

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2054

As Amended by House Committee on
Agriculture

Brief*

HB 2054 would make various amendments to the Kansas Pet Animal Act. The first change would provide that "adequate veterinary medical care" in the Act not apply to United States Department of Agriculture (USDA) licensed animal breeders or animal distributors, except that the Livestock Commissioner or licensed veterinarian may assure that the animal breeders or animal distributors have a documented program of adequate veterinary medical care. The Livestock Commissioner or licensed veterinarian could not require changes in the documented program of veterinary medical care.

The bill also would permit the Livestock Commissioner to adopt rules and regulations for USDA licensed animal distributors and animal breeders and their associated premises dealing with all aspects of the federal Animal Welfare Act. (Current law only permits the Kansas Livestock Commissioner to promulgate rules and regulations associated with the standards of facilities under the federal Animal Welfare Act.)

In addition, the bill would establish new maximum fees for the various licenses and permits issued under the Kansas Pet Animal Act. Those new maximum fees are as follows:

For a license for a premise licensed under
the federal Animal Welfare Act \$300
(This does not apply to hobby breeder, kennel operator, or pet
shop premise licenses.)

For other premise licenses \$600
(This does not apply to hobby breeders or kennel operators.)

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

For a temporary closing permit	\$150
For an out-of-state distributor permit	\$1,000
For a hobby breeder license or kennel operator license	\$150
For a pet shop premises license	\$450

In addition, the bill would increase the late fee for any person whose permit or license renewal is late. This new maximum fee would be \$100. In current law, there is a grace period of 45 days for late payment. The bill would eliminate this grace period.

Further, the bill would require that the Livestock Commissioner fix these license and permit fees in an amount which results in an increase of not more than \$80,000 in receipts or revenue from the previous fiscal year. The bill would require the Livestock Commissioner to establish categories of licenses and permits when fixing fees, based upon the type, size, or activity of the entity to be licensed.

Finally, the bill would require a license or permit for each separate operation being conducted. Under current law, if an operation has more than one activity which requires a license, only one license is required.

Background

This bill was requested by a spokesperson from the Kansas Animal Health Department (KAHD). At the hearing on the bill, the spokesperson from KAHD stated that the proposed changes were a result of surveys and other studies conducted by the Pet Animal Advisory Board. The spokesperson also stated that the maximum fees were proposed to be raised because of budget shortfalls and that the agency is no longer able to adequately perform its duties because of the lack of funds. Other proponents of the bill included a representative of Lambriar Corporation, the Lawrence Humane Society, Kansas Pet Professionals, and the Kansas Veterinary Medical Association. Also appearing as proponents were two representatives from the Kansas Pet Animal Advisory Board. Several other proponents submitted written testimony. Opponents included several representatives from Kansas

Pet Professionals and the Kansas Federation of Animal Owners. A spokesperson from the Kansas Dairy Association and the Kansas Horse Council objected to one portion of the original bill.

The House Committee on Agriculture amended the bill to:

- ! Increase the maximum fee amounts for licenses while requiring the Livestock Commissioner to establish categories of licenses and permits based upon the type of license or permit, size of the licensed or permitted business or activity, and the premises where the business or activity is conducted. (The Committee heard that the agency was not charging larger facilities a larger fee and that by requiring the agency to establish categories this situation would be resolved.);
- ! Eliminate language that would have given KAHD some authority over animals not normally housed at state-licensed pounds or shelters; and
- ! Clarify language in the bill that with respect to “adequate veterinary medical care” in the Kansas Pet Animal Act that it not apply to United States Department of Agriculture licensed animal breeders or animal distributors, except that the Livestock Commissioner or licensed veterinarian may assure that these breeders and distributors have a documented program of adequate veterinary care and that there would be no changes required in the documented program.

The fiscal note on the original bill states that passage would result in total additional revenue of \$112,265 presuming the fees are raised to the new limit. It goes on to state that the portion credited to the State General Fund would be \$22,453, so the agency's net increase to its fee fund would be \$89,812. The House Committee on Agriculture included a provision which would prohibit the agency from increasing its revenue from the fee increases by more than \$80,000.