

Approved: 3-14-96  
Date

## MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on March 12, 1996 in Room 423-S of the Capitol.

All members were present except:

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

Conferees appearing before the committee:

Allie Devine, Secretary, Department of Agriculture  
Debra Duncan, Kansas Animal Health Department  
Sharon Munk, Kansas Professional Pet Breeder, Menlo, KS  
Roger Lambert, President, Lambriar Kennels, Inc., Mahaska, KS  
JoAnne Kieffer, Kansas Professional Pet Distributor, Waconda Pets, Glen Elder, KS  
Pinky Lewis, Kansas Professional Kennel Owner and Operator, Independence, KS  
Wilma Westhoff, Professional Licensed Kennel Owner and Operator, Chanute, KS

Others attending: See attached list

Secretary Devine addressed the Committee concerning an outbreak in Arizona of Karnal Bunt, a fungus spore which attaches itself to wheat. The fungus affects the quality and the production of the grain. The spores will lie dormant in the soil and if it is present it takes up to five years of non-production to remove it if you can remove it. Karnal Bunt is found in six countries in the world and most of the countries we export wheat to will not allow Karnal Bunt to be imported into their country. It seems in Arizona it was transported through the air from Mexico. In the areas where they found it in Arizona the wheat crop has been destroyed, and the grain has been quarantined. The problem we have now is USDA has said we can not issue phytosanitary certificates stating United States is Karnal Bunt free. This means our certificates will have to clearly state that Karnal Bunt is present. We have been testing in all 105 counties in Kansas, Nebraska, North and South Dakota and Oklahoma for the past three years and have found no presence of Karnal Bunt. This data has been given to Washington and they are using it to show our trading partners that Arizona is an isolated incident.

A motion was made by Senator Sallee to adopt the minutes of March 7 and 8. Senator Morris seconded the motion. Motion carried.

### Substitute for HB 2607 - concerning the Kansas Animal Dealer Act; renaming the act the Kansas Pet Animal Act.

Chairperson Corbin opened the hearing on the bill and announced a fiscal note on Substitute for HB 2607 had been distributed. He called on Debra Duncan.

Debra Duncan gave some history of the Kansas Animal Dealer Act. The substitute bill is the result of numerous compromises over what was initially introduced. Ms. Duncan said today reptiles, hedge hogs, sugar gliders, flying squirrels, monitors, water dragons, and all manner of exotic birds are sold in pet shops, and that is why the bill was amended to include them. The primary reason to regulate animal wholesalers is to ensure animal welfare and control disease. In closing, she spelled out some technical amendments that she thought the bill needed (Attachment 1).

Sharon Munk testified in support of the bill. Her testimony explains why she thought the bill was necessary and said it was refreshing to finally be able to be pro-active instead of re-active. Especially when you belong to an industry that is always under public scrutiny by the media (Attachment 2).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE Room 423-S-Statehouse, at 10:00 a.m. on March 12, 1996.

Ms. Munk also read Roger Lambert's testimony expressing support for **Sub for HB 2607 (Attachment 3)**. Mr. Lambert is the president of Lambriar Inc., the largest pet distributors in the state of Kansas.

JoAnne Kieffer supported the bill. She said in the past few year Kansas has made great strides to make our state proud of our pet facilities. The purposed changes will improve the law, and she asked that the Senate Agriculture Committee pass the bill to the floor and into law (Attachment 4).

Pinky Lewis support the Substitute bill. She told the Committee why she thought the bird breeders should be placed under the legislation. She supported out of state distributors being regulated and charging them a licensing fee to do business in the state of Kansas, as other states assess fees to out of state distributors (Attachment 5).

Wilma Westhoff from Chanute supported the bill. She wants all facilities inspected upon initial application. She did not want the state of Kansas issuing licenses through the mail. She supported licensing of out-of-state distributors. She request that the advisory boards recommendations be adopted (Attachment 6).

Richard A. Barta, D.V.M., from Independence submitted written testimony supporting the bill (Attachment 7)

Sharon Munk was asked to get information form Roger Lambert. She said she would fax the information to the committee chair.

Staff was asked to provided information on Florida's law for licensing.

The meeting adjourned at 11:00 a.m.

The next meeting is scheduled for March 13, 1996.

# SENATE AGRICULTURE COMMITTEE GUEST LIST

DATE: 3-12-96

NAME	REPRESENTING
Bertha Haedt	General Interest
Kelli L. Johnson	General Interest
Richard Hazell	AMERICAN FEDERATION OF AVICULTURE
Sue Watts	Cat Fanciers Ass.
Debbie Westhoff	Kennel
Chuck Westhoff	Dog Kennel
Wilma Westhoff	Kennel
Jane Hill	Kennel
Bobbi Beckman	Kennel
Tom Willy	Kans Kennel Club Assn.
Mike M. L. King	observer
David M. Nieves	observer
Debra Duncan	Ks Animal Health Dept.
Jo Anne Kieffer	Concerned Breeder
Sharon Kieffer	CONCERNED BREEDER

**STATE OF KANSAS**  
**KANSAS ANIMAL HEALTH DEPARTMENT**

George Teagarden, Livestock Commissioner

712 South Kansas Avenue Suite 4-B Topeka Kansas 66603-3808  
Phone: 913/296-2326 FAX 913/296-1765

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March 12, 1996

Senator Corbin, members of the Senate Committee on  
Agriculture:

My name is Debra Duncan, Director of the Animal Facilities  
Inspection program for the state of Kansas. I am here to  
ask that you consider Substitute for H.B. 2607 favorably.

The Kansas Animal Dealer Act was enacted in by the Kansas  
Legislature in 1988. At first, the program had only two  
field inspectors and a half time clerical person. The  
program was directed by the Livestock Commissioner. In  
December 1990, after some additional legislation was passed  
concerning access to research facilities, Connie Chung  
visited some very poor Kansas kennels and it was broadcast  
nationally on Face to Face. At the same time, the Humane  
Society of the United States announced a boycott of pet  
stores selling puppies bred in seven states, including  
Kansas. A post audit review indicated the program had not  
been administered, managed, funded or staffed to the extent  
necessary to carry out its responsibilities. As a result a  
number of positions were added. Today the program has eight  
full time staff: a Director, two office staff and five field  
inspectors.

In my opinion, the Kansas Animal Dealer Act is a good law.  
It has been used by numerous other states as a framework and  
also was the basis for a United States Animal Health  
Association task force on animal welfare. It is also,  
unfortunately, a confusing law which is difficult for  
breeders to understand and consequently, difficult for the  
agency to enforce.

Substitute for H.B. 2607 involves three years of work by the  
Companion Animal Advisory Board. This board consists of  
nine very dedicated people, representing hobby and  
commercial dog and cat breeders, humane societies, pet  
shops, research facilities, veterinarians and the public.

These individuals are appointed by the Governor and are not paid for their work. It is all voluntary.

The substitute bill is the result of numerous compromises over what was initially introduced. The original bill attempted to redefine which dog and cat breeders should be licensed by the state. The substitute bill leaves this at current law but clarifies the definitions.

All licensees were notified of the proposed bill in a newsletter which set out the changes section by section. When the Substitute bill was proposed, the House Agriculture Committee asked us to notify the licensees again about the changes in the Substitute bill. We did that and a copy of what was sent to each licensee is before you.

Since this bill was proposed, I have received hundreds of phone calls from all sorts of animal breeders. Currently, the law allows people to sell the offspring of any animal they breed at their home where they reside without obtaining a license. If they sell the offspring at retail anywhere else they need a pet shop license. If they sell the offspring to pet shops or brokers they do not need a license. House Substitute for 2607 would change that. It requires anyone with 20 or more breeding females who breed their birds, reptiles or small mammals for the purpose of sale to obtain a license. This language did not start out this way. It started out stating that anyone who sold 20 animals to a pet shop would require a license. The language in the bill is a compromise I developed with the Gary Lilienthal, the vice president of the American Federation of Aviculture. The AFA does not take a position either in support or opposition to legislation. From our conversations, however, I believe he is comfortable with this language.

Bird breeders in particular have expressed concern over the definitions of animal wholesaler and pet shop. Unlike other animals, birds differ in their breeding seasons and in their price. Finch breeders may receive \$2 a finch from a pet store, while a hyacinth macaw may be worth \$6,000. The reptile organizations also have the same financial concerns. Additionally, reptiles do not have the same requirements as other animals and often do not eat or drink for days or even weeks.

Because of these concerns, it is our intent to develop a sliding scale of fees for these type of breeders. We also intend to work with local bird groups, the American Federation of Aviculture and herpetology groups to develop

reasonable regulations for bird and reptile husbandry and safe inspections.

The primary reason to regulate animal wholesalers is to ensure animal welfare and control disease. When the Kansas Animal Dealer Act was first enacted pet shops primarily sold puppies, kittens, a few birds, and small mammals such as hamsters and guinea pigs. Today they sell hedge hogs, sugar gliders, flying squirrels, monitors, water dragons, and all manner of exotic birds. In fact, a number of pet shops in Kansas are specialty shops, i.e., they sell only birds or only reptiles. This is the reason the amendment came about.

Substitute for H.B. 2607 is a very good bill that is the result of hours of work by dedicated people. I think it is a fair compromise. I have four concerns about the bill which may require some technical amendments:

1. Section 23, page 19. Every license category will be represented on the board except retail breeders. Currently, there are 27 licensed retail breeder/pet shops in the state.
2. Section 23, page 19, line 28(h) should read "licensed animal wholesaler and licensed kennel operator".
3. Section 23, page 19, line 25-26 "Board members who are required to be licensed shall be affiliated with or a member of an organized pet animal association which is representative of the position they wish to hold on the board."
4. I have also been contacted several time by game bird associations. This bill is not intended to apply to game birds. I believe that game birds are domestic fowl, which, if you combine two definitions of Websters, are large, tame, edible birds. However, I would have no objection to amending the statute to specifically exclude game birds.

Thank you for your consideration. I will be happy to answer any questions.

# The Companion Animal Quarterly



The Newsletter of  
The Kansas Animal  
Health Department  
712 Kansas Ave, Suite 4B  
Topeka, KS 66603

Feb. 5, 1996

## ---BULLETIN---

The House Committee on Agriculture did not agree with some of the language in proposed H.B. 2607 which modifies the Kansas Animal Dealer Act. The Committee introduced and passed a Substitute Bill for H.B. 2607. The Substitute bill clarifies and renames the definitions for hobby breeders, animal dealers and retail breeders. For example, a hobby kennel operator will be called a hobby breeder, an animal dealer will be called an animal breeder, a breeder with a pet shop license will be called a retail breeder. It does not change current law.

The Committee also changed the definition of animal wholesaler and the definition of pet shop. The rest of the bill is pretty much as it was introduced. (see attached pages for a summary of the bill).

Those of you who sell birds, reptiles or small mammals other than dogs and cats please note the following:

- gamebirds and animals raised exclusively for food for human or animal consumption are not included in this act;
- because bird breeders, small mammal (other than dogs or cats) and reptile breeders often sell animals or birds for less than \$10 each, we anticipate pro-rating the fees for the people who raise these animals for sale.

This bill has passed out of the House Committee and is waiting for a vote by the 125 representatives of the House. Any of these members can amend this bill. If it passes the House, the bill will be referred to the Senate Committee on Agriculture. At that time, the bill will again be scheduled for public hearings. If you would like a copy of the bill please call:

The Statehouse document room (913)296-4096 or the Statehouse reference library (913)296-2149. Be sure to ask for the Substitute for House Bill 2607.

- the bill allows kennels and catterys to obtain a closing permit for \$75. Currently, they must pay either \$150 or \$300 to sell off their breeding stock.
- the bill more clearly defines, but does not change, current breeder definitions. It will still be 3 to 5 litters (less than 30 animals) for Hobby, 6 litters or 30 or more animals for Animal breeders and retail breeders). Instead of the three breeder categories that we currently have (Hobby Kennel, Animal Dealer, Pet Shop) categories will be Hobby Breeder, Animal Breeder, Retail Breeder and Distributor. Fees do not change.
- the bill combines animal shelters, animal pounds and no-kill shelter definitions into one definition.
- the bill contains a new category of licensee - animal wholesaler - to regulate those people who have 20 or more female birds, reptiles and small mammals (other than dogs, cats, fish, or animals raised for food) who sell to pet shops or brokers.
- the bill contains a new category of licensee - out of state distributor - to require people residing in another state who buy Kansas dogs and cats for resale in their state to obtain a permit.
- the bill modifies the definition of pet shop. Current law exempts people who sell only the offspring of birds, small mammals, and reptiles that they raise from their home. The bill would require anyone operating a retail business from their home to obtain a pet shop license. If they breed 20 or more female birds, reptiles and small mammals, and sell their offspring at retail sale, there is a presumption that they are operating a business.
- the bill defines adequate veterinary care and requires an on-site visit to each kennel or cattery by a licensed veterinarian at least once a year. It also states that diseased, ill, lame or blind animals should receive whatever care is necessary for their health and well-being. This definition does not apply to USDA licensed facilities because the USDA already requires this.
- the bill eliminates the category "registration" and calls everyone a licensee. All licensees will be inspected upon initial application. (Right now, hobby breeders and boarding kennels are inspected only upon complaint; they are not inspected when they first apply).
- the bill changes the euthanasia statute to require all licensees to follow the AVMA guidelines on euthanasia when euthanizing their animals.
- the bill makes it clear to pounds and shelters that animals must be held three full days before they can be adopted out or euthanized.
- The bill allows the agency to assess a late fee of \$50 for any application that is more than 45 days late. (This would not apply to new applicants).
- The bill restructures the advisory board so there are 10 members - one each for each license category. The advisory board would represent the following:

a licensed animal shelter or pound, a licensed research facility, a licensed animal breeder, a licensed animal wholesaler, a licensed pet shop operator, a licensed veterinarian (selected from a list of 3 names presented to the governor by the KVMA), a private citizen with no link to the industry, a licensed animal distributor, a licensed hobby breeder and a licensed kennel operator.

All members must be affiliated with an organized pet animal association. (Note: all license categories are included except retail breeder. This additional member will be requested as a technical amendment). Current advisory board members will continue to serve out his or her term.

- Current law makes it unlawful for a distributor or pet shop to knowingly purchase dogs or cats from a person required to obtain a license. The bill would also make it unlawful for breeders to sell to animal distributors, out-of-state distributors (who are required to be licensed) or pet shops who are unlicensed.
- the bill provides that premises required to be licensed need obtain only one license. If more than one operation is ongoing at the premise, each operation shall comply with the applicable statutes and rules and regulations.
- The bill requires the agency to pro-rate fees for new applicants. If the applicant has been operating without a license the fee will not be pro-rated.
- The bill makes it clear that veterinarians who operate a pound or shelter which is unrelated to their veterinary clinic are required to have a pound license.
- The bill makes it unlawful to threaten, harass or hinder a state official carrying out duties under the act.
- The bill combines the definition of pound, shelter and no-kill shelter into a single definition.
- The bill clarifies the definition of kennel operator to specifically state that the license covers boarding and training. This is not a change in current law.
- The bill amends the grounds upon which the commissioner may refuse to grant a license. Current law provides that a license can be denied or suspended for the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty or relating to the theft of or cruelty to animals. This amendment strikes the language "an essential element of which is misstatement, fraud or dishonesty". Under the proposed bill, the only crime that the commissioner could refuse or revoke a license for is a conviction of theft or cruelty to animals.
- Current law allows the Commissioner to prohibit the sale or gift of animals which constitute a hazard to human health or safety. The proposed amendment strikes the words "within the state" and the phrase "exotic pet animals" because it is redundant. The Commissioner already has the authority to ban "animals" which include exotic animals. The second paragraph, which requires a pet shop to produce a written instrument indicating the animal is in sound health is deleted from the law.

Note: The term "harass" was deleted by House floor amendment.

## Substitute for H. 2607 - Bill summary

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Attachment 2 ~~1-7~~

a licensed animal shelter or pound, a licensed research facility, a licensed animal breeder, a licensed animal wholesaler, a licensed pet shop operator, a licensed veterinarian (selected from a list of 3 names presented to the governor by the KVMA), a private citizen with no link to the industry, a licensed animal distributor, a licensed hobby breeder and a licensed kennel operator.

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- the bill provides that premises required to be licensed need obtain only one license. If more than one operation is ongoing at the premise, each operation shall comply with the applicable statutes and rules and regulations.
- The bill requires the agency to pro-rate fees for new applicants. If the applicant has been operating without a license the fee will not be pro-rated.
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3-12-96

KANSAS License----- #005

TO: Members of the Senate Agriculture Committee

APPDI Certified #92-007-B

FROM: SHARON MUNK - Kansas Professional Pet Breeder

USDA License--- #48-B-081

RE: Substitute for House Bill #2607

As the owner and operator of one of the largest professional pet breeding facilities in the state of KANSAS, I am here, (300 miles from home), to stress the importance of the current KANSAS Animal Dealer Act, along with emphasizing the necessity of the additions and revisions to this law with substitute House Bill #2607.

The Pet Animal Advisory Board has spent over three years, LINE-BY-LINE, fine tuning this law. The Advisory Board consist of Veterinarians, Humane Societies, Research Facilities, Pet Retailers, Pet Distributors, Professional Breeders, Show and Hobby Breeders, and even a person representing the general public...which made it possible to take into consideration the effect of this law, on each entity of those involved with animal care, while judging the publics preception during the revision stage, LINE-BY-LINE.

Of course, the advisory board, and many concerned pet animal breeders would rather have House Bill 2607 passed as written, but Substitute for House Bill 2607 still takes into consideration, the LINE-BY-LINE revisions and corrections, with the exception of two points.

I have attached a bill summary of substitute for house bill #2607, to my testimony, with four asterisks.

#1. The bill contains a new category of licensee--animal wholesaler-- to require licensure of facilities where 20 or more female animals, other than fish, dogs, cats, food animals or any combination thereof, are owned, maintained or housed primarily for the purpose of breeding and where such animals or their offspring are sold or offered or maintained for sale, primarily at wholesale for resale to another.

WHY: KANSAS is concerned with animal health. The KANSAS Animal Health Department receives many phone calls about these facilities. "Pets" consist of much more than puppies/kittens, dogs/cats, now-a-days. This is a REACTIVE measure, but by reacting quickly, we KANSAS can turn it into a PROACTIVE effort, and KANSAS can keep the reputation that we have built in the past five years for being the MODEL STATE when it comes to PET ANIMAL CARE.

#2. The bill contains a new category of licensee--out of state distributor-- to require people residing in another state who buy KANSAS dogs and cats for resale in their state to obtain a permit.

WHY: Other states charge KANSAS for doing business in their state. Also a source of added funding for the program.

#3. All licensees will be inspected upon initial application.

WHY: Hobby breeders and boarding kennels are only inspected at this time on complaint. By inspection of all licensees on initial application, it keeps the state of KANSAS from licensing a sub-standard facility through the mail. (This has been a MEDIA NIGHTMARE waiting to happen).

This also allows the state to make sure that hobby breeders are actually hobby breeders.

Many animal breeders licensed today, began as hobby breeders (including me). It is a pro-active measure for the state of KANSAS to inspect on initial application of a hobby license, thus, when the hobby breeder decides to grow...they can have rules and regulations in hand, before they build a facility.

#4. The bill restructures the advisory board.

WHY: Each category of licensee will have representation.

The state of KANSAS has the honor throughout the United States and elsewhere, as having the "MODEL LAW" when it comes to PET ANIMALS. This is quite a switch from the negative media we had to suffer throughout 1990. It is so refreshing to finally be able to be PRO-ACTIVE, instead of RE-ACTIVE when you happen to be part of an industry that is always under public scrutiny and the media eyes.

These additions and revisions are precisely what we need. I urge you to pass Substitute for House Bill #2607 out of committee, onto the floor, and into the law books.

THANKYOU.....SHARON MUNK

*Senate Ag Co  
3-12-96  
Attachment 2*

*2-1*



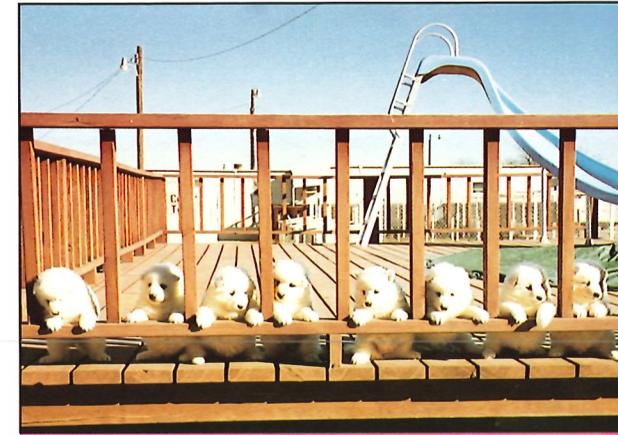
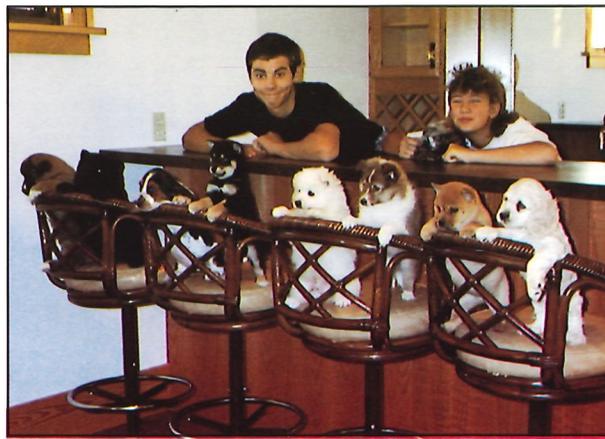
# BJ'S & Guys

Paul, Sharon, Dustin,  
Andy, Jeff and Sara Munk

USDA #48-B-081  
KS #005  
APPDI #92-007-B

## Professional Pet Distributors Since 1978

*"Family Owned and Operated"*



### CONCERNED BREEDERS OF KANSAS

Motto: *MAKE KANSAS SHINE*

Sharon Munk has worked with the Governor, Attorney General, Legislators, Animal Control Association, and Federation of Kansas Humane Societies, to assure YOU of receiving healthy quality pet animals from their state.

The Kansas Governor has appointed Sharon to the Facilities Inspection Advisory Board.



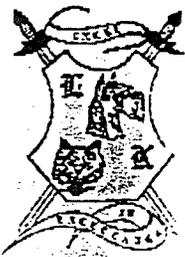
BJ'S & GUYS facility is inspected and approved as an APPDI HUMANE CARE FACILITY.

APPDI - American Professional Pet Distributors, Inc. - is a nationally recognized association of professional pet breeders, distributors, retailers, and manufacturers committed to providing consumers with the finest, healthiest animals available.

A comprehensive humane care standard and certification program was developed in conjunction with a blue ribbon panel of veterinarians and animal health experts from across the country. Facilities certified by APPDI must comply with more than 100 standards, exceeding USDA requirements.

APPDI certification is nationally recognized as the distinctive hallmark of quality pet care.





Member of  
PJAC

## Lambriar Kennels, Inc.

100 Pine Street  
Mahaska, KS 66955  
Phone: (913) 245-3231  
Fax: (913) 245-3238



USDA #48B043  
Kansas #020A  
MO #545  
IL #07523  
PA #306-315

*Puppies, Kittens, Birds & Vet Supplies*

March 11, 1996

I am Roger Lambert, President of Lambriar Inc., the largest pet distributors in the State of Kansas. I have been in this business for the past 26 years.

First, I would like to address the new category of licensee, the out of state distributor. This would require pet distributors located outside the state who buy Kansas puppies kittens for resale to obtain a permit. We are already licensed in a number of states, for example in Missouri we pay an annual fee of \$500 to do business in that state. I feel that if we are required to help finance their programs, we should reciprocate and allow them to help finance our licensing program as well.

A major concern is that all facilities, hobby, boarding, etc need to be inspected at the time the initial application for licensing is made. When the USDA first started its licensing program, they sent everyone an application and it was on the honor system and no inspections were done. That allowed many substandard facilities to become licensed. This created a nightmare for the USDA to eliminate these substandard facilities which they had licensed without an inspection.

Next, I'd like to address the new category of licensee, the animal wholesale that requires licensing of facilities where 20 or more female animals are kept. Again when the State Law was presented under Governor Haden, the industry was very anti-regulations and did not want dual inspections and licensing. Instead, the industry should have looked at the long term protection it has afforded us. With the introduction of the Kansas State Law and its enforcement, the reputation of Kansas produced puppies and kittens has continued to climb. Their demand has risen to the point where the price for these animals is skyrocketing and what once was a lucrative hobby has turned into successful full-time businesses for many of the producers within the state.

We understand that, like many of the people in the puppy and kitten portion of the pet industry here a number of years ago, there is opposition from the bird community on becoming

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Attachment 3*

licensed in any way, shape or form. Unfortunately, upon attending the recent workshops in St. Louis, which discussed what the USDA will be changing and doing in the future, there seemed to be an underlying current that the bird people will be coming under USDA regulation before long.

The bird industry has been under scrutiny for several years with many complaints from various states. What concerns me as a pet distributor who sells a tremendous number of hand feed baby birds along with domestically raised smaller birds such as parakeets and finches is the fact that we can conceivably receive the same nightmarish media attention on birds that we had within the puppy and kitten industry several years ago. If the State of Kansas becomes involved at this time we will be taking positive steps to eliminate the substandard bird facilities before they draw media attention. Again this just makes for a more marketable product.

In summary I'd like to state, as a father with children in the business and hopefully in the future grandchildren as well. I'd like to go into the next century knowing that Kansas is the very best place for the country to buy not only their puppies and kittens but also their small animals and birds. We must remember that the Kansas Licensing Program protects its licensees and eliminates the illegal, the substandard and the unqualified people that are bringing our segment of the industry down. I would again like to state Lambriar's support of the substitute for House Bill 2607.

*Roger E. Lambriar*

March 12, 1996

**TO: Members of the Senate Agriculture Committee**

**FROM: JoAnne Kieffer - Kansas Professional Pet Distributor  
Waconda Pets, Glen Elder, KS**

**RE: Substitute for House Bill # 2607**

First I would like to introduce myself. I am the owner and director of Waconda Pets at Glen Elder, Kansas in Mitchell County. I operate under USDA license # 48B054 and Kansas license # 010-A-96. I have proudly been a professional in the Pet Industry for 31 years. I have been a large breeder and am now a breeder and pet distributor. I have probably been in this profession longer than 95% of the kennels and catteries in the state. I was in business when USDA first initiated inspecting our facilities. In 1990 our business was fantastic and then Kansas and the Midwest received some very bad publicity concerning the substandard facilities. This hurt our enterprise tremendously so we decided to do something about it. We worked earnestly on getting a Kansas law passed so that there would be a Kansas inspection program. I served on the first Advisory Board for the Animal Health Department. I helped write the law that is in force at this time. Kansans can be very proud of our inspection program as it has been used as a model law for other states. But like many laws, after they have been in operation for some time, revisions need to be made. This is what we are asking for at this time. Many of these changes are for clarity of definitions. Some are changes in terminology only. Most of the revisions are to improve the program - such as a \$50 late fee, for those who don't renew on time.

Naturally we would prefer to have House Bill # 2607 passed as written, but the Substitute House Bill # 2607 takes into consideration the main revisions and corrections, with two exceptions.

The following are the changes in the current bill that we feel need to be emphasized:

- **Animal Wholesaler:** A new category to regulate the breeders who have 20 or more female birds, reptiles or small mammals and sell to pet stores or distributors. (These breeders should be inspected because Kansas is concerned about animal health and the Department receives many phone calls about these facilities. We must keep the Kansas reputation that we have worked so hard to accomplish over the past few years.)

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- **Out of State Distributor:** Requiring distributors from other states who purchase Kansas puppies and kittens for resale to obtain a permit. (This is required in several other states and will bring additional income to our program.)
- **Pet Shop:** The bill redefines the definition of pet shops to include the people who are raising birds, small mammals and reptiles from over 20 females in their home and selling them at retail to obtain a license for their business. (If anyone is breeding this quantity of animals and selling the progeny retail, they are managing a business.)
- **Veterinary Care:** This bill requires an on-site visit to a kennel or cattery by a licensed veterinarian at least once a year. This does not include USDA licensed facilities because this is already a requirement by USDA. (Again, we are concerned with proper animal health care.)
- **Initial Inspection:** With this new category as "licensee", all would receive an initial inspection. At this time, hobby breeders and boarding kennels are only inspected upon complaint. (By inspecting everyone, Kansas will not be licensing a substandard facility through the mail and it allows the state to determine if the "Hobby" facility is actually a "hobby" breeder.)
- **Breeders:** This bill would make it unlawful for breeders to sell to animal distributors, out-of-state distributors or pet shops who are required to be licensed but are unlicensed. (At this time it is unlawful for distributors or pet shops to knowingly purchase from persons who are required to be licensed.)
- **Advisory Board:** The bill would restructure the Advisory Board so there would be 10 members, one for each license category.

As a very proud Pet Distributor from the great state of Kansas, we must continue on the path that we have been following for the past few years and be Pro-active when it comes to the Pet Industry. We have over these past few years made strides to make our state proud of our facilities. We will always be under public scrutiny and the media is always looking for the substandard to write about. Let's keep ahead of everyone.

These revisions and changes are exactly what the current bill needs. As a concerned pet distributor, I ask you to pass Substitute For House Bill # 2607 out of this Senate Agriculture Committee, to the floor and into law.

TO: AGRICULTURE COMMITTEE  
FROM: PINKY LEWIS  
RE: SUBSTITUTE FOR HOUSE BILL #2607  
DATE: MARCH 12, 1996

Mr. Chairman and Members of the Committee:

I am Pinky Lewis, professional kennel owner and operator, from Independence, Kansas. I hold federal USDA license number 48-B-161 and Kansas license number 031. I am here today to testify in support of the substitute for house bill #2607.

Several years ago the consurned breeders of Kansas were frequent visitors in this capitol building. We were working then, as we are today, in hope of strengthening our Kansas licensing program. Since that time we have all enjoyed great success. Kansas is in the forefront of state licensing. It is Kansas other states emulate while putting in place, their own licensing program.

One of the important steps that was taken back then, was to put in place our Advisory Board. They have been of immense help with their ideas and advice. That is why we feel it is mandatory for there to be a member of that board from all facets of the industry. So all will be represented fairly.

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TO: AGRICULTURE COMMITTEE  
FROM: PINKY LEWIS  
RE: SUBSTITUTE FOR HOUSE BILL #2607  
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It is just as important, maybe moreso, to have an inspection of all facilities upon initial application. Our inspectors need to visit all new applicates, to see for themselves, that we are not issuing a license to a substandard facility. Kansas has enjoyed being the leader of state programs like this, for several years. Wouldnt it be a shame to lose that privilege now? Or to undue the wonderful reputation of this state thru negligence.

We also believe that to strengthen our program even more, we need to have all out of state distributors regulated, with this licensing would come a fee to the state. This would enable us to do two (2) things. First, will be to monitor more closely those distributors coming in from out of state, and also raise revenue for this program. Our Kansas distributors are closely regulated in other states and must pay a fee to conduct business there.

Before I close I would like to relate to you a quick storey. A few years ago I decided to give two (2) birds as Christmas gifts, one to my husband and one to my daughter, both of whom are bird lovers. I went to the only avery I could find, that raised cockatiels, in my part of the state. Please keep in mind I have operated a kennel for several years. I know cleanliness when I see it, and I know filth. When I seen this avery I was appalled.

TO: AGRICULTURE COMMITTEE  
FROM: PINKY LEWIS  
RE: SUBSTITUTE FOR HOUSE BILL # 2607  
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I saw mice running by my feet, unafraid. Mice droppings in bird feed, and the mice themselves drinking from the birds waterers. Crippled and dead birds were in cages. The filth and the smell were unbelievable. Again, I work with dogs everyday. I know what its like to clean up feces or clean a whelping mother, I do it every day. But what I seen that day turned my stomach.

I was told they had not had time to clean that day, but that avery had not been cleaned in months. When I asked questions about health, I got very vague answers.

I bought three (3) cocktiels that day, because they were the only baby ones I could find. I took them home and prayed, but I still Lost two (2). My husband still enjoys his cockatiel today but my daughter never got hers.

There are now a lot more averies available in this **state**. But without rules and regulations has anything changed? If they are state licensed and our inspector has visited them, then I know those averies can be visited with confidence. They will be clean and the birds well cared for.

With the changes that are purposed in htis bill, we feel we can continue to strengthen this program in order to serve us all to a greater extent. We can and will continue to "MAKE KANSAS SHINE"

3-12-96

Dear members of the Senate Agriculture Committee. My name is Wilma Westhoff, I'm from Chanute, Kansas. My family and I have operated a professional licensed kennel since 1985. Our USDA license number is 48-A-520. Our APPDI Humane Care Certified number is 93-A-033. But most importantly our Kansas license number is 336A.

I remember the days of 1990 and 1991. The negative media about puppies raised in the state of Kansas. The fall of puppy prices. The public's skepticism about what I and my family have chosen as our profession. The distrust the public openly displayed about USDA licensed kennels.

The public in general have more faith in the STATE GOVERNMENTS as compared to FEDERAL GOVERNMENT. Most of my puppies do leave the state of Kansas to find their new homes, and by being licensed by the Kansas Animal Health Department of the state of Kansas, my customers feel secure about where their new puppy was raised.

I'm doing the same job that I started in 1985, but it seems the public (my customers) will not take my word for it, they will not take the word of USDA (the Federal Government) for it, but they have accepted the word of the Kansas Animal Health Department.

We have a reputation now in the state of Kansas, and it is imperative that we hold onto that reputation. Thus, we present Substitute for House Bill #2607.

#1. We want all facilities inspected upon initial application. We do not want the state of Kansas (our program) issuing license through the mail. Substitute for House Bill #2607 has this provision.

#2. Substitute House Bill #2607 will license out-of-state distributors. The state needs to be concerned with ALL pet animals leaving our state. It is MY and OUR reputation.

#3. The bill restructures the advisory board. Each category of license will have representation. This has been a super effective board. I request that you follow the

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Proponent for Substitute House Bill #2607

advisory boards recommendations concerning this bill.

WILMA WESTHOFF

RT. 1 BOX 130

CHANUTE, KANSAS 66720

316-763-2532

BARTA ANIMAL HOSPITAL  
1905 SO. 10TH, BOX 301  
INDEPENDENCE, KANSAS 67301  
TELEPHONE 331-6327

Dear Senators,

This letter is in reference to House Substitute bill #2607 as a veterinarian that works closely with several kennels in my area of Southeast Kansas. I would urge you to pass this bill.

The kennels in Kansas have come a long way in the past few years in raising the standards of their product and the image of the industry as a whole.

This industry is a multimillion dollar business for the State of Kansas and this bill helps everyone play on an even field. That being it brings Show and Hobby breeders into compliance as to inspection and licensing if they meet the minimum standards as to the number of animals they have.

Secondly, the legislative wanted this segment of the Animal Health Department to be self sustaining, therefore it does require puppy buyers from other states that come into Kansas to be required to buy a Distributor license. I feel this is only fair as distributors from Kansas going into surrounding states are required to buy a license.

Sincerely,

*Richard A Barta, D.V.M.*

Richard A. Barta, D.V.M.

*Senate Ag Co.  
3-12-96  
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