

Approved: February 2, 2010

Date

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE

The meeting was called to order by Chairman Larry Powell at 3:30 p.m. on January 20, 2010, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Corey Carnahan, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Pat Matzek, Committee Assistant

Conferees appearing before the Committee:

Greg Dennis, Kansas Veterinary Medical Association General Counsel, Presentation on Animal Rights and Animal Welfare Issues.

Others attending:

See attached list.

Chairman Powell opened the meeting by welcoming Representative Meier back to the Committee from her tour of duty in Iraq.

Representative Lukert made a motion to introduce a resolution urging Congress and the Federal Environmental Protection Agency to not enact needless restrictive regulations on Kansas livestock producers. He is working on the language with the Kansas Livestock Association and should be finalized early next week. Representative Fund seconded the motion. The motion carried.

Greg Dennis, Kansas Veterinary Medical Association General Counsel, gave a presentation on legal implications of animal guardianship and personhood (Attachment 1). Mr. Dennis began by saying that in a focused and determined effort to grant legal rights and protections to animals, including animals involved in research, lawyers within the animal rights movement have begun to lay the groundwork for testing new legal theories. Also, distributed to members of the Committee, was a copy of the Missouri Revised Statutes regarding ownership of domestic animals, no laws or regulations to prohibit, Section 67.140 (Attachment 2).

Main topics included:

- The American Veterinary Medical Association is supporting passage of federal laws preventing plaintiff animal owners from recovering noneconomic damages in the event of animal loss or injury and also preserving the legal status of animals as property.
- There is no doubt that inserting the word "guardian" in place of "owner" in describing the relationship between a human and a pet would be regarded by courts as a meaningful change.
- In defense of animals: Terminology
Guardian = Companion, friend
Owner = Master, Abuser
Guardian = Do not abuse, neglect or abandon animals
Owner = Do abuse, neglect and abandon animals
Reconstruct = Return to a status that supposedly previously existed; in fact, did not exist.
- The American Kennel Club (AKC) supports the use of the term "owner" rather than "guardian" when referring to the keeping of dogs. The AKC believes that the term guardian may, in fact, reduce the legal status and value of dogs as property and thereby restrict rights or owners, veterinarians, and governmental agencies to protect and care for dogs.
- In 2001, Rhode Island became the first state to incorporate the use of the work "guardian" into its statutes dealing with animals.
- Unlike domesticated animals, individuals generally cannot own wild animals. Rather, wild animals are considered to be owned by or held in trust by the state for use and benefit of its people.

The next meeting is scheduled for January 21, 2010.

The meeting was adjourned at 4:20 p.m.

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