

Approved March 16, 1992  
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Sen. Don Montgomery at  
Chairperson

10:00 a.m./p.m. on March 6, 1992 in room 423-S of the Capitol.

All members were present except:

Senators Daniels and McClure

Committee staff present:

Raney Gilliland, Legislative Research  
Jill Wolters, Revisor of Statutes  
Shirley Higgins, Committee Secretary

Conferees appearing before the committee: None.

The chairman began a discussion of SB 605 regarding the Kansas Sheep Council which had been previously heard. With regard to the question regarding the use of out-of-state banks, he reported that presently the National Meat Board collects voluntary funds, and the money will be sent back to Kansas. However, it was thought that perhaps they would no longer be used, and this might create a problem with using Kansas banks only. With regard to the question of why the Governor opposed the board selection procedure in last year's bill, he said the problem was that the Governor thought members should be appointed by the producers, not by recommendation for the Governor to appoint. Staff elaborated by reading from the Governor's explanation of her veto which, in part, stated that last year's provision put undue restraint on the Governor's authority to appoint board members.

Sen. Webb made a motion to recommend SB 605 favorable for passage as amended, Sen. Doyen seconded, and the motion carried.

The chairman called attention to handouts submitted after the hearings on SB 752 and SB 720. (Attachments 1, 2 and 3).

Attention was turned to a balloon of SB 752 regarding the Kansas Animal Dealers Act which had been previously heard. Dr. Daniel Walker, Commissioner, Kansas Animal Health Department, explained each amendment. (Attachment 4).

The chairman asked if the requirement for more than one license for hobby dealers had been removed. Dr. Walker answered that he feels the definition takes care of this but agreed to add a specific sentence to the bill.

Dr. Walker called special attention to page 10 of the bill, New Section 12 where there is a major change which allows an equitable spread of fees.

Sen. Webb asked why Dr. Walker feels this is a better way of funding than the dog food tax in the House bill. Dr. Walker responded that he does not feel SB 752 is better than a dog food tax, but he must have SB 752 as an alternative should the dog food tax not pass.

Dr. Walker said he would like to make a further amendment to the bill which would allow registration as a hobby kennel if not more than three intact females are owned and less than 26 puppies are sold per year. Also, he would change the fee from 50¢ to 10¢ per dog. He said this would allow retired female dogs to be kept by show dog owners without licensing. It is possible that kennel operators may need to be added also.

Sen. Webb asked conferees present if the amendments offered by Dr. Walker were acceptable to them, and they confirmed that they were.

Sen. Doyen suggested that the same language be put into SB 528 dealing with spaying and neutering at Kansas State University, and Dr. Walker was agreeable to this.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE,

room 423-S, Statehouse, at 10:00 a.m./~~p.m.~~ on March 6, 1992.

A short discussion followed regarding the reason greyhounds are not regulated by statute. No one could answer this specifically. The chairman said this could perhaps be discussed at a later time.

Sen. Doyen made a motion to conceptually amend SB 752 and to include the amendments in SB 528, Sen. Harder seconded.

Sen. Francisco began a short discussion regarding a change in the advisory board membership. The chairman suggested that since the bill needs to get out of committee today, perhaps Sen. Francisco could offer an amendment when the bill gets to the floor or perhaps in the House committee hearing.

The motion made by Sen. Doyen carried.

Sen. Doyen made a motion to report SB 605 favorable for passage as amended, Sen. Harder seconded, and the motion carried.

The minutes of March 5 were approved.

Sen. Lee made a motion to pass a resolution proclaiming March 20, 1992, as Ag Day, Sen. Sallee seconded, and the motion carried.

The meeting was adjourned at 10:35 a.m.



Ann Stacer  
4405 S.E. Maryland Ave.  
Topeka, Ks. 66609

To: Agriculture Committee  
Re: SENATE BILL No. 752

Dear Senator:

I was unable to be at the Committee hearing on this bill on Wednesday, so I hope you will accept this letter.

At a hearing last year you asked for input, and all you've been given is a lot of argument.

You have commercial breeders of dogs and cats who sell the puppies and kittens on a wholesale basis; you have brokers; and on the other end of the spectrum you have the person with 4 intact female dogs and/or cats who might raise a litter once every few years and sell the offspring.

THESE ARE ALL BEING LUMPED TOGETHER!!

I assume this committee is comprised of farmers ... YOU know the difference between a family who has a few hogs they keep, raise a litter now and again for meat and sell the rest of the litter, and a commercial hog operation with a hundred hogs or more. You can apply your own common sense and experience to decide the direction this program should be taking. Is it right that a person with 4 dogs and cats should pay \$875 for a licence even if they do not raise a litter?

You don't even need an advisory board. You were fairly elected and we trust your judgement if you would apply your own experience to this. If you feel there SHOULD be an advisory board you should have a fair ratio of 4-dog/cat breeders to commercial breeders.

This last comment is semi-tongue-in-cheek, as I can't see it flying, but ...

speaking of fairness: Put a sales tax or an ad valorem tax on sales of puppies or kittens. The licence fee can be based on the number of adult dogs and cats. You'll make so much money to fund the program that it will be transferred to the Department of Revenue and you'll have it out of your hair for ever!

*Ann Stacer*

Senato Agriculture  
3-6-92  
Attachment 1

It has come to my attention that the state of Kansas does not know which Dept. to place licensing kennels and how to fund this program. Does the state of Kansas insist on the liability of licensing kennels? Licensing kennels is a very serious buisnes. For example the inspectors must be knowlegable of Rules and R egulations, inspectors must be unbiased to all facilities inspectors must be accurat and consigant to all facilities, inspectors must realize the importants of not gossiping from kennel to kennel. In the fiscal year of 1990 to 1991 all of the above descriptions have been severely violated.

The Commissioner and directors must be responsible and capable. I have much documentation showing irresponsibility from the Animal Health Dept. I wish I could show examples and be specific on items. I am not supposed to give specifics because of future lawsuits against the State.

The way the animal Health Dept. has operated in the past I think something must changedrastically. The State does not have enough money to keep paying all of these lawsuits. I can snow that the animal health dept. apparently does not adequiatly know the rules and regulations and how they apply to kennels.

Let me be clear on this subject. the Animal Health Dept. does not constantly goof up. they do not constantly have evil on their minds. I am sure there are kennels out there that the Animal Health dept. has done fine. My concern is this the Animal Health Dept. apparently concentrates on a small group of kennels and squashes the daylights out of them. I would be happy to show how this happened to my wife later in court.

In summary I think regulating and licensing kennels is too high risk for the State of Kansas in any Dept. All kennels that sell commercially are inspected by the U.S.D.A. I would like to see the U.S.D.A. inspector penalized in some way if they are not doing their job. But if Kansas State insist on a licensing program the natural slot would seem to be the Animal Health Dept. The track record of the Animal Health Dept is not good. Is it acceptable that the Animal Health Dept. practices at the expense of kennels? How many kennels must be wasted by the Animal Health Dept. in the name of learning. It seems obvious that the personel in the Animal Health Dept. cannot opperate legally.

Animals have survived & exceled in a normal outdoor life we might call the wild , includeing dogs. There are groups of people that think all animals must have air conditioning, heat, and constant vet care etc. Farmers and kennel operate have seen the value of these things to an econimical point. There are groups out there that would like to impose such strict standards so that a common citzyen cannot have a pet let alone earn a living from a kennel. Common sense dictates good husbandry. Rarely does a Government enlighten a farmer or kennel operator to improved animal operations. If you insist on regulating and licensing kennels please choose a Dept. that is sensitive and not ruthless. If we must be licensed the Animal Health Dept. is a natural slot. After seeing the track record of Animal Health Dept. I would just replace the personel.

Michael McCall  
Route 2  
Washington, KS  
325-3249

Senate Agriculture  
3-6-92  
Attachment 2

To Senator Montgomery + Committee,

I'm Jan Ruce, president of the Kansas Companion Animal Association. We stand opposed to SB 752 because this bill would allow for the Companion Animal Inspection Program to remain in the Animal Health Dept. There is presently a bill in the House Federal and State Affairs Committee addressing not only moving the programs to an agency where it can be more fairly supervised, but also addressing the lack of funding necessary to properly implement this program. It is surprising that breeders are in favor of the funding mechanisms in SB 752 but opposed HB 2739 with a similar funding program. At that committee hearing they would have you believe that they could not afford 40¢ per puppy or kitten.

As there is presently Senate Ag.  
legislation introduced which 3-6-92

addresses the funding problems  
in much the same manner, please  
defeat SB 752 as it is redundant.

Sincerely,

Tom Luce  
232-6016

SENATE BILL No. 752

By Committee on Agriculture

2-26

Senate Agriculture  
3-6-92  
Attachment 4

8 AN ACT concerning animals; amendments to the Kansas animal  
9 dealer act; amending K.S.A. 1991 Supp. 47-1701, 47-1702, 47-  
10 1703, 47-1704, 47-1709, 47-1712, 47-1721, 47-1725, 47-1726, 47-  
11 1731 and 47-1832 and repealing the existing sections; also re-  
12 pealing K.S.A. 1991 Supp. 47-1719 and 47-1722.

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

15 Section 1. K.S.A. 1991 Supp. 47-1701 is hereby amended to read  
16 as follows: 47-1701. As used in the Kansas animal dealer act, unless  
17 the context otherwise requires:

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

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

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

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

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

33 (e) "Animal dealer ~~brokers~~" means any person who operates an  
34 animal dealer ~~brokers~~ premises.

facilities operator

facility  
more than 25

(1) 35 (f) (1) "Animal dealer ~~brokers~~ premises" means any premises  
36 where dogs or cats, or both, are sold, or offered or maintained for  
37 sale, primarily at wholesale for resale to another.

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

41 (g) "Animal shelter" means a facility which is used or designed  
42 for use to house or contain any animal and which is owned, operated  
43 or maintained by a duly incorporated or unincorporated humane

primarily

or any premises where more than 25 dogs  
or cats, or both, that are produced and  
raised on such premises are sold at  
retail by a person who resides on such  
premises.

(2) Animal facilities premises does not  
include any pound or animal shelter.



1 society, animal welfare society, society for the prevention of cruelty  
2 to animals or other nonprofit corporate organizations devoted to the  
3 welfare, protection and humane treatment of animals or any indi-  
4 vidual or organization harboring more than 10 adult dogs or cats,  
5 or both, as a profit or nonprofit no-kill shelter.

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

8 (i) "Commissioner" means the livestock animal health commis-  
9 sioner appointed by the Kansas animal health board.

10 (j) "Dog" means any animal which is wholly or in part of the  
11 species *Canis familiaris* but does not include any greyhound, as  
12 defined by K.S.A. 1990 1991 Supp. 74-8802, and amendments  
13 thereto.

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

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

26 (m) (1) "Hobby kennel" means any premises where only  
27 dogs or cats, or both, which are produced and raised on such  
28 premises are sold, or offered or maintained for sale, by a person  
29 who resides on such premises, but only if the total number of  
30 dogs or cats, or both, which are produced and raised on such  
31 premises and are sold during the registration year is fewer than  
32 all or part of six litters of animals or 30 individual animals,  
33 whichever is less, whether such animals are dogs or cats, or  
34 both.

35 (2) Hobby kennel does not include: (A) Any pound or an-  
36 imal shelter; or (B) any premises where fewer than all or part  
37 of three litters of animals, whether dogs or cats, or both, are  
38 sold during the registration year.

39 (n) "Hobby kennel operator" means any person who op-  
40 erates a hobby kennel.

41 (o) (m) "Housing facility" means any room, building or area used

4-2

1 an establishment where animals are maintained for boarding or sim-  
2 ilar purposes for a fee or compensation.

3 ~~(2)~~ ~~Kennel operator does not include an "animal dealer,"~~  
4 ~~"pet shop" or "hobby kennel" or any person on whose premises~~  
5 ~~there are maintained, fewer than four dogs or cats, or both, in~~  
6 ~~any one week.~~

7 ~~(q)~~ (o) "Kennel operator premises" means the facility of a kennel  
8 operator.

9 (p) "No-kill shelter" means a facility of an individual or organ-  
10 ization, profit or nonprofit, maintaining 10 or more dogs or cats,  
11 or both, for the purpose of collecting such animals, or offering for  
12 adoption, animals rescued as unwanted pets.

13 ~~(r)~~ (q) "License year" or "registration year" means the 12-month  
14 period ending on June 30.

15 ~~(s)~~ (r) "Person" means any individual, association, partnership,  
16 corporation or other entity.

17 ~~(t)~~ (s) (1) "Pet shop" "Animal retailer premises" means any  
18 premises where there are sold, or offered or maintained for sale, at  
19 retail and not for resale to another: (A) Any dogs or cats, or both;  
20 or (B) any other animals except those which are produced and raised  
21 on such premises and are sold, or offered or maintained for sale,  
22 by a person who resides on such premises.

23 (2) ~~Pet shop Animal retailer~~ does not include: (A) Any pound  
24 or animal shelter; (B) any premises where only fish are sold, or  
25 offered or maintained for sale; or (C) any ~~animal dealer~~ premises;  
26 or any premises described in subsection ~~(m)(1)~~, where the only  
27 animals, other than dogs or cats, which are sold, or offered or main-  
28 tained for sale, are animals which are produced and raised on such  
29 premises and are sold, or offered or maintained for sale, by a person  
30 residing on such premises. ~~(u)~~ "Pet shop operator"

31 (t) "Animal retailer" means any person who operates a pet shop  
32 an animal retailer premise.

33 ~~(v)~~ (u) "Pound" means a facility:

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

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

40 ~~(w)~~ (v) "Primary enclosure" means any structure used or de-  
41 signed for use to restrict any animal to a limited amount of space,  
42 such as a room, pen, cage, compartment or hutch.

(2) Kennel operator does not include an  
"animal facilities operator" or "animal  
retailer" or any person on whose  
premises there are maintained, fewer  
than four dogs or cats, or both, in any  
one week.

4-3

20  
21

41  
42

1 tution, except an elementary school, secondary school, college or  
2 university, at which any scientific test, experiment or investigation  
3 involving the use of any living animal is carried out, conducted or  
4 attempted.

5 (y) (x) "Sale," "sell" and "sold" include transfers by sale or ex-  
6 change. Maintaining animals for sale is presumed whenever 20 10  
7 or more dogs or cats, or both, are maintained by any person.

8 (z) (y) "Sanitize" means to make physically clean and to remove  
9 and destroy, to a practical minimum, agents injurious to health, at  
10 such intervals as necessary.

11 ~~(x) "Animal breeder" means any person who operates an animal  
12 breeder premises.~~

13 ~~(aa) "Animal breeder premises" means any premise where more  
14 than three intact female dogs or cats, or both, are maintained and  
15 offspring are raised, leased, sold, offered or maintained for sale.]~~

16 Sec. 2. K.S.A. 1991 Supp. 47-1702 is hereby amended to read  
17 as follows: 47-1702. Except as otherwise provided by K.S.A. 1988  
18 Supp. 47-1722, it shall be unlawful for any person, other than  
19 a person licensed under public law 91-579 (7 U.S.C. & 2131  
20 et seq.), to act as or be an animal dealer unless such person  
21 has obtained from the commissioner an animal dealer license  
22 for each animal dealer premises operated by such person. Ex-  
23 cept as otherwise provided by K.S.A. 1988 Supp. 47-1722, on  
24 and after January 1, 1989, It shall be unlawful for any person  
25 licensed under public law 91-579 (7 U.S.C. & 2131 et seq.) to act  
26 as or be an animal dealer ~~broker~~ unless such person has obtained \_\_\_\_\_ facilities operator  
27 from the commissioner an animal dealer ~~broker~~ license for each \_\_\_\_\_ facility  
28 animal dealer ~~broker~~ premises operated by such person. Application  
29 for such license shall be made in writing on a form provided by the  
30 commissioner. The license period shall be for the license year ending  
31 on June 30 following the issuance date.

32 Sec. 3. K.S.A. 1991 Supp. 47-1703 is hereby amended to read  
33 as follows: 47-1703. Except as otherwise provided by K.S.A. 1988  
34 Supp. 47-1722, It shall be unlawful for any person to act as or be  
35 a pet shop operator an animal retailer unless such person has  
36 obtained from the commissioner a pet shop operator an animal  
37 retailer license for each pet shop animal retailer premise operated  
38 by such person. Application for each such license shall be made in  
39 writing on a form provided by the commissioner. The license period  
40 shall be for the license year ending on June 30 following the issuance  
41 date.

42 Sec. 4. K.S.A. 1991 Supp. 47-1704 is hereby amended to read  
43 as follows: 47-1704. It shall be unlawful for any individual, city or

4-4

1 county or the officials thereof to operate a pound or any corporate  
 2 entity to operate an animal shelter as a pound, except a licensed  
 3 veterinarian, unless a license for such pound or shelter has been  
 4 obtained from the commissioner. Application for such license shall  
 5 be made on a form provided by the commissioner. The license period  
 6 shall be for the license year ending on June 30 following the issuance  
 7 date.

8 Sec. 5. K.S.A. 1991 Supp. 47-1709 is hereby amended to read  
 9 as follows: 47-1709. (a) The commissioner or the commissioner's au-  
 10 thorized, trained representatives shall make an inspection of the  
 11 premises for which an application for an original license is made  
 12 under K.S.A. 47-1701 et seq., and amendments thereto, before is-  
 13 suance of such license. The application for a license shall conclusively  
 14 be deemed to be the consent of the applicant to the right of entry  
 15 and inspection of the premises sought to be licensed by the com-  
 16 missioner or the commissioner's authorized, trained representatives  
 17 at reasonable times with the owner or owner's representative present.  
 18 Refusal of such entry and inspection shall be grounds for denial of  
 19 the license. Notice need not be given to any person prior to  
 20 inspection.

21 (b) *Except as provided in subsection (j)*, the commissioner or the  
 22 commissioner's authorized, trained representatives shall make an in-  
 23 spection of each premises for which a license has been issued under  
 24 K.S.A. 47-1701 et seq., and amendments thereto. If such premises  
 25 are premises of a person licensed under public law 91-579 (7 U.S.C.  
 26 & 2131 et seq.), such premises shall be inspected at least once each  
 27 year. Otherwise, the premises shall be inspected at least twice each  
 28 year. The acceptance of a license shall conclusively be deemed to  
 29 be the consent of the licensee to the right of entry and inspection  
 30 of the licensed premises by the commissioner or the commissioner's  
 31 authorized, trained representatives at reasonable times with the  
 32 owner or owner's representative present. Refusal of such entry and  
 33 inspection shall be grounds for suspension or revocation of the li-  
 34 cense. Notice need not be given to any person prior to inspection.

35 (c) The commissioner or the commissioner's authorized, trained  
 36 representatives shall make inspections of the premises of a person  
 37 required to be licensed or registered under K.S.A. 47-1701 et seq.,  
 38 and amendments thereto, upon a determination by the commissioner  
 39 that there are reasonable grounds to believe that the person is vi-  
 40 olating the provisions of K.S.A 47-1701 et seq., and amendments  
 41 thereto, or rules and regulations adopted thereunder or that there  
 42 are grounds for suspension or revocation of such person's license or  
 43 certificate of registration.

4-5

21  
22

41  
42

1 (d) Any complaint filed with the commissioner shall be confi-  
2 dential and shall not be released to any person other than employees  
3 of the commissioner as necessary to carry out the duties of their  
4 employment.

5 (e) Any person making inspections under this section shall be  
6 trained by the commissioner in reasonable standards of animal care.

7 (f) The commissioner may request a licensed veterinarian to assist  
8 in any inspection or investigation made by the commissioner or the  
9 commissioner's authorized representative under this section.

10 (g) Any person acting as the commissioner's authorized repre-  
11 sentative for purposes of making inspections and conducting inves-  
12 tigation under this section who knowingly falsifies the results or  
13 findings of any inspection or investigation or who intentionally fails  
14 or refuses to make an inspection or conduct an investigation pursuant  
15 to this section shall be guilty of a class A misdemeanor.

16 (h) No person shall act as the commissioner's authorized repre-  
17 sentative for the purposes of making inspections and conducting  
18 investigations under this section if such person has a beneficial in-  
19 terest in a person required to be licensed or registered pursuant to  
20 K.S.A. 47-1701 et seq., and amendments thereto.

21 (i) Records of inspections pursuant to this section shall be main-  
22 tained in the office of the Kansas animal health department. Records  
23 of a deficiency or violation shall not be maintained for longer than  
24 three years after the deficiency or violation is remedied.

25 (j) *Research facilities which have been certified by the American*  
26 *association for the accreditation of laboratory animal care shall be*  
27 *inspected by the commissioner only upon receipt of a complaint.*

28 Sec. 6. K.S.A. 1991 Supp. 47-1712 is hereby amended to read  
29 as follows: 47-1712. (a) The commissioner is hereby authorized to  
30 adopt rules and regulations for ~~hobby kennels, kennel operators~~  
31 ~~operator premises, pounds, animal shelters, pet shops animal re-~~  
32 ~~tailer premises, no-kill shelters~~ and research facilities. Such rules  
33 and regulations shall include, but not be limited to, provisions re-  
34 lating to: (1) Reasonable treatment of animals in the possession,  
35 custody or care of a licensee or registrant or being transported to  
36 or from licensed or registered premises; (2) a requirement that each  
37 licensee and registrant file with the commissioner evidence that  
38 animals entering or leaving the state are free from any visible symp-  
39 toms of communicable disease; (3) identification of animals handled;  
40 (4) primary enclosures; (5) housing facilities; (6) sanitation; (7) eu-  
41 thanasia; (8) ambient temperatures; (9) feeding; (10) watering; (11)  
42 adequate veterinary medical care; (12) inspections of licensed or  
43 registered premises, investigations of complaints and training of per-

4-4

4-7

1 sons conducting such inspections and investigations; and (13) a re-  
2 quirement that each licensee keep and maintain, for inspection by  
3 the commission, such records as necessary to administer and enforce  
4 the provisions of the Kansas animal dealer act.

5 (b) The commissioner shall only adopt as rules and regulations  
6 for animal dealers and ~~[breeders, animal brokers, animal]~~ dealer  
7 ~~[breeder premises and animal broker]~~ premises, the rules and regu-  
8 lations promulgated by the secretary of the United States department  
9 of agriculture, cited at 9 C.F.R. 2.40, 2.50, 2.75 and 3.1 through  
10 3.12, pursuant to the provisions of the United States public law 91-  
11 579 (7 U.S.C. & 2131 et seq.), commonly known as the animal  
12 welfare act and a requirement that each animal dealer ~~[breeder or~~  
13 ~~animal broker]~~ file with the commissioner evidence that animals en-  
14 tering or leaving the state are free from any visible symptoms of  
15 communicable disease.

facilities operators and animal facility

16 Sec. 7. K.S.A. 1991 Supp. 47-1721 is hereby amended to read  
17 as follows: 47-1721. (a) Each application for issuance or renewal of  
18 a license or certificate of registration required under K.S.A. 47-1701  
19 et seq. and amendments thereto shall be accompanied by the fee  
20 prescribed by the commissioner under this section. Such fees shall  
21 be as follows:

facilities operator

22 (1) For a license for premises of a person licensed under public  
23 law 91-579 (7 U.S.C. & 2131 et seq.), an amount not to exceed  
24 \$150 ~~[\$75]~~

\$150

25 (2) For a license for any other premises, an amount not to exceed  
26 \$300 ~~[\$95]~~

\$250

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

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

41 (c) If a licensee, registrant or applicant for a license or registration  
42 requests an inspection of the premises of such licensee, registrant  
43 or applicant, the commissioner shall assess the costs of such in-

22

41  
42

1 spection, as established by rules and regulations of the commissioner,  
2 to such licensee, registrant or applicant.

3 (d) No fee or assessment required pursuant to this section shall  
4 be refundable.

5 (e) The commissioner shall remit all moneys received by or for  
6 the commissioner under this section to the state treasurer at least  
7 monthly. Upon receipt of each such remittance, the state treasurer  
8 shall deposit the entire amount in the state treasury and shall credit  
9 it to the animal dealers fee fund, which is hereby created in the  
10 state treasury. Moneys in the animal dealers fee fund may be ex-  
11 pended only to administer and enforce K.S.A. 47-1701 *et seq.*, and  
12 amendments thereto. All expenditures from the animal dealers fee  
13 fund shall be made in accordance with appropriation acts upon war-  
14 rants of the director of accounts and reports issued pursuant to  
15 vouchers approved by the Kansas livestock animal health commis-  
16 sioner or the commissioner's designee.

17 (f) Any renewal for a license received after August 31 shall be  
18 considered an application for an original license and the premises  
19 shall be subject to inspection pursuant to K.S.A. 47-1709, and  
20 amendments thereto.

21 (g) This section shall be part of and supplemental to K.S.A.  
22 47-1701 *et seq.* and amendments thereto.

23 Sec. 8. K.S.A. 1991 Supp. 47-1725 is hereby amended to read  
24 as follows: 47-1725. (a) There is hereby created the Kansas companion  
25 animal advisory board, consisting of nine members. Members shall  
26 be appointed by the governor as follows:

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

29 (2) one member shall be an employee of a research facility li-  
30 censed under K.S.A. 1990 1991 Supp. 47-1720, and amendments  
31 thereto;

32 (3) one member shall be a companion animal breeder, actively  
33 engaged in the breeding of companion animals, licensed under the  
34 Kansas animal dealer act and shall be selected from a list of three  
35 names presented to the governor by the American professional pet  
36 distributors, inc.;

37 (4) one member shall be a companion animal broker, actively  
38 engaged in buying and selling companion animals, licensed under  
39 the Kansas animal dealer act and shall be selected from a list of  
40 three names presented to the governor by the American professional  
41 pet distributors, inc.;

42 (5) one member shall be a pet shop operator an animal retailer,  
43 licensed under the Kansas animal dealer act and shall be selected

4-8

6-7

1 from a list of three names presented to the governor by the pet  
2 industry joint advisory council;

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

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

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

13 (9) one member shall be a hobby kennel operator, registered  
14 under the Kansas animal dealer act.

15 (b) Of the members first appointed to the board, the governor  
16 shall designate three whose terms shall expire June 30, 1992; three  
17 whose terms shall expire June 30, 1993; and three whose terms shall  
18 expire June 30, 1994. After the expiration of such terms, each mem-  
19 ber shall be appointed for a term of three years and until a successor  
20 is appointed and qualified.

2  
c

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

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

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

28 (f) The board shall have the following duties, authorities and  
29 powers:

30 (1) To advise the Kansas ~~livestock~~ *animal health* commissioner  
31 on hiring a director to implement the Kansas animal dealer act;

32 (2) to review the status of the Kansas animal dealer act;

33 (3) to make recommendations on changes to the Kansas animal  
34 dealer act; and

35 (4) to make recommendations concerning the rules and regula-  
36 tions for the Kansas animal dealer act.

37 Sec. 9. K.S.A. 1991 Supp. 47-1726 is hereby amended to read  
38 as follows: 47-1726. K.S.A. 47-1701 through ~~47-1722~~ 47-1718 and  
39 K.S.A. 1991 Supp. ~~47-1723~~ 47-1719 through 47-1727, and amend-  
40 ments thereto, shall be known and may be cited as the Kansas animal  
41 dealers act. This act shall license, register and regulate the conditions  
42 of certain premises and facilities within the state of Kansas where  
43 animals are maintained, sold or offered or maintained for sale.

41  
42



1 Sec. 10. K.S.A. 1991 Supp. 47-1731 is hereby amended to read  
 2 as follows: 47-1731. (a) No dog or cat may be released for adoption  
 3 from any pound or animal shelter, as defined by K.S.A. 47-1701,  
 4 and amendments thereto, or from any duly incorporated or unin-  
 5 *corporated* humane society, unless:

6 (1) Such dog or cat has been first surgically spayed or neutered;  
 7 or

8 (2) the adopting party signs an agreement to have the dog or cat  
 9 spayed or neutered and deposits with the pound or animal shelter  
 10 funds sufficient to ensure that the dog or cat will be sterilized. Any  
 11 funds deposited pursuant to such an agreement shall be refunded  
 12 to the adopting party upon presentation of a written statement signed  
 13 by a licensed veterinarian that the adopted dog or cat has been  
 14 spayed or neutered.

15 (b) No person shall spay or neuter any dog or cat for or on behalf  
 16 of a pound, animal shelter or humane society unless such person is  
 17 a licensed veterinarian. No pound, animal shelter or humane society  
 18 shall designate the veterinarian which a person must use, or a list  
 19 from which a person must select a veterinarian, to spay or neuter  
 20 a dog or cat adopted by such person from such pound, shelter or  
 21 society, nor shall such pound, shelter or society in any way penalize  
 22 a person for such person's selection of a veterinarian to spay or  
 23 neuter a dog or cat adopted from such pound, shelter or society.

24 (c) Nothing in this section shall be construed to require sterili-  
 25 zation of a dog or cat which is being held by a pound or animal  
 26 shelter and which may be claimed by its rightful owner.

27 ~~New Sec. 11. It shall be unlawful for any person to act as or be~~  
 28 ~~an animal breeder unless such person has obtained an animal breeder~~  
 29 ~~license for each animal breeder premise operated by such person.~~  
 30 ~~Application for each such license shall be made in writing on a form~~  
 31 ~~provided by the commissioner. The license period shall be for the~~  
 32 ~~license year ending on June 30 following the issuance date.~~ renumber

33 Sec. 12. K.S.A. 1991 Supp. 47-1832 is hereby amended to read  
 34 as follows: 47-1832. The livestock commissioner is hereby authorized  
 35 to establish rules and regulations on the *definition*, sale and impor-  
 36 tation into Kansas of exotic animals. As used in this section "exotic  
 37 animal" means the definition given by rules and regulations  
 38 in 9 C.F.R. 1.1, pursuant to 7 U.S.C. 2131 *et seq.*

39 Sec. 13. K.S.A. 1991 Supp. 47-1701, 47-1702, 47-1703, 47-1704,  
 40 47-1709, 47-1712, 47-1719, 47-1721, 47-1722, 47-1725, 47-1726, 47-  
 41 1731 and 47-1832 are hereby repealed.

4-10

New Sec. 12. (a) Any person required to be licensed under the Kansas animal dealer act shall remit to the commissioner, on a quarterly basis, a housed animal registration fee in an amount not to exceed \$.50 for each dog or cat acquired, produced or maintained on such persons licensed premise during any part of the licensing year. No animal shall be charged such registration fee more than once per licensing year. The commissioner shall remit such funds to the state treasurer and such funds shall be credited to the animal dealers fee fund, pursuant to K.S.A. 1991 Supp. 47-1721, and amendments thereto. Reports and registration fees shall be remitted to the commission within 30 days of the end of each quarter. If the amount owed by the licensee pursuant to this section is less than \$10, the licensee shall remit \$10 along with the registration report. Registration reports shall be filed on a form prescribed by the commissioner. The commissioner shall set the the registration fee through rules and regulations.

1 Sec. 14. This act shall take effect and be in force from and after  
2 its publication in the statute book.

11-17

