

Kansas Federation of Animal Owners

Testimony for Agriculture and Natural Resources Interim Committee – 10/11/2013

Steve Hitchcock – KFAO Government Affairs

Members of the Committee:

I've included our testimony and letters from February in this packet – so, I'll try to keep these added comments brief and address our general concerns. The earlier letters and comments address our specific concerns with ending the USDA licensee exemption on the issue of dual inspection of records. We still strongly stand by that position.

The legislation in 2012 that started as SB414 addressed the structural changes necessary to implement the merging of Animal Health into the KDA under the Governor's executive order. Unfortunately, what might have been a simple bill was complicated by changes to the underlying statute that we felt were not properly vetted considering how much impact those changes would have on the regulatory policies and procedures in the department. The substitute that passed in 2012 effected the necessary technical changes and was a compromise plan in addressing policy changes.

SB57 was introduced in the 2013 session and contained essentially the provisions which had been dropped a year earlier. In addition, several items related to effectively and efficiently regulating pet animal businesses and institutions and modifying the fee schedule related to that were proposed. Once again, we questioned the need for some of the specific policy changes and had concerns about how logical and equitable the new fee schedule was.

In this two-session timeline what has been lacking in the bills introduced by KDA are any proposals addressing the underlying reason for the Governor's executive order – saving money. The policy changes proposed have addressed ways to make inspecting and citing businesses easier, but have not addressed why, with the number of regulated businesses declining, the department has not been streamlined. An adjusted fee schedule addresses the method to meet a certain budget, but no comprehensive review seems to have been done since the executive order to address the rationale behind that budget and whether it meets the criteria embodied in that executive order.

The Kansas Federation of Animal Owners feels that two sessions of statutory changes have been sufficient to make the transition of animal health to the KDA. Any further changes should be part of a comprehensive look at the role and structure of that department – not annual piecemeal adjustments. Thank you.

Testimony for Senate Agriculture Committee – SB57 – February 6, 2013

Steve Hitchcock, Government Affairs Kansas Federation of Animal Owners

Chairman Love and Senators:

Home-grown Kansas small businesses would like the same consideration demanded by out-of-state corporations that consider relocating their operations to the state. Namely, a fair, predictable regulatory environment without an *undue* tax burden. SB57 contradicts this in several significant ways.

Testimony here this morning and in written form from several of our organization's members address the specific concerns with provisions in SB57 and they bring experience and expertise to the issues which I hope is helpful and given due weight. I intend to address only a few concerns that arise from the rationale and unknown consequences of changes enacted through SB57.

Last session SB414 brought a laundry list of technical changes necessary to integrate Animal Health into the KDA, but also presented several significant policy changes to the Committee. The technical changes and several policy changes were enacted. Now, KDA is back with a bill that proposes even more significant policy changes that make a predictable business environment even less likely.

On page 5, lines 27 to 35, the exemption granted to USDA licensees is removed. No examples of how this provision has been deficient was presented last year, only that KDA desires to have access to "adequate veterinary care" records. We argued, and still argue, that granting two entities access to records compiled for one is opening these small-business owners to conflicting interpretations and turf wars. The provision on page 10, lines 22 to 28, of the bill *eliminating* the requirement that KDA adopt only regulations dealing with USDA licensees which parallel USDA laws and regulations only adds to the unease with which our members look at these changes.

The raising of fees on page 11, and the restructuring of fee schedules to allow multiple fees collected for the same premises, spelled out in lines 7 through 19 of the bill, are addressed by our members testimony. My question is: how does an agency with a shrinking number of locations to regulate have an expanding budget and why does the burden of funding that expanded budget fall on these small businesses?

A final concern is the change from Governor-appointed membership on the Animal Health Advisory Board to membership by appointment by the Secretary of Agriculture. We have heard concerns from our membership that SB57 does not reflect the input of the Advisory



SBM KENNELS

*Striving to raise dogs sound
in body and mind since 1981*

February 4, 2013

Senators of the Agriculture Committee:

RE: SB 57

This year marks 31 years that I have been raising dogs for pets. I have been licensed by the USDA and the State of Kansas for the majority of those years. During those years we have worked closely not only with our personal Veterinarian, but also attended many seminars, lectures and continuing education classes so that we could raise and care for our dogs in the most humane and professional way.

I would like to know just how much money is spent annually for each division covered by the Kansas Pet Animal Act. Do you have enough information to on this to make an informed decision? What percentage of the expenditures is used for enforcing the regulations on licensed facilities and what percentage is spent on unlicensed facilities?

This law was constructed to parallel the rules and regulations of the USDA's Animal Welfare Act for USDA licensed kennels. It should **definitely stay that way** to avoid confusion and trying to serve two masters.

As I understand it the reason for having the Dept. of Ag take over the administrative and enforcement duties of the Kansas Pet Animal Act was to help eliminate the cost of running duplicate services by the Dept. of Ag and the Kansas Animal Health Dept. So why do they think they need more money? As a taxpayer I don't believe there are very many (if any) business that are required to be licensed and inspected by both a Federal and a State entity. Are rest homes, feed yards, packing plants, restaurants, day cares, etc. required to be licensed and inspected by both Federal and State agencies?

The USDA now has a licensed Veterinarian who accompanies the regular USDA inspector on many of their inspections. The Kansas law is a **PREMISES** inspection program, not a **Business** inspection program. There is **absolutely no reason** for the State inspectors to be digging around in our medical records or procedures. There are quite often several different approved courses of treatment for different situations, and once again it is difficult to serve two masters.

The Animal Advisory Board, presently appointed by the Governor, was developed as an aide to guide lawmakers in common sense construction of regulations. The Governor should continue to appoint the members of the Animal Advisory Board!

All in all, SB 57 is a poorly thought out bill and should be killed so that the Dept. of Ag, the Animal Advisory Board and those affected by these regulations can sit down, discuss and agree on all changes.

If Governor Brownback and this committee are really sincere in creating a "business friendly" atmosphere for Kansas, SB 57 definitely does not follow that line of thinking.

Sincerely

Rebecca Mosshart
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Professional Organization Memberships:
Kansas Federation of Animal Owners
Kansas Pet Professionals
Missouri Pet Breeders Association
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Suzanne Harvey, DVM

February 4, 2013

To Whom It May Concern:

As a licensed accredited veterinarian graduate of Kansas State University College of Veterinary Medicine, I have been asked to write a brief note concerning my thoughts on SB 57.

My first impression is why does anything need to be added or changed? With all the laws, rules, and regulations already in existence in Kansas and the United States of America, why does there have to be more?

The licensed professional breeders in the State of Kansas that I have had the honor to deal with have all been very exact, clean and professional in raising their animals. The rescues, pounds and others not so much. You have increased the fees drastically while decreasing the number of licensees even more. The fee increases suggested are too onerous on the already taxed pocket of the licensed professional breeders.

My general impression of SB57 is a fishing expedition. Try to throw out many changes to get one or more through. Get your nose under the tent and soon the camel follows. The American Taxpaying Citizen has the reasonable expectation of privacy. By changing the regulations, it appears to be trying to shut down the licensed professional breeder by fees or onerous paperwork.

Suzanne Harvey DVM

February 4, 2013

Chairman Garrett Love and other members of the Kansas State Senate Agricultural Committee:

Honorable Senators:

Here we are today to talk about SB 57. One year ago we were here to talk about SB 414. SB 414 made a lot of changes. They got all they wanted except for one. Here we are again this year with SB 57, and they want a lot more changes.

Some of the key issues regarding the animal facility inspection program:

How many licensees are there in each category at this time compared with 3, 5, or 10 years ago? I believe the number of licensees has declined significantly.

What is the fee income per category today compared with 3, 5, or 10 years ago?

Have expenses for the program also declined as the number of licensees and fee income has declined?

Is the answer simply to increase fees?

What is responsible for the high cost of the program?

How much of the expense of the program goes to inspecting unlicensed locations?

How much of the expense of the program actually goes towards inspecting licensed facilities?

Is it legal for fees paid by licensees to be spent on other uses than those legitimately related to inspecting the licensed facilities? (By law, fees must be related to the purpose for which they are collected, otherwise they are a tax, not a fee.)

How many unlicensed facilities were inspected last year; how much staff time and funding was spent on those; and how many animals were seized and how many were euthanized?

What is behind the seizures at these locations? Is it because the law requires everyone with more than 19 dogs and/or cats to have a license?

It seems there are quite a few people who have 20 or more dogs and/or cats as pets. They do not fit a category in the law - They are not breeders, and they are not shelters. Their facilities don't meet the requirements of those categories. So they go unlicensed and are subject to fines, seizures, their animals being euthanized.

Should the law be changed so that such cases are not a large financial drain on the program? Should they be dealt with at the local level? Should there be a category for these people so that they can pay a reasonable fee and be licensed without having to meet the requirements of breeder or shelter facilities?

Our pet animals raised in Kansas are the only commodity that I am aware of that we charge outside businesses a fee to come into our state and purchase.

In SB 57, pg 5, lines 27 through 29 should **NOT** be changed. That is what the Senate Agricultural Committee decided last year.

Also pg 10, lines 22 through 28 should **NOT** be changed. At present Kansas regulations follow USDA regulations for USDA licensed facilities. No need for two sets for regulations.

SB 57 is a bad bill that needs to be killed. We need time to review and seriously consider the advice of the Kansas Pet Animal Advisory board.

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Professional Organization Memberships:
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Kansas Pet Professionals
Missouri Pet Breeders Association
Oklahoma Pet Professionals

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2-4-13

To: Senate Agriculture Committee

From: Clair and Susan Carlisle
2210 Avenue S
Coldwater, KS 67029

We operate a small kennel in rural Kansas and are writing today in connection to Senate Bill #57. We believe that the proposed fee increases are excessive and would produce real hardships for a majority of producers. Some would very likely to be forced to close their business, thus losing their means of livelihood. Most people are already struggling in the current economy, and we want to do our best for our animals and our families. We don't believe that this law was ever intended to be fee funded. The tax paying citizens approved this law and so should pay the larger portion with taxes through State General Fund monies. If there is a legitimate need to increase fees, we ask that you keep it to a reasonable amount of no more than 25%.

Another important note is that a one-time late fee of \$100.00 is sufficient. It is not reasonable for a business to pay that amount each month until they can renew their license and again sell their animals.

Our final point concerns the Advisory Board which should be appointed by the Governor. The purposed change could very likely promote a conflict of interest and/or include appointees who really don't represent the people involved. We believe that those appointed should remain private citizens so they can bring that unique perspective to the board. Kansas really does not need the federal government determining what is best for Kansas citizens.

Thank you for your efforts for our state and our economy.

Clair and Susan Carlisle