

HOUSE BILL No. 2443

By Committee on Appropriations

3-17

AN ACT concerning the Kansas animal health department; requiring certain rabies vaccinations and imposing a surcharge therefor; limiting certain fees; creating the animal welfare fund; amending K.S.A. 2002 Supp. 47-1721 and repealing the existing section.

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

New Section 1. (a) Each dog, cat and ferret that is owned by any person shall have a current vaccination for rabies which has been administered by a licensed veterinarian. Each such dog, cat or ferret shall be vaccinated for rabies at least once every 36 months or more often (1) based on the kind and size of the animal and the type of rabies vaccine administered, as determined by a licensed veterinarian, or (2) as required by any applicable municipal ordinance or county resolution. Each such vaccination shall be kept current for each such dog, cat and ferret. There is hereby imposed a \$2 surcharge on each rabies vaccination of a dog, cat or ferret on or after the effective date of this act. Each veterinarian administering a rabies vaccination to a dog, cat or ferret on or after the effective date of this act shall collect the surcharge imposed by this section for such vaccination from the owner of such dog, cat or ferret.

(b) All moneys received by a veterinarian for the surcharge imposed by this section for rabies vaccinations shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal welfare fund created by this section.

(c) There is hereby created the animal welfare fund in the state treasury which shall be administered by the commissioner. All moneys in the animal welfare fund shall be used for operating expenditures for the animal facilities inspection program of the Kansas animal health department. All expenditures from the animal welfare fund shall be made in accordance with the provisions of appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner or by the commissioner's designee.

(d) As used in this section:

(1) The words and phrases used in this section have the meanings

1 respectively ascribed thereto by K.S.A. 47-1701, and amendments
2 thereto;

3 (2) “ferret” means an animal which is wholly or in part of the species
4 *Mustela furo*.

5 (e) This section shall be part of and supplemental to the Kansas pet
6 animal act.

7 Sec. 2. K.S.A. 2002 Supp. 47-1721 is hereby amended to read as
8 follows: 47-1721. (a) Each application for issuance or renewal of a license
9 or permit required under K.S.A. 47-1701 *et seq.*, and amendments
10 thereto, shall be accompanied by the fee prescribed by the commissioner
11 under this section. Such fees shall be as follows:

12 (1) Except as provided in paragraph (5), for a license for premises of
13 a person licensed under public law 91-579 (7 U.S.C. § 2131 *et seq.*), an
14 amount not to exceed \$150.

15 (2) Except as provided in paragraph (5), for a license for any other
16 premises, an amount not to exceed \$300.

17 (3) For a temporary closing permit, an amount not to exceed \$75.

18 (4) For an out-of-state distributor permit, an amount not to exceed
19 \$500.

20 (5) For a hobby breeder license or a kennel operator license an
21 amount not to exceed \$75.

22 (6) A late fee of \$50 shall be assessed to any person whose permit or
23 license renewal is more than 45 days’ late.

24 (7) *The license fee for a pound or animal shelter operated by city,*
25 *county or other political subdivision shall not exceed \$150.*

26 (b) The commissioner shall determine annually the amount necessary
27 to carry out and enforce K.S.A. 47-1701 *et seq.*, and amendments thereto,
28 for the next ensuing fiscal year and shall fix by rules and regulations the
29 license and permit fees for such year at the amount necessary for that
30 purpose, subject to the limitations of this section. In fixing such fees, the
31 commissioner may establish categories of licenses and permits, based
32 upon the type of license or permit, size of the licensed or permitted
33 business or activity and the premises where such business or activity is
34 conducted, and may establish different fees for each such category. The
35 fees in effect immediately prior to the effective date of this act shall
36 continue in effect until different fees are fixed by the commissioner as
37 provided by this subsection.

38 (c) If a licensee, permittee or applicant for a license or permit re-
39 quests an inspection of the premises of such licensee, permittee or ap-
40 plicant, the commissioner shall assess the costs of such inspection, as
41 established by rules and regulations of the commissioner, to such licensee,
42 permittee or applicant.

43 (d) No fee or assessment required pursuant to this section shall be

1 refundable.

2 (e) The commissioner shall remit all moneys received by or for the
3 commissioner under this section to the state treasurer in accordance with
4 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
5 of each such remittance, the state treasurer shall deposit the entire
6 amount in the state treasury to the credit of the animal dealers fee fund,
7 which is hereby created in the state treasury. Moneys in the animal deal-
8 ers fee fund may be expended only to administer and enforce K.S.A. 47-
9 1701 *et seq.*, and amendments thereto. All expenditures from the animal
10 dealers fee fund shall be made in accordance with appropriation acts upon
11 warrants of the director of accounts and reports issued pursuant to vouch-
12 ers approved by the Kansas livestock commissioner or the commissioner's
13 designee.

14 (f) Premises required to be licensed under the Kansas pet animal act
15 shall not be required to pay for more than one license. If more than one
16 operation is ongoing at the premises, each operation shall comply with
17 the applicable statutes and rules and regulations pertaining to such
18 operation.

19 (g) Except as provided further, when a premises required to be li-
20 censed or permitted under the Kansas pet animal act applies for an initial
21 license or permit, the commissioner shall prorate to the nearest whole
22 month the license or permit fee established in subsection (a). The com-
23 missioner shall have discretion to determine whether the application is
24 an initial application or an application for a premises which has been doing
25 business but is not licensed or permitted. If the commissioner determines
26 the premises has been doing business without a license or permit, the
27 commissioner is not required to prorate the fee.

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

30 Sec. 3. K.S.A. 2002 Supp. 47-1721 is hereby repealed.

31 Sec. 4. This act shall take effect and be in force from and after its
32 publication in the statute book.

33
34
35
36
37
38
39
40
41
42
43