

House Substitute for SENATE BILL No. 288

By Committee on Appropriations

3-31

9 AN ACT concerning animals; relating to the pet animal act; amending
10 K.S.A. 2004 Supp. 47-1721 and repealing the existing section.

11

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

13 Section 1. K.S.A. 2004 Supp. 47-1721 is hereby amended to read as
14 follows: 47-1721. (a) Each application for issuance or renewal of a license
15 or permit required under K.S.A. 47-1701 *et seq.*, and amendments
16 thereto, shall be accompanied by the fee prescribed by the commissioner
17 under this section. Such fees shall be as follows:

18 (1) Except as provided in paragraph (5) *or* (6), for a license for prem-
19 ises of a person licensed under public law 91-579 (7 U.S.C. § 2131 *et*
20 *seq.*), an amount not to exceed ~~\$150.~~ \$200;

21 (2) Except as provided in paragraph (5) *or* (6), for a license for any
22 other premises, an amount not to exceed ~~\$300.~~ \$405;

23 (3) for a temporary closing permit, an amount not to exceed ~~\$75.~~ \$95;

24 (4) for an out-of-state distributor permit, an amount not to exceed
25 ~~\$500.~~ \$675;

26 (5) for a hobby breeder license or a kennel operator license an
27 amount not to exceed ~~\$75.~~ \$95;

28 (6) *for a license for an animal shelter or a pound, an amount not to*
29 *exceed \$300; and*

30 ~~(6)~~ (7) a late fee of ~~\$50~~ \$70 shall be assessed to any person whose
31 permit or license renewal is more than 45 days' late.

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

- 1 (c) If a licensee, permittee or applicant for a license or permit re-
2 quests an inspection of the premises of such licensee, permittee or ap-
3 plicant, the commissioner shall assess the costs of such inspection, as
4 established by rules and regulations of the commissioner, to such licensee,
5 permittee or applicant.
- 6 (d) No fee or assessment required pursuant to this section shall be
7 refundable.
- 8 (e) The commissioner shall remit all moneys received by or for the
9 commissioner under this section to the state treasurer in accordance with
10 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
11 of each such remittance, the state treasurer shall deposit the entire
12 amount in the state treasury to the credit of the animal dealers fee fund,
13 which is hereby created in the state treasury. Moneys in the animal deal-
14 ers fee fund may be expended only to administer and enforce K.S.A. 47-
15 1701 *et seq.*, and amendments thereto. All expenditures from the animal
16 dealers fee fund shall be made in accordance with appropriation acts upon
17 warrants of the director of accounts and reports issued pursuant to vouch-
18 ers approved by the Kansas livestock commissioner or the commissioner's
19 designee.
- 20 (f) Premises required to be licensed under the Kansas pet animal act
21 shall not be required to pay for more than one license. If more than one
22 operation is ongoing at the premises, each operation shall comply with
23 the applicable statutes and rules and regulations pertaining to such
24 operation.
- 25 (g) Except as provided further, when a premises required to be li-
26 censed or permitted under the Kansas pet animal act applies for an initial
27 license or permit, the commissioner shall prorate to the nearest whole
28 month the license or permit fee established in subsection (a). The com-
29 missioner shall have discretion to determine whether the application is
30 an initial application or an application for a premises which has been doing
31 business but is not licensed or permitted. If the commissioner determines
32 the premises has been doing business without a license or permit, the
33 commissioner is not required to prorate the fee.
- 34 (h) This section shall be part of and supplemental to K.S.A. 47-1701
35 *et seq.*, and amendments thereto.
- 36 New Sec. 2. (a) Except as provided by this section, a retail breeder
37 licensed under public law 91-579 (7 U.S.C. §2131 *et seq.*) shall be exempt
38 from the requirement to be licensed under the Kansas pet animal act if
39 such retail breeder elects to be exempt from such requirement in ac-
40 cordance with this section. The election to be exempt from the require-
41 ment to be licensed under the Kansas pet animal act shall be in writing
42 and shall be filed with the commissioner in such form as may be required
43 by the commissioner. After electing to be exempt from the requirement

1 to be licensed in accordance with this section, such retail breeder may
2 elect to again be subject to the requirement to be licensed under the
3 Kansas pet animal act by submitting an application for the appropriate
4 license accompanied by the applicable fee.

5 (b) Any retail breeder who is exempt from the requirement to be
6 licensed under the Kansas pet animal act pursuant to an election filed in
7 accordance with this section may withdraw that election and become sub-
8 ject to the requirement to be licensed under the Kansas pet animal act
9 in accordance with procedures prescribed by the commissioner.

10 (c) (1) Any retail breeder who is exempt from the requirement to be
11 licensed under the Kansas pet animal act pursuant to an election filed in
12 accordance with this section shall be subject to inspection by the com-
13 missioner or the commissioner's authorized, trained representatives as
14 provided in subsection (c) of K.S.A. 47-1709, and amendments thereto,
15 upon receipt of a complaint by the commissioner and a determination by
16 the commissioner that there are reasonable grounds to believe that the
17 retail breeder is violating the provisions of K.S.A. 47-1701 et seq., and
18 amendments thereto, or rules and regulations adopted thereunder or that
19 there are grounds for suspension or revocation of such retail breeder's
20 permit or that there are grounds that would be grounds for suspension
21 or revocation of a license that such retail breeder would have been re-
22 quired to have if an election for an exemption was not in effect. If such
23 grounds are substantiated pursuant to such inspection and the commis-
24 sioner finds that the retail breeder is violating the provisions of K.S.A.
25 47-1701 et seq., and amendments thereto, or rules and regulations
26 adopted thereunder or the commissioner finds that there are grounds for
27 suspension or revocation of such retail breeder's permit or that there are
28 grounds that would be grounds for suspension or revocation of a license
29 that such retail breeder would have been required to have if an election
30 for an exemption was not in effect.

31 (2) If the commissioner or the commissioner's authorized, trained
32 representatives inspect a retail breeder who has been exempted from the
33 requirement to be licensed in accordance with this section and the com-
34 missioner determines that there are reasonable grounds to believe that
35 the retail breeder is violating the provisions of K.S.A. 47-1701 et seq.,
36 and amendments thereto, or rules and regulations adopted thereunder
37 or that there are grounds for suspension or revocation of such retail
38 breeder's permit or that there are grounds that would be grounds for
39 suspension or revocation of a license that such retail breeder would have
40 been required to have if an election for an exemption was not in effect,
41 then the exemption provided such retail breeder under this subsection
42 (c) shall no longer be in effect and such retail breeder shall be subject to
43 the requirement to be licensed under the Kansas pet animal act.

- 1 (3) As used in this subsection (c), “violating the provisions of K.S.A.
2 47-1701 et seq., and amendments thereto, or rules and regulations
3 adopted thereunder” shall not include failure to be licensed under the
4 provisions of K.S.A. 47-1701 et seq., and amendments thereto.
- 5 (d) Any retail breeder, who was licensed under public law 91-579 (7
6 U.S.C. §2131 et seq.) and who elected to be exempt from the requirement
7 to be licensed under the Kansas pet animal act in accordance with this
8 section, shall no longer be exempt from the requirement to be licensed
9 under the Kansas pet animal act if such retail breeder is no longer licensed
10 under public law 91-579 (7 U.S.C. §2131 et seq.) and shall be required
11 to be licensed under the Kansas pet animal act.
- 12 (e) This section shall be part of and supplemental to the Kansas pet
13 animal act, K.S.A. 47-1701 *et seq.*, and amendments thereto.
- 14 Sec. 3. K.S.A. 2004 Supp. 47-1721 is hereby repealed.
- 15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.