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of the bill), and one made it unlawful to operate or perform services as a scale testing and service company without a license or to adjust or repair any scale without having a scale testing and service company license (amended into another section of the bill), and the last stipulated how commodities in liquid form are to be sold and requires compressed natural gas to be dispensed by a device which displays and computes sales prices in gallon units.

Lastly, the bill adds a severability clause to the law.

### Grain Inspection Department -- Retaining Fee Fund Interest

H.B. 2595 would credit interest money earned on the idle balances of the Grain Inspection Fee Fund of the Kansas Grain Inspection Department back to the Fund rather than to the State General Fund. In addition, the bill would require that moneys credited to the Department's Fee Fund could not be used for any purpose other than the administration of matters which relate to the Grain Inspection Department. The bill implements the Governor's budget recommendation that the Department retain its Fee Fund interest. The recommendation is in response to Section 7(f)(1)(A)(vi) of the United States Grain Standards Act which requires that moneys collected for providing official inspection and weighing services of grain must be used to maintain those programs exclusively.

### Kansas Pet Animal Act

Sub. for H.B. 2607 changes the name of the Kansas Animal Dealers Act to the Kansas Pet Animal Act and makes various amendments to the previous law.

The bill permits any licensee or permit holder required to be licensed or permitted, who is in the process of ceasing business on July 1 of any year, to be issued a temporary closing permit at the Livestock Commissioner's discretion. The permit would be effective for 30 days and could be renewed for an additional 30-day period. The maximum fee for this permit will be \$75 under the provisions of the bill.

The bill also makes it unlawful for any person to act as or be an animal breeder unless the person has obtained an animal breeder license for each animal breeder premises operated by the person. The previous term "animal dealer" is changed to "animal breeder." The definition of "animal breeder premises" is defined to mean any premises at which all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, offered, or maintained for sale, primarily at wholesale for resale to another.

The bill makes it unlawful for any person to act as or be an out-of-state distributor of dogs or cats, or both, unless the person has obtained an out-of-state distributor permit. Definitions are added to the law to define terms which relate to this proposed permitting. The maximum fee for an out-of-state distributor permit will be \$500 under the provisions of the bill. The term out-of-state distributor is defined to mean any person residing in a state other than Kansas, who is engaged in the business of buying for resale dogs or cats, or both, within the state, as a principal or agent.

The bill also requires the licensure of "retail breeders." "Retail breeder premises" are defined to mean any premises where all or part of six or more litters or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at retail and not for resale to another.

Senate Agriculture Committee  
Date: 2-26-13  
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*Sen Holmes, Letter relating to SBS7*

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Further, the bill makes it unlawful for a licensee or permittee or applicant for any permit or license to interfere with, hinder, threaten, or abuse any representative or employee of the Animal Health Department who is carrying out proper duties.

"Animal distributors" are defined by the bill and will be required to be licensed by the Animal Health Department. "Animal distributor premises" are defined to mean the premises of any person engaged in the business of buying for resale dogs or cats, or both, as a principal or agent, or who holds himself or herself out to be engaged in the business activity.

Under the provisions of the bill, certain definitions are amended. The definition of "animal" is amended to exclude ratites and domesticated deer. The term "animal shelter" has the term "pound" added to it and both terms mean a facility which is used or designed for use to house, contain, impound, or harbor any seized, stray, homeless, relinquished, or abandoned animal or a person who acts as an animal rescuer, or who collects and cares for unwanted animals or offers them for adoption. "Animal shelter" or "pound" also includes a facility of an individual or organization, profit or nonprofit, maintaining 20 or more dogs or cats, or both, for the purpose of collecting, accumulating, amassing, or maintaining the animals or offering the animals for adoption. This is similar to the previous definition of "no-kill shelter" which was deleted under the bill.

The bill amends the term "dog warden" and changes it to "animal control officer." In addition, the bill clarifies that "adequate veterinary medical care" will not apply to United States Department of Agriculture licensed animal breeders, animal distributors, or animal wholesalers.

In addition, the bill eliminates the requirement that "hobby kennels," as defined by statute, be registered. In its place, the bill requires the licensure of "hobby breeders." A "hobby breeder premises" is defined to mean a premises where all or part of three, four, or five litters of dogs or cats, or both, are produced for sale or sold, offered, or maintained for sale. The provision applies only if the total number of dogs or cats, or both, sold, offered, or maintained for sale is less than 30 individual animals. Hobby breeders will be required to pay a license fee of not to exceed \$75.

The definition of "kennel operator" is modified to mean any person who operates an establishment where four or more dogs or cats, or both, are maintained in any one week for boarding, training, or similar purpose for a fee. Kennel operators will have to pay a license fee of not to exceed \$75.

In addition, the bill modifies the definition of the term "pet shop" to mean any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another any dogs or cats, or both; or any other animals except those which are produced and raised on the premises and are sold, or offered or maintained for sale, by a person who resides on the premises. The term "pet shop" does not include any pound or animal shelter; any premises where only fish are sold, or offered or maintained for sale; or any animal distributor premises, hobby breeder premises, retail breeder premises, or animal breeder premises.

The bill also eliminates all references and requirements for entities or individuals to be registered. All entities and individuals under the bill will be either licensed or permitted.

The bill also eliminates the specific language as to how animals are to be euthanized. The bill requires that no animal would be euthanized by any animal control officer, licensee, permittee, officer of an animal shelter, or officer of a pound by any means, method, agent, or device or in any way except through the most current, approved euthanasia methods established by the American Veterinary Medical Association Panel on Euthanasia.

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The bill provides for a late fee of \$50 for any person whose permit or license renewal is more than 45 days late.

Premises required to be licensed under the Act will not be required to pay for more than one license if more than one operation is ongoing at the premises.

Finally, the bill renames the Kansas Companion Animal Advisory Board and names it the Kansas Pet Animal Advisory Board. The bill increases the number on the Board from nine to ten. In addition, some modification is made to the membership on the Board. The current Federation of Humane Societies member is changed to a representative of a licensed animal shelter or pound; the previous companion animal broker member is changed to a licensed retail breeder; the previous companion animal breeder member is changed to a licensed animal distributor; the previous hobby kennel operator member is changed to a licensed hobby breeder; and an additional member is added who is a licensed kennel operator. Board members who are required to be licensed, except retail breeders, will be required to be affiliated with or a member of an organized pet animal association which is representative of the position the person will hold on the Board.

The bill requires the Governor, upon the effective date of the bill, to appoint a licensed kennel operator to the Kansas Pet Animal Advisory Board.

### **Grain Inspection Department -- Certain Fees**

H.B. 2641 amends a section of statutes dealing with the fees which are paid by grain warehouses in order to license their grain warehouses with the Kansas State Grain Inspection Department. Specifically, the bill raises the maximum amount which the Director of the Grain Inspection Department is permitted to charge each time a public warehouse license is amended from the previous maximum of \$75 to a maximum of \$300. The bill also raises the previous maximum hourly charge for the cost of an additional examination when requested by the warehouseman. The maximum hourly rate increases from the previous \$20 per hour to \$50 per hour.

In addition, the bill repeals K.S.A. 75-1712 which had permitted the reimbursement of Kansas State Grain Inspection Department personnel who were required to work in Kansas City, Missouri for all amounts paid by those employees for city earnings taxes. (The Grain Inspection Department moved its office out of Kansas City, Missouri in 1985.)

### **Grain Inspection Department -- Administration**

H.B. 2643 authorizes the Director of the Kansas State Grain Inspection Department to enter into contracts and agreements necessary to cooperate with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purposes and provisions of the Kansas statutes dealing with grain warehousing and inspection and of the United States Warehouse Act. The bill provides that these agreements may relate to a joint program for licensing, bonding, and inspecting stations.

In addition, the bill makes the rules and regulations regarding the fees charged by the Department for grain inspection services "exempt rules and regulations" as defined by the Rule and Regulation Filing Act in K.S.A. 77-415. These rules and regulations will still be subject to the hearing and publication requirements as are other rules and regulations. The fees are to be approved by the State Grain Advisory Commission and by the Federal Grain Inspection Service prior to implementation.

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**Pest Control Compact**

**SB 219** enacts the Pest Control Compact, which is a multi-state effort to allow individual states to obtain financial support to control plant pests in a cooperative manner. The Compact language recognizes an insurance fund which member states may call upon to address plant-pest situations in member states. The Compact administration is elected by the governing board, of which every participating state is a member. Other provisions of the Compact address such items as assistance and reimbursement, finance, entry into and withdrawal from the Compact, relations with nonparty jurisdictions, advisory and technical committees, and compact and insurance fund administration.

**Kansas Pet Animal Act**

**SB 266** amends the Kansas Pet Animal Act to establish new maximum fees for the various licenses and permits issued by the Kansas Animal Health Department.

Those new maximum fees are as follows:

- For a license for a premise licensed under the federal Animal Welfare Act ..... \$200
- For a license for a premise not licensed under the federal Animal Welfare Act ..... \$405
- For a temporary closing permit ..... \$95
- For an out-of-state distributor permit ..... \$675
- For a hobby breeder license or kennel operator license ..... \$95
- Late fee ..... \$70

In addition, the bill creates a new license category for animal shelters and pounds, with a fee not to exceed \$300.

The bill also adds a provision that gives the Livestock Commissioner the option of requiring a licensee to attend a training school upon repeat failure of an inspection. The licensee may be given the option to either attend the training school or be assessed fines. The training course will be administered by the Animal Health Department in consultation with the Kansas State University College of Veterinary Medicine. In addition, the bill requires the Livestock Commissioner to provide training for agency inspectors and allows the owners of licensed facilities to attend the training. Finally, the bill requires the Livestock Commissioner to develop and make available an inspection handbook for interested parties.