

**SENATE BILL No. 57**

By Committee on Agriculture

1-22

Proposed Amendment by Senator Holmes  
2/27/13  
Senate Committee on Agriculture  
Prepared by David Wiese  
Office of Revisor of Statutes

Senate Agriculture Committee  
Date: 2-27-13  
Attachment # 5-1  
Sen Holmes balloon attachment to SB57

1 AN ACT concerning agriculture; relating to animal health; poultry  
2 improvement; domesticated deer; amending K.S.A. 47-1704, 47-1712  
3 and 47-1718 and K.S.A. 2012 Supp. 2-907, 47-1701, 47-1709, 47-  
4 1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726, 47-1731 and 47-  
5 2101 and repealing the existing sections; also repealing K.S.A. 47-  
6 1717, 47-1732 and 47-1736 and K.S.A. 2012 Supp. 47-619, 47-650,  
7 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654,  
8 47-655, 47-666, 47-667, 47-672, 47-1701a, 47-1709a, 47-1725a and  
9 47-2101a.

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

11 New Section 1. (a) It shall be unlawful for any person to operate a  
12 rescue network unless a rescue network license has been obtained from the  
13 commissioner. Application for each such license shall be made in writing  
14 on a form provided by the commissioner. The license period shall be for  
15 the license year ending June 30 following the issuance date.

16 (b) Each rescue network shall designate a manager who carries out  
17 the duties of:

- 18 (1) Approving the membership to the rescue network;
- 19 (2) supervising intake of animals into the rescue network;
- 20 (3) monitoring members of the rescue network to ensure they are  
21 abiding by all relevant laws and rules and regulations; and
- 22 (4) maintaining on such rescue network manager's premises, records  
23 pertaining to the adoption, placement or other disposition of each animal  
24 receiving temporary care from the rescue network, membership of the  
25 rescue network and any other records required by law or rules and  
26 regulations.

27 (c) Once a rescue network license has been obtained, the rescue  
28 network manager may host adoption events at a location other than the  
29 rescue network members' premises so long as all rescue network laws and  
30 rules and regulations are followed.

31 (d) Rescue network managers are responsible for ensuring rescue  
32 network members subordinate to them abide by all applicable Kansas pet  
33 animal act statutes and regulations. Rescue network managers shall keep  
34 records of all rescue network members housing animals and pay annually a  
35 fee or not more than \$50 to the department of agriculture for each rescue  
36

1 follows: 47-1721. (a) Each application for issuance or renewal of a license  
2 or permit required under K.S.A. 47-1701 et seq., and amendments thereto,  
3 shall be accompanied by the fee prescribed by the commissioner under this  
4 section. Such fees shall be as follows:

5 (1) ~~Except as provided in paragraph (5) (4) or (6) (5), for a license for~~  
6 ~~premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et~~  
7 ~~seq.), an amount not to exceed \$200 \$500;~~

8 (2) ~~except as provided in paragraph (5) (4) or (6) (5), for a license for~~  
9 ~~any other premises, an amount not to exceed \$405 \$750;~~

10 (3) ~~for a temporary closing permit, an amount not to exceed \$95;~~

11 (4) (3) ~~for an out of state distributor permit, an amount not to exceed~~  
12 ~~\$675 \$750;~~

13 (5) (4) ~~for a hobby breeder license or a kennel boarding or training~~  
14 ~~premises operator license, an amount not to exceed \$95 \$250;~~

15 (6) (5) ~~for a license for an animal shelter or a pound, an amount not to~~  
16 ~~exceed \$300 \$750; and~~ ←

17 (7) (6) a late fee of \$70 \$100 per month shall be assessed to any  
18 person whose permit or license renewal is more than 45 days late.

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

31 (c) If a licensee, permittee or applicant for a license or permit  
32 requests an inspection of the premises of such licensee, permittee or  
33 applicant, the commissioner shall assess the costs of such inspection, as  
34 established by rules and regulations of the commissioner, to such licensee,  
35 permittee or applicant.

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

38 (e) The commissioner shall remit all moneys received by or for the  
39 commissioner under this section to the state treasurer in accordance with  
40 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
41 of each such remittance, the state treasurer shall deposit the entire amount  
42 in the state treasury to the credit of the animal dealers facilities fee fund,  
43 which is hereby created in the state treasury. Moneys in the animal dealers

For a license to sell animals retail, an amount not to exceed \$450. Hobby breeders shall not be required to possess a retail license;  
(2) for a license to sell animals wholesale, an amount not to exceed \$300;  
(3) for a license for an animal shelter:  
(A) In a first class city, an amount not to exceed \$450;  
(B) in a second class city, an amount not to exceed \$375; and  
(C) in a third class city, an amount not to exceed \$300;  
(4) for a license for a research facility, an amount not to exceed \$~~500~~, 200  
(5) for a rescue network license, an amount not to exceed \$100; and

1 *facilities* fee fund may be expended only to administer and enforce K.S.A.  
 2 47-1701 et seq., and amendments thereto. All expenditures from the  
 3 animal ~~dealers~~ *facilities* fee fund shall be made in accordance with  
 4 appropriation acts upon warrants of the director of accounts and reports  
 5 issued pursuant to vouchers approved by the Kansas animal health  
 6 commissioner or the commissioner's designee.

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

11 ~~(g) Except as provided further, when a premises required to be~~  
 12 ~~licensed or permitted under the Kansas pet animal act applies for an initial~~  
 13 ~~license or permit, the commissioner shall prorate to the nearest whole~~  
 14 ~~month the license or permit fee established in subsection (a). Premises~~  
 15 ~~required to be licensed under the Kansas pet animal act under multiple~~  
 16 ~~license categories shall be required to pay for the most expensive license~~  
 17 ~~and 70 percent of the license fee for each additional applicable license.~~  
 18 ~~Premises shall comply with the applicable law and rules and regulations~~  
 19 ~~pertaining to each category. The commissioner shall have discretion to~~  
 20 ~~determine whether the application is an initial application or an application~~  
 21 ~~for a premises which has been doing business but is not licensed or~~  
 22 ~~permitted. If the commissioner determines the premises has been doing~~  
 23 ~~business without a license or permit, the commissioner is not required to~~  
 24 ~~prorate the fee may assess a civil penalty in an amount of up to three times~~  
 25 ~~the annual licensing fee.~~

26 ~~(h) (g)~~ This section shall be part of and supplemental to K.S.A. 47-  
 27 1701 et seq., and amendments thereto.

28 Sec. 13. K.S.A. 2012 Supp. 47-1723 is hereby amended to read as  
 29 follows: 47-1723. (a) It shall be unlawful for any person, except a licensed  
 30 veterinarian, to act as or be a boarding or training  ~~kennel premises~~ operator  
 31 unless such person has obtained from the commissioner a boarding or  
 32 training  ~~kennel premises~~ operator license for each premises operated by  
 33 such person. Application for such license shall be made in writing on a  
 34 form provided by the commissioner. The license period shall be for the  
 35 license year ending on June 30 following the issuance date.

36 (b) This section shall be part of and supplemental to K.S.A. 47-1701  
 37 et seq., and amendments thereto.

38 Sec. 14. K.S.A. 2012 Supp. 47-1725 is hereby amended to read as  
 39 follows: 47-1725. (a) There is hereby created the Kansas pet animal  
 40 advisory board, consisting of ~~10~~ 11 members. Members shall be appointed  
 41 by the ~~governor~~ *secretary of agriculture* as follows:

42 (1) One member shall be a representative of a licensed animal shelter  
 43 ~~or pound;~~

1 (2) one member shall be an employee of a licensed research facility  
2 ~~licensed by the state, federal government or international entity;~~

3 (3) one member shall be a licensed animal wholesale breeder;

4 (4) one member shall be a licensed retail breeder;

5 (5) one member shall be a licensed pet shop operator;

6 (6) one member shall be a licensed veterinarian and shall be selected  
7 from a list of three names presented to the ~~governor~~ secretary by the  
8 Kansas veterinary medical association;

9 (7) one member shall be a private citizen ~~with no link to the industry~~  
10 ~~who is not licensed under the Kansas pet animal act;~~

11 (8) one member shall be a licensed animal distributor;

12 ~~(9) one member shall be a licensed hobby breeder; and~~

13 ~~(10) one member shall be a licensed boarding or training kennel~~  
14 ~~boarding or training premises operator; and~~

15 (9) ~~(11)~~ one member shall be a licensed rescue network member.

16 (b) Each member shall be appointed for a term of three years and  
17 until a successor is appointed and qualified.

18 (c) A vacancy on the board of a member shall be filled for the  
19 unexpired term by appointment by the ~~governor~~ secretary of agriculture.

20 (d) The board shall meet at least once every calendar quarter  
21 regularly or at such other times as the chairperson, animal health  
22 commissioner or a majority of the board members determine. A majority of  
23 the appointed members shall constitute a quorum for conducting board  
24 business.

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

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

27 (1) To advise the Kansas animal health commissioner on hiring a  
28 director to implement the Kansas pet animal act;

29 (2) to review the status of the Kansas pet animal act;

30 (3) to make recommendations on changes to the Kansas pet animal  
31 act; and

32 (4) to make recommendations concerning the rules and regulations  
33 for the Kansas pet animal act.

34 ~~(g) Board members who are required to be licensed, except retail~~  
35 ~~breeders, shall be affiliated with or a member of an organized pet animal~~  
36 ~~association which is representative of the position such person will hold on~~  
37 ~~the board.~~

38 Sec. 15. K.S.A. 2012 Supp. 47-1726 is hereby amended to read as  
39 follows: 47-1726. K.S.A. ~~47-1701 through 47-1721, K.S.A. 47-1723~~  
40 ~~through 47-1727, 47-1731, and K.S.A. 47-1732 through 47-1736~~ The  
41 provisions of article 17 of chapter 47 of the Kansas Statutes Annotated,  
42 and amendments thereto, shall be known and may be cited as the Kansas  
43 pet animal act. This act shall license, permit and regulate the conditions of