease; (3) identification of animals handled; (4) pri-  
16 mary enclosures; (5) housing facilities; (6) sanitation; (7) euthanasia;  
17 (8) ambient temperatures; (9) feeding; (10) watering; (11) adequate  
18 veterinary medical care; (12) inspections of licensed or registered  
19 premises, investigations of complaints and training of persons con-  
20 ducting such inspections and investigations; and (13) a requirement  
21 that each licensee keep and maintain, for inspection by the com-  
22 mission, such records as necessary to administer and enforce the  
23 provisions of the Kansas animal dealer act.

24 (b) The commissioner shall only adopt as rules and regulations  
25 for animal dealers and animal dealer premises the rules and regu-  
26 lations promulgated by the secretary of the United States department  
27 of agriculture, cited at 9 C.F.R. 3.1 through ~~3.12~~ 3.17 and 9 C.F.R.  
28 2.75 through 2.78, pursuant to the provisions of the United States  
29 public law 91-579 (7 U.S.C. § 2131 et seq.), commonly known as  
30 the animal welfare act and a requirement that each animal dealer  
31 file with the commissioner evidence that animals entering or leaving  
32 the state are free from any visible symptoms of communicable  
33 disease.

34 Sec. 8. K.S.A. 47-1713 is hereby amended to read as follows:  
35 47-1713. (a) The commissioner may prohibit the sale or gift within  
36 the state of animals or exotic pet animals which constitute a hazard  
37 to human health or safety or to animal health or safety.

38 (b) Any animal or exotic pet animal sold by a ~~pet shop operator~~  
39 *an animal retailer A* licensed pursuant to the provisions of this act  
40 shall be accompanied by a written instrument issued by such ~~pet~~  
41 ~~shop operator~~ *retailer* on a form prescribed by the commissioner  
42 certifying that such animal is in sound health.

43 Sec. 9. K.S.A. ~~[1002-Supp.]~~ 47-1721 is hereby amended to read

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4-6

1 as follows: 47-1721. (a) Each application for issuance or renewal of  
2 a *permit*, license or certificate of registration required under K.S.A.  
3 47-1701 *et seq.* and amendments thereto shall be accompanied by  
4 the fee prescribed by the commissioner under this section. Such  
5 fees shall be as follows:

6 (1) For a license for premises of a person licensed under public  
7 law 91-579 (7 U.S.C. § 2131 *et seq.*), an amount not to exceed \$150.

8 (2) For a license for any other premises, an amount not to exceed  
9 \$300.

10 (3) For a certificate of registration, an amount not to exceed \$75.

11 (4) *For a temporary closing permit, an amount not to exceed*  
12 *\$75.*

13 (b) *A late fee of \$50 shall be assessed to any person whose license*  
14 *or registration renewal is more than 45 days late.*

15 ~~(b)~~ (c) The commissioner shall determine annually the amount  
16 necessary to carry out and enforce K.S.A. 47-1701 *et seq.* and amend-  
17 ments thereto for the next ensuing fiscal year and shall fix by rules  
18 and regulations the license and registration fees for such year at the  
19 amount necessary for that purpose, subject to the limitations of this  
20 section. In fixing such fees, the commissioner may establish cate-  
21 gories of licenses and registrations, based upon the type of license  
22 or registration, size of the licensed or registered business or activity  
23 and the premises where such business or activity is conducted, and  
24 may establish different fees for each such category. The fees in effect  
25 immediately prior to the effective date of this act shall continue in  
26 effect until different fees are fixed by the commissioner as provided  
27 by this subsection.

28 ~~(e)~~ (d) If a licensee, registrant or applicant for a license or reg-  
29 istration requests an inspection of the premises of such licensee,  
30 registrant or applicant, the commissioner shall assess the costs of  
31 such inspection, as established by rules and regulations of the com-  
32 missioner, to such licensee, registrant or applicant.

33 ~~(d)~~ (e) No fee or assessment required pursuant to this section  
34 shall be refundable.

35 ~~(e)~~ (f) The commissioner shall remit all moneys received by or  
36 for the commissioner under this section to the state treasurer at  
37 least monthly. Upon receipt of each such remittance, the state treas-  
38 urer shall deposit the entire amount in the state treasury and shall  
39 credit it to the animal dealers fee fund, which is hereby created in  
40 the state treasury. Moneys in the animal dealers fee fund may be  
41 expended only to administer and enforce K.S.A. 47-1701 *et seq.*,  
42 and amendments thereto. All expenditures from the animal dealers  
43 fee fund shall be made in accordance with appropriation acts upon

1 warrants of the director of accounts and reports issued pursuant to  
2 vouchers approved by the Kansas livestock commissioner or the  
3 commissioner's designee.

4 (g) *Premises required to be licensed under the Kansas animal*  
5 *dealers act shall obtain a license for the business for which such*  
6 *premises is primarily engaged and shall not be required to pay for*  
7 *more than one license. If more than one operation is ongoing at the*  
8 *premises, each operation shall comply with the applicable statutes*  
9 *and rules and regulations pertaining to such operation.*

10 (f) (h) This section shall be part of and supplemental to K.S.A.  
11 47-1701 *et seq.* and amendments thereto.

12 Sec. 10. K.S.A. [1992 Supp.] 47-1725 is hereby amended to read  
13 as follows: 47-1725. (a) There is hereby created the Kansas companion  
14 animal advisory board, consisting of nine members. Members shall  
15 be appointed by the governor as follows:

16 (1) One member shall be a representative of the Kansas feder-  
17 ation of humane societies;

18 (2) one member shall be an employee of a research facility li-  
19 censed under K.S.A. 1992 Supp. 47-1720, and amendments thereto;

20 (3) one member shall be a companion animal breeder, actively  
21 engaged in the breeding of companion animals, licensed under the  
22 Kansas animal ~~dealer~~ *dealers* act and shall be selected from a list  
23 of three names presented to the governor by the American profes-  
24 sional pet distributors, inc.;

25 (4) one member shall be a companion animal broker, actively  
26 engaged in buying and selling companion animals, licensed under  
27 the Kansas animal ~~dealer~~ *dealers* act and shall be selected from a  
28 list of three names presented to the governor by the American  
29 professional pet distributors, inc.;

30 (5) one member shall be a ~~pet shop operator~~ *an animal retailer*  
31 *A or animal retailer B* licensed under the Kansas animal ~~dealer~~  
32 *dealers* act and shall be selected from a list of three names presented  
33 to the governor by the pet industry joint advisory council;

34 (6) one member shall be a licensed veterinarian and shall be  
35 selected from a list of three names presented to the governor by  
36 the Kansas veterinary medical association;

37 (7) one member shall be a private citizen with no link to the  
38 industry;

39 (8) one member shall be a companion animal breeder, actively  
40 engaged in the breeding of companion animals, or a companion  
41 animal broker, actively engaged in buying and selling companion  
42 animals, licensed under the Kansas animal dealer act and shall not  
43 be affiliated with an organized companion animal association; and

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1 (9) one member shall be a hobby kennel operator, registered  
2 under the Kansas animal ~~dealer~~ *dealers* act.

3 (b) Of the members first appointed to the board, the governor  
4 shall designate three whose terms shall expire June 30, 1992; three  
5 whose terms shall expire June 30, 1993; and three whose terms shall  
6 expire June 30, 1994. After the expiration of such terms, each mem-  
7 ber shall be appointed for a term of three years and until a successor  
8 is appointed and qualified.

9 (c) A vacancy on the board of a member shall be filled for the  
10 unexpired term by appointment by the governor.

11 (d) The board shall meet at least once every calendar quarter  
12 regularly or at such other times as the chairperson or a majority of  
13 the board members determine. A majority of the members shall  
14 constitute a quorum for conducting board business.

15 (e) The members of the board shall annually elect a chairperson.

16 (f) The board shall have the following duties, authorities and  
17 powers:

18 (1) To advise the Kansas livestock commissioner on hiring a di-  
19 rector to implement the Kansas animal ~~dealer~~ *dealers* act;

20 (2) to review the status of the Kansas animal ~~dealer~~ *dealers* act;

21 (3) to make recommendations on changes to the Kansas animal  
22 ~~dealer~~ *dealers* act; and

23 (4) to make recommendations concerning the rules and regula-  
24 tions for the Kansas animal ~~dealer~~ *dealers* act.

25 Sec. 11. K.S.A. ~~[1992 Supp.] 47-1726~~ is hereby amended to read  
26 as follows: 47-1726. K.S.A. 47-1701 through ~~47-1722~~ ~~[47-1718 and~~  
27 ~~K.S.A. [1992 Supp.] 47-1723 47-1710 through~~ 47-1727 and section 1,  
28 and amendments thereto, shall be known and may be cited as the  
29 Kansas animal dealers act. This act shall license, register and regulate  
30 the conditions of certain premises and facilities within the state of  
31 Kansas where animals are maintained, sold or offered or maintained  
32 for sale.

33 Sec. 12. K.S.A. ~~[47-1711 and 47-1713 and K.S.A. 1992 Supp.] 47-~~  
34 ~~1701, 47-1702, 47-1703, 47-1704, [47-1712, 47-1721, 47-1722, 47-1725~~  
35 ~~and 47-1726~~ are hereby repealed.

36 Sec. 13. This act shall take effect and be in force from and after  
37 its publication in the statute book.

Sec. 12. See attached

47-1711,

47-1713, 47-1718,

4-9

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Sec. 12. K.S.A. 47-1718 is hereby amended to read as follows: 47-1718. (a) No animal shall be euthanized by any dog warden, animal control officer, officer of an animal shelter or officer of a pound by any means, method, agent or device, or in any way, except as follows:

(1) By administration of sodium pentobarbital, or any other barbiturate, or a euthanasia solution marketed under the trade name T-61, by any of the following methods and under the following conditions:

(A) Intravenous or intra-cardial injection of a lethal solution;

(B) oral ingestion by animals of powdered sodium pentobarbital in capsules mixed with food, with the animal remaining in its individual cage until dead (suited for use with vicious or intractable animals);

(C) intraperitoneal or intra-cardial injection in animals when location of and injection into the vein is difficult or impossible;

(D) use of an undamaged hypodermic needle of a size suitable for the size and species of animal;

(E) administration to be only by or under the supervision of a licensed veterinarian.

(2) By the use of carbon monoxide gas administered in a tightly-enclosed chamber equipped with:

(A) Internal lighting and viewport providing direct visual observation of any animal within the chamber;

(B) a gas generation process adequate to achieve a carbon monoxide gas concentration throughout the chamber of at least five percent ~~{5%}~~ within five ~~{5}~~ minutes after any animal is placed in the chamber;

(C) a suitable gauge or gas concentration indicator or recording device making possible easy and instantaneous visual determination of the carbon monoxide concentration in the chamber;

(D) a means of cooling the gas, if from an internal combustion gasoline engine, to a temperature not exceeding ~~one hundred-fifteen-{115}~~ 115 degrees fahrenheit at point of entry into the chamber and to ~~one-hundred-{100}~~ 100 degrees at any point within the chamber, as determined by temperature gauges permanently installed at point of entry and inside the chamber;

(E) means of removing or filtering out all noxious fumes, irritating acids and carbon particles from the gas before it enters the chamber;

(F) if an internal combustion engine is used for gas generation, a means of substantially deadening the sound and vibration transmission from the engine to the chamber, by placing them in separate rooms or soundproof compartments and connecting them with a flexible tubing or pipe at least ~~twenty-four-{24}~~ 24 inches in length, so that the noise level within the chamber shall not exceed ~~seventy-{70}~~ 70 dBA;

(G) a means of keeping the animals in the chamber in separate compartments, except that young animals from the same litter may be placed in a single compartment with their female parent;

(H) an exhaust fan connected by a gas-tight duct to the outdoors, capable of completely evacuating the gas from the chamber before it is opened after each use, for the protection of

rsonnel.

(3) Animals under six months of age, may be euthanized with chloroform, or with a mixture of chloroform and carbon dioxide by a means approved in writing by any licensed veterinarian after inspecting the equipment and method, provided the following requirements are observed:

(A) The animal to be euthanized must be placed in an individual cage or compartment in a small chamber or box having a tight seal, or in a transparent trash bag which can be closed tight after introduction of the chloroform;

(B) the chloroform, with the dose sufficient to euthanize the size of animal, shall be placed on a paper towel, piece of gauze or ball of cotton, and inserted into the chamber or bag in such a position that the animal shall not be able to come in direct contact with it;

(C) the chamber or box, if used, must have a viewport sufficient to permit unobstructed observation of the animal until dead;

(D) the animal must remain in the chamber or bag until rigor mortis has set in;

(E) the room in which the chloroform is administered must have forced ventilation to remove all fumes after each use, for the protection of personnel;

(F) if a mixture of chloroform and carbon dioxide is used, the carbon dioxide shall be from a cylinder of commercially-produced gas, with the gas introduced into the chamber immediately after introduction of the chloroform through a valve which produces only a minimum of noise and permits rapid distribution within the box, with an air vent at the top of the chamber to permit exit of displaced air.

(4) By shooting, or use of a captive-bolt pistol, provided all of the following requirements are met:

(A) The animal is restrained in a humane manner so as to make possible an accurate shot without the animal becoming unduly agitated;

(B) a weapon and ammunition of suitable caliber and other characteristics are used so as to produce death with a single shot to the brain, with the bullet entering the skull at a point approximately at the point where two lines drawn diagonally from each eye to the back of the opposite ear cross;

(C) adequate precautions are taken to avoid danger to other animals and to personnel by ricocheting bullets;

(D) a captive-bolt pistol may be substituted for gun and ammunition, to provide instantaneous unconsciousness by penetration of the skull and brain, to be followed by any suitable method of producing death if the animal is not dead as a result of such penetration.

(b) This section shall be part of and supplemental to article 17 of chapter 47 of the Kansas Statutes Annotated.

Renumbering the remaining sections accordingly.

## SENATE Substitute for HOUSE BILL NO. 2569

By Committee on Agriculture

AN ACT abolishing the state fair board and establishing the Kansas state fair board; amending K.S.A. 74-521, 74-522 and 74-523 and repealing the existing sections; also repealing K.S.A. 74-520 and 74-524.

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

New Section 1. (a) The Kansas state fair board is hereby established on the effective date of this act. The Kansas state fair board shall consist of the following members:

(1) The secretary of agriculture or the successor of the secretary of agriculture, or the secretary's designee;

(2) the secretary of commerce and housing, or the secretary's designee;

(3) the director of extension of Kansas state university of agriculture and applied science, or the director's designee;

(4) one person appointed by the governor from three persons nominated by the Kansas chamber of commerce and industry;

(5) one person appointed by the governor from three persons nominated by the travel industry association of Kansas;

(6) one person appointed by the governor from three persons nominated by the Kansas fairs association; and

(7) five people from the general public appointed by the governor. Of such people appointed, one shall be from each congressional district and one shall be a resident of the county where the Kansas state fair is located. Of the people appointed pursuant to this paragraph, a majority of the people shall be actively engaged in agriculture.

(b) Of the persons initially appointed by the governor under subsection (a), three shall have a term of one year, three shall have a term of two years and two shall have a term of three years and until a successor is appointed and qualified. Thereafter,

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all members shall have terms of three years and until a successor is appointed and qualified.

(c) Any vacancy occurring on the Kansas state fair board shall be filled as the original appointment was made.

Sec. 2. K.S.A. 74-521 is hereby amended to read as follows:  
74-521. The Kansas state fair board shall ~~immediately~~ organize by the election, from their own number, of a president, a vice-president and a treasurer, each of whom shall hold office for a term of one year, and until their successors are elected and qualified. The Kansas state fair board shall select and purchase a seal to authenticate ~~all-their~~ such board's acts and ~~proceedings~~. The board shall have power to meet for the transaction of business under the call of the president ~~whenever it--may-be~~ when necessary; to fully control and regulate the time and manner of holding a state fair; to appoint all necessary subordinate officers and employees within appropriations therefor; to fix and establish premiums and awards for exhibitors and contestants, and pay the ~~same~~ premiums and awards; to budget and expend funds for necessary printing and advertising for a state fair; and to do and perform all other matters pertinent in connection with the holding of a state fair. The board ~~may~~ shall appoint a secretary, who will be designated the general manager of the state fair, and shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the board and approved by the ~~state-finance-council~~ governor. The board members shall serve on committees which may be established by the board, or ~~its~~ the president, and to which the board members are assigned by the board or ~~its~~ the president. Members of the Kansas state fair board attending meetings of such board, or attending a subcommittee meeting thereof authorized by ~~such~~ the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 3. K.S.A. 74-522 is hereby amended to read as follows:  
74-522. The members of the Kansas state fair board ~~shall-be--paid~~

~~all--travel--and--hotel--expenses--actually--and--necessarily--incurred~~  
~~by--them--in--the--performance--of--their--respective--duties~~ when  
attending meetings authorized by the board shall be paid  
compensation, subsistence allowances, mileage and other expenses  
as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 4. K.S.A. 74-523 is hereby amended to read as follows:  
74-523. The Kansas state fair board ~~shall--have--power--to~~ may adopt  
rules and regulations regarding the holding of the state fair and  
the control and government thereof, ~~which rules--and--regulations~~  
~~shall--be--published--for--the--benefit--of--the--public.~~

New Sec. 5. The state fair board established by K.S.A.  
79-520 is hereby abolished.

New Sec. 6. (a) All of the powers, duties, functions,  
records, property and personnel of the existing state fair board  
are hereby transferred to and conferred and imposed upon the  
Kansas state fair board.

(b) The Kansas state fair board created by this act shall be  
the successor in every way to the powers, duties and functions  
of the state fair board in which the same were vested prior to  
the effective date of this act. Every act performed under the  
authority of the Kansas state fair board created by this act  
shall be deemed to have the same force and effect as if performed  
by the state fair board in which such functions were vested prior  
to the effective date of this act.

(c) Whenever the state fair board or words of like effect,  
is referred to or designated by statute, contract or other  
document, such reference or designation shall be deemed to apply  
to the Kansas state fair board created by this act.

(d) All rules and regulations and all orders or directives  
of the state fair board in existence on the effective date of  
this act, shall continue to be effective and shall be deemed to  
be the rules and regulations and orders or directives of the  
Kansas state fair board created by this act, until revised,  
amended, repealed or nullified pursuant to law.

(e) The Kansas state fair board created by this act shall be

a continuation of the state fair board provided under K.S.A. 74-520 and amendments thereto.

New Sec. 7. All officers and employees who were engaged immediately prior to the effective date of this act in the performance of powers, duties and functions of any existing state fair board which is abolished by this act, and who, in the opinion of the Kansas state fair board, are necessary to perform the powers, duties and functions of the Kansas state fair board shall remain officers and employees of the Kansas state fair board, and shall retain all retirement benefits and all rights of civil service which such officer or employee had before such date, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions of personnel in the classified service shall be in accordance with civil service laws and rules and regulations.

Sec. 8. K.S.A. 74-520, 74-521, 74-522, 74-523 and 74-524 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.