

Approved: 2-4-94
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on February 2, 1994 in Room 423-S of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research Department
Jill Wolters, Revisor of Statutes
Lila McClafin, Committee Secretary

Conferees appearing before the committee:

Dr. Sam Graham, Acting Livestock Commissioner, Animal Health Department
Representative Eugene Shore
Bill Craven, Sierra Club and Kansas Natural Resource Council

Others attending: See attached list

Chairperson Corbin opened the hearing on HB 2569 - retaining former State Board of Agriculture members as State Fair Board. The bill was sponsored by the House Agriculture Committee, and he called on Representative Shore to testify.

Representative Shore supported the bill. He said it is important to keep the management in place during this interim until a permanent board or authority is in place (Attachment 1). Responding to a question regarding who is in charge of the Board at the present time, he said it has three statutory members, plus the interim Secretary of Agriculture.

Bill Craven testified in opposition to HB 2569. He stated he thought to keep these officials in office is unwise and it sends the wrong message about the respect for the law, and if he had to choose he thought HB 2773 was a better proposal (Attachment 2).

The hearing was closed on HB 2569.

Chairperson Corbin opened the hearing on SB 413 - concerning the Kansas Animal Dealers Act. He called on Dr. Graham.

Dr. Sam Graham, Acting Livestock Commissioner, Animal Health Department, Department of Agriculture, outlined the changes they requested as proposed in SB 413 and distributed a fact sheet on the fiscal impact on their budget by implementation of \$50 late charge on licensed/registered facilities proposed by SB 413 (Attachment 3). A balloon copy of the bill was distributed (Attachment 4). Dr. Graham responded to questions.

The hearing was closed on SB 413.

Chairperson Corbin called for Committee discussion on SB 554 - concerning agricultural corporations; relating to swine production facilities.

Committee discussion centered around the county option protest petition. Concern was expressed that 10% was too high perhaps 5% would be better. If a county opted out at this time should there be a mechanism available for them to come back in at a future date. Should the bill clarify the area regarding livestock and include sheep. Rich McKee responded to some of these questions. No amendments were made. Chairperson Corbin said the discussion would be continued at the meeting, on February 4. The meeting adjourned at 11:03 a.m.

The next meeting is scheduled for February 4, 1994.

GUEST LIST

COMMITTEE: Senate Agriculture

DATE: 2/2/94

NAME	ADDRESS	ORGANIZATION
Brief Caven	Topeka	Sierra Club
Kenneth M. Wilke	Topeka	Ks. Dept. of Ag.
Bob GOTTSCHALK	Hutchinson	Ks. ST. Zosie
Arlan Holmes	Topeka	Div. of Budget
Russ FREY	Topeka	KVMA
J. C. LONG	Topeka	UtiliCorp United
Tom Bruno	Topeka	Allens Assoc.
Bryce Cooper	Wichita	KAH D
Pat Harrington	Junction City	KAH D.
Mike Beann	Topeka	Ks. LUSTK. Assn.
Mike Jensen	Manhattan	KPPC
Jim Allen	Topeka	Sea board
Rick Hoffman	KC	SEABOARD CORP.
Donald Spaza	Topeka	Animal Health
Paul M. Grosdick DVM	Eudora, KS.	KAH D
Marty Vanier	Manhattan	KAA
Rich McKee	Topeka	KLA
Joe Lieber	Topeka	Ks. Co-op Council

EUGENE L. SHORE
REPRESENTATIVE 124TH DISTRICT
GRANT, W. HASKELL, MORTON,
STANTON AND STEVENS COUNTIES

ROOM 446-N, CAPITOL BLDG.
TOPEKA, KANSAS 66612-1504
(913) 296 7677
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TOPEKA

COMMITTEE ASSIGNMENTS

CHAIRMAN AGRICULTURE
MEMBER ENERGY AND NATURAL RESOURCES
MEMBER TRANSPORTATION

HOUSE OF
REPRESENTATIVES

TESTIMONY ON HB 2569

Senate Agriculture Committee
February 2, 1994
Representative Eugene Shore

Mr. Chairman and members of the committee:

HB 2569 is an attempt to add continuity to the Kansas State Fair.

As you know, the former State Board of Agriculture also served as the State Fair Board. When the judge abolished the State Board of Agriculture, the State Fair Board also was abolished and no one was appointed to replace it.

HB 2569 would allow the former members of the State Board of Agriculture to continue to serve as a State Fair Board until they are replaced by a permanent board or March 1, 1995, whichever is first.

The thought behind HB 2569 is that even if a new board was chosen they wouldn't serve until July 1, 1994, and it would be after the 1994 fair before they would be up to speed. This legislation would keep in place a board which could add continuity and familiarity with the fair as it exists, and proceed with current policy which has been successful over the past several years.

The Kansas State Fair is the showplace for Kansas agriculture and as such attracts about 350,000 visitors, both in and out of state, and I feel it is important to keep the management in place during this interim until a permanent board or authority is in place.

I would be happy to respond to questions.

Senate Ag Co
2-2-94
attachment 1



SIERRA CLUB

Kansas Chapter

Testimony of William Craven
Legislative Coordinator,
Kansas Natural Resource Council
and
Kansas Sierra Club

H.B. 2569

Senate Agriculture Committee
February 2, 1994

Thank you, Mr. Chairman, for providing an opportunity for the Kansas Natural Resource Council and the Kansas Sierra Club to testify on this matter.

The reason I asked to testify against this bill is that retains in public service those who have been determined by a federal court to be the product of an undemocratic selection process. I will be the first to admit that service on the State Fair Board is of a less regulatory nature than is service on the former Board of Ag. And I am not saying that this bill, if implemented, is illegal.

However, I am trying to suggest that keeping these officials in office is unwise and it sends the wrong message about respect for the law. This bill is not the only option available. H.B. 2773 is also a proposal to replace the State Fair Board, and while I have certain reservations about that bill as well, if I had to choose one or the other, 2773 is a far better proposal.

2773 allows the governor to select Fair Board members from representatives of major business trade associations, and while I object to the governor's choices being limited to members of trade associations, at least that proposal does not retain in office officials whose elections has been found to be violative of the one person, one vote requirement of the U.S. Constitution.

Thank you for the opportunity to testify.

*Senate Ag Co.
2-2-94
Attachment 2*



STATE OF KANSAS

Animal Health Department

February 1, 1994

OUTLINE OF CHANGES PROPOSED BY S.B. 413

- 1) Pet Shops are divided into 2 categories:

Animal Retailer A - Is the "traditional" pet shop which sells dogs and/or cats as well as any other animals out of a business, not a residence.

Animal Retailer B - Would be an individual occupying a residence, who sells or offers for sell at retail (not for resale) all or part of no more than 3 litters per year, or more than 29 individual animals, of dogs and/or cats.
- 2) Adequate Veterinary Medical Care is defined. This requires:
 - a) Documented program of disease prevention and control, euthanasia and routine veterinary care. Supervision of this program and once/year on site visit by a licensed veterinarian.
 - b) Diseased, ill, injured, lame or blind animals must be provided with veterinary care.
- 3) Defines No-kill Shelter as a facility of an individual or organization, profit or non-profit, maintaining 20 or more dogs and/or cats, for the purpose of collecting such animals, or offering for adoption, animals rescued as unwanted pets. A no-kill shelter does not prescribe to euthanasia of unwanted animals. Fee Set at \$200.
- 4) Establishes a \$50 late fee for all licenses/registrations which are more than 45 days delinquent.
- 5) Makes provisions for the livestock commissioner to issue a temporary closing permit. This permit would cost a maximum \$75. It would be for those individuals required to be licensed or registered by the Kansas animal dealers act, who are in the process of ceasing to do business on July 1, and would be effective for a maximum of 60 days.
- 6) Requires a business or individual to have only one license per premise. This license would be for the primary business conducted on this premise.
- 7) Changes the term Dog Warden to *Animal Control Officer*.
- 8) Would remove the present exclusion of shops which presently sale only live fish for retail, and would require these shops to be licensed.

Senate Ag. Co.
2-2-94
Attachment 3



STATE OF KANSAS

Animal Health Department

February 1, 1994

IMPACT ON BUDGET BY IMPLEMENTATION OF \$50 LATE CHARGE ON LICENSED/REGISTERED FACILITIES PROPOSED BY SB 413

TYPES OF FACILITIES LICENSED OR REGISTERED

A = Animal dealers with Kansas and USDA license (\$150)
A = Animal dealers with only a Kansas license (\$300)
B/T = Boarding and Training Facility
P/S = Pounds and Shelters
Pet = Pet Shops (License fees are \$150 for shops with a USDA license, and \$300 for shops without a USDA license.)
Res = Research facilities

LICENSE/REGISTRATION FEES 1993 - 1994

Type	Fee	Number	Fees Collected
A	\$150	377	\$56,550
A	\$300	14	\$ 4,200
HK	\$ 75	211	\$15,825
B/T	\$ 75	123	\$24,600
Pet (KS only)	\$300	108	\$32,400
Pet (KS/USDA)	\$150	7	\$ 1,050
Res	\$150	13	\$ 1,950
TOTALS		930	\$142,350

LICENSE/REGISTRATION FEES PAID AFTER PROPOSED 45 DAY GRACE PERIOD (1993 - 1994)

Type of Facility	Number delinquent Facilities	Currently Collected	Increase with \$50 late charge
A	19	\$2,850	\$ 950
A	0	0	\$ 0
HK	22	\$1,650	\$1,100
B/T	6	\$ 450	\$ 300
P/S	3	\$ 600	\$ 150
Pet	6	\$1,800	\$ 300
Pet	0	\$ 0	\$ 0
Res	1	\$ 0	\$ 50
TOTALS	57	\$6,350	\$2,850

The \$50 late charges proposed by SB 413 would have increased FY 1993 - 1994 revenue by \$2,850.

Fiscal Impact Statement (S.B. 413)

February 1, 1993

Page 2

In FY 1993 - 1994, a total of 208 delinquency letters were mailed by KAHD. For 102, the response was that the facility in question had closed. The remaining 106, resulted in eventual payment of the license/registration due. These letters cost the KAHD approximately \$1.80/letter. This figure considers the cost of mailing copies to the delinquent facility operator as well as to the area facility inspector, and figures the 3 - 4 days of labor of the one Office Assistant III needed to compile the list of delinquent facilities, and mail letters to the appropriate people involved.

This department hopes that by the implementation of a substantial late fee on licenses and registrations, that there will be timely compliance with license renewal. This would not only make funds available sooner, but would decrease the expense in postage and labor presently spent on delinquency letters.

The licensing of shops which sale live fish at retail would require approximately 15 establishments to be licensed at \$300 per license. This would generate \$4,500 in added revenue if these establishments remained operational.

SENATE BILL No. 413

By Committee on Federal and State Affairs

3-9

8 AN ACT concerning the Kansas animal dealers act; amending K.S.A.
9 47-1711 and 47-1713 and K.S.A. 1992 Supp. 47-1701, 47-1702,
10 47-1703, 47-1704, 47-1712, 47-1721, 47-1725 and 47-1726 and re-
11 pealing the existing sections; also repealing K.S.A 1992 Supp. 47-
12 1722.

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

15 New Section 1. (a) Any licensee or registrant, required to be
16 licensed or registered under the Kansas animal dealers act, who is
17 in the process of ceasing to do business on July 1, may be issued
18 a temporary closing permit at the discretion of the commissioner.

19 (b) Application for such permit shall be made in writing on a
20 form provided by the commissioner.

21 (c) The permit will be effective for 30 days. During the 30-day
22 period, the licensee or registrant shall be required to comply with
23 the Kansas animal dealers act and all rules and regulations adopted
24 thereunder. By accepting such permit, the licensee or registrant
25 agrees to allow an inspection of the facility at the end of the 30-day
26 period to certify that the operation has ceased business. The licensee
27 or registrant shall provide records as to the disposition of the animals
28 to the commissioner upon request.

29 (d) The permit may be renewed, at the discretion of the com-
30 missioner, for an additional 30-day period.

31 (e) This section shall be part of and supplemental to the Kansas
32 animal dealers act.

33 Sec. 2. K.S.A. 1992 Supp. 47-1701 is hereby amended to read
34 as follows: 47-1701. As used in the Kansas animal dealer *dealers*
35 act, unless the context otherwise requires:

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

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

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2-2-94
Attachment 4 4-1

1 (c) "Ambient temperature" means the temperature surrounding
2 the animal.

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

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

8 (e) "Animal dealer" means any person who operates animal dealer
9 premises.

10 (f) (1) "Animal dealer premises" means any premises where dogs
11 or cats, or both, are sold, or offered or maintained for sale, primarily
12 at wholesale for resale to another.

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

15 (g) "Animal shelter" means a facility which is used or designed
16 for use to house or contain any animal and which is owned, operated
17 or maintained by a duly incorporated humane society, animal welfare
18 society, society for the prevention of cruelty to animals or other
19 nonprofit corporate organizations devoted to the welfare, protection
20 and humane treatment of animals.

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

23 (i) "Commissioner" means the livestock commissioner appointed
24 by the Kansas animal health board.

25 (j) "Dog" means any animal which is wholly or in part of the
26 species *Canis familiaris* but does not include any greyhound, as
27 defined by K.S.A. 74-8802 and amendments thereto.

28 (k) "~~Dog warden~~" means any person employed by, contracted
29 with or appointed by the state, or any political subdivision thereof,
30 for the purpose of aiding in the enforcement of this law, or any
31 other law or ordinance relating to the licensing of animals, control
32 of animals or seizure and impoundment of animals, and includes any
33 state, county or municipal law enforcement officer, animal control
34 officer, constable or other employee, whose duties in whole or in
35 part include assignments which involve the seizure or taking into
36 custody of any animal.

"Animal control officer"

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

40 (m) (1) "Hobby kennel" means any premises where only dogs or
41 cats, or both, which are produced and raised on such premises are
42 sold, or offered or maintained for sale, by a person who resides on
43 such premises, but only if the total number of dogs or cats, or both,

1 which are produced and raised on such premises and are sold during
2 the registration year is fewer than all or part of six litters of animals
3 or 30 individual animals, whichever is less, whether such animals
4 are dogs or cats, or both.

5 (2) Hobby kennel does not include: (A) Any pound or animal
6 shelter; or (B) any premises where fewer than all or part of three
7 litters of animals, whether dogs or cats, or both, are sold during the
8 registration year.

9 (n) "Hobby kennel operator" means any person who operates a
10 hobby kennel.

11 (o) "Housing facility" means any room, building or area used to
12 contain a primary enclosure or enclosures.

13 (p) (1) "Kennel operator" means any person who operates an
14 establishment where animals are maintained for boarding or similar
15 purposes for a fee or compensation.

16 (2) Kennel operator does not include an "animal dealer," "pet
17 shop" "animal retailer A," "animal retailer B" or "hobby kennel"
18 or any person on whose premises there are maintained, fewer than
19 four dogs or cats, or both, in any one week.

20 (q) "Kennel operator premises" means the facility of a kennel
21 operator.

22 (r) "License year" or "registration year" means the 12-month
23 period ending on June 30.

24 (s) "Person" means any individual, association, partnership, cor-
25 poration or other entity.

26 (t) (1) "Pet shop" "Animal retailer A" means any premises ex-
27 cluding those premises which are animal retailer B's, where there
28 are sold, or offered or maintained for sale, at retail and not for resale
29 to another at a location operated as a business and not a private
30 home: (A) (1) Any dogs or cats, or both; or (B) (2) any other animals
31 except those which are produced and raised on such premises
32 and are sold, or offered or maintained for sale, by a person
33 who resides on such premises.

34 (2) Pet shop does not include: (A) Any pound or animal
35 shelter; (B) any premises where only fish are sold, or offered
36 or maintained for sale; or (C) any animal dealer premises; or
37 any premises described in subsection (m)(1), where the only
38 animals, other than dogs or cats, which are sold, or offered or
39 maintained for sale, are animals which are produced and raised
40 on such premises and are sold, or offered or maintained for
41 sale, by a person residing on such premises.

42 (u) "Pet shop operator" means any person who operates a
43 pet shop.

1 (u) "Animal retailer B" means any individual occupying a resi-
2 dence from where there are sold, or offered or maintained for sale,
3 at retail and not for resale to another in excess of 29 individual
4 animals or more than all or part of ~~5~~ litters of: 3

5 (1) Any dogs or cats, or both; or .

6 ~~(2) any other animals.~~

7 (v) "Pound" means a facility:

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

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

14 (w) "Primary enclosure" means any structure used or designed
15 for use to restrict any animal to a limited amount of space, such as
16 a room, pen, cage, compartment or hutch.

17 (x) "Research facility" means any place, laboratory or institution,
18 except an elementary school, secondary school, college or university,
19 at which any scientific test, experiment or investigation involving
20 the use of any living animal is carried out, conducted or attempted.

21 (y) "Sale," "sell" and "sold" include transfers by sale or exchange.
22 Maintaining animals for sale is presumed whenever 20 or more dogs
23 or cats, or both, are maintained by any person.

24 (z) "Sanitize" means to make physically clean and to remove and
25 destroy, to a practical minimum, agents injurious to health, at such
26 intervals as necessary.

27 (aa) "Adequate veterinary medical care" means:

28 (1) A documented program of disease control and prevention,
29 euthanasia and routine veterinary care shall be established and main-
30 tained under the supervision of a licensed veterinarian and shall
31 include a documented on site visit to the premises by the veterinarian
32 at least once each year; and

33 (2) that diseased, ill, injured, lame or blind animals shall be
34 provided with veterinary care.

35 (bb) "No-kill shelter" means a facility of an individual or or-
36 ganization, profit or nonprofit, maintaining ~~10~~ or more dogs or cats 20
37 or both, for the purpose of collecting such animals, or offering for
38 adoption, animals rescued as unwanted pets. A no-kill shelter is a
39 shelter that does not prescribe to euthanasia of unwanted animals.

40 Sec. 3. K.S.A. 1992 Supp. 47-1702 is hereby amended to read
41 as follows: 47-1702. Except as otherwise provided by K.S.A. 1992
42 Supp. 47-1722, it shall be unlawful for any person, other than
43 a person licensed under public law 91-579 (7 U.S.C. § 2131 et

4-5

1 seq.), to act as or be an animal dealer unless such person has
2 obtained from the commissioner an animal dealer license for
3 each animal dealer premises operated by such person. Except
4 as otherwise provided by K.S.A. 1992 Supp. 47-1722, on and
5 after January 1, 1989, It shall be unlawful for any person licensed
6 under public law 91-579 (7 U.S.C. § 2131 et seq.) to act as or be
7 an animal dealer unless such person has obtained from the com-
8 missioner an animal dealer license for each animal dealer premises
9 operated by such person. Application for such license shall be made
10 in writing on a form provided by the commissioner. The license
11 period shall be for the license year ending on June 30 following the
12 issuance date.

13 Sec. 4. K.S.A. 1992 Supp. 47-1703 is hereby amended to read
14 as follows: 47-1703. Except as otherwise provided by K.S.A. 1992
15 Supp. 47-1722, It shall be unlawful for any person to act as or be
16 a pet shop operator *an animal retailer A or animal retailer B* unless
17 such person has obtained from the commissioner a pet shop op-
18 erator *an animal retailer A or animal retailer B* license for each
19 pet shop establishment operated by such person. Application for
20 each such license shall be made in writing on a form provided by
21 the commissioner. The license period shall be for the license year
22 ending on June 30 following the issuance date.

23 Sec. 5. K.S.A. 1992 Supp. 47-1704 is hereby amended to read
24 as follows: 47-1704. It shall be unlawful for any city or the officials
25 thereof to operate a pound or, any corporate entity to operate an
26 animal shelter as a pound *or any individual or organization to op-*
27 *erate a no-kill shelter*, except a licensed veterinarian, unless a license
28 for such pound or shelter has been obtained from the commissioner.
29 Application for such license shall be made on a form provided by
30 the commissioner. The license period shall be for the license year
31 ending on June 30 following the issuance date.

32 Sec. 6. K.S.A. 47-1711 is hereby amended to read as follows:

An animal control officer

33 47-1711. ~~A dog warden shall not be granted an animal dealer's or~~
34 ~~a pet shop operator's~~ *an animal retailer A's* license. Each appli-
35 cation for an animal dealer's license or a pet shop operator's *an*
36 *animal retailer A's* license shall include a statement that neither the

an animal control officer

37 applicant nor any of ~~his~~ *such applicant's* employees is ~~a dog warden.~~

An animal control officer

38 ~~A dog warden~~, upon taking custody of any animal in the course of

officer's

39 ~~his~~ *the warden's* official duties, shall immediately make a record
40 which shall include the color, breed, sex, approximate weight and
41 other description of the animal, the reason for seizure, the location
42 of seizure, the owner's name and address, if known, the animal
43 license number, and any other identification number. Complete in-

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1 formation relating to the disposition of the animal shall be shown
2 on the record; this shall be added immediately following the dis-
3 position of the animal.

4 Sec. 7. K.S.A. 1992 Supp. 47-1712 is hereby amended to read
5 as follows: 47-1712. (a) The commissioner is hereby authorized to
6 adopt rules and regulations for hobby kennels, kennel operators,
7 pounds, animal shelters, ~~pet shops~~ *animal retailer A's, animal re-*
8 *tailer B's, no-kill shelters* and research facilities. Such rules and
9 regulations shall include, but not be limited to, provisions relating
10 to: (1) Reasonable treatment of animals in the possession, custody
11 or care of a licensee or registrant or being transported to or from
12 licensed or registered premises; (2) a requirement that each licensee
13 and registrant file with the commissioner evidence that animals en-
14 tering or leaving the state are free from any visible symptoms of
15 communicable disease; (3) identification of animals handled; (4) pri-
16 mary enclosures; (5) housing facilities; (6) sanitation; (7) euthanasia;
17 (8) ambient temperatures; (9) feeding; (10) watering; (11) adequate
18 veterinary medical care; (12) inspections of licensed or registered
19 premises, investigations of complaints and training of persons con-
20 ducting such inspections and investigations; and (13) a requirement
21 that each licensee keep and maintain, for inspection by the com-
22 mission, such records as necessary to administer and enforce the
23 provisions of the Kansas animal dealer act.

24 (b) The commissioner shall only adopt as rules and regulations
25 for animal dealers and animal dealer premises the rules and regu-
26 lations promulgated by the secretary of the United States department
27 of agriculture, cited at 9 C.F.R. 3.1 through ~~3.12~~ 3.17 and 9 C.F.R.
28 2.75 through 2.78, pursuant to the provisions of the United States
29 public law 91-579 (7 U.S.C. § 2131 et seq.), commonly known as
30 the animal welfare act and a requirement that each animal dealer
31 file with the commissioner evidence that animals entering or leaving
32 the state are free from any visible symptoms of communicable
33 disease.

Add - Transportation

34 Sec. 8. K.S.A. 47-1713 is hereby amended to read as follows:
35 47-1713. (a) The commissioner may prohibit the sale or gift within
36 the state of animals or ~~exotic pet animals~~ which constitute a hazard
37 to human health or safety or to animal health or safety.

38 (b) Any animal or ~~exotic pet animal~~ sold by a ~~pet shop operator~~
39 *an animal retailer A* licensed pursuant to the provisions of this act
40 shall be accompanied by a written instrument issued by such ~~pet~~
41 ~~shop operator~~ *retailer* on a form prescribed by the commissioner
42 certifying that such animal is in sound health.

43 Sec. 9. K.S.A. 1992 Supp. 47-1721 is hereby amended to read

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

6 (1) For a license for premises of a person licensed under public
7 law 91-579 (7 U.S.C. § 2131 *et seq.*), an amount not to exceed \$150.

8 (2) For a license for any other premises, an amount not to exceed
9 \$300.

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

11 (4) *For a temporary closing permit, an amount not to exceed*
12 *\$75.*

13 (b) *A late fee of \$50 shall be assessed to any person whose license*
14 *or registration renewal is more than 45 days late.*

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

28 ~~(c)~~ (d) If a licensee, registrant or applicant for a license or reg-
29 istration requests an inspection of the premises of such licensee,
30 registrant or applicant, the commissioner shall assess the costs of
31 such inspection, as established by rules and regulations of the com-
32 missioner, to such licensee, registrant or applicant.

33 ~~(d)~~ (e) No fee or assessment required pursuant to this section
34 shall be refundable.

35 ~~(e)~~ (f) The commissioner shall remit all moneys received by or
36 for the commissioner under this section to the state treasurer at
37 least monthly. Upon receipt of each such remittance, the state treas-
38 urer shall deposit the entire amount in the state treasury and shall
39 credit it to the animal dealers fee fund, which is hereby created in
40 the state treasury. Moneys in the animal dealers fee fund may be
41 expended only to administer and enforce K.S.A. 47-1701 *et seq.*,
42 and amendments thereto. All expenditures from the animal dealers
43 fee fund shall be made in accordance with appropriation acts upon

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1 warrants of the director of accounts and reports issued pursuant to
2 vouchers approved by the Kansas livestock commissioner or the
3 commissioner's designee.

4 (g) *Premises required to be licensed under the Kansas animal*
5 *dealers act shall obtain a license for the business for which such*
6 *premises is primarily engaged and shall not be required to pay for*
7 *more than one license. If more than one operation is ongoing at the*
8 *premises, each operation shall comply with the applicable statutes*
9 *and rules and regulations pertaining to such operation.*

10 ~~(f)~~ (h) This section shall be part of and supplemental to K.S.A.
11 47-1701 *et seq.* and amendments thereto.

12 Sec. 10. K.S.A. 1992 Supp. 47-1725 is hereby amended to read
13 as follows: 47-1725. (a) There is hereby created the Kansas companion
14 animal advisory board, consisting of nine members. Members shall
15 be appointed by the governor as follows:

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

18 (2) one member shall be an employee of a research facility li-
19 censed under K.S.A. 1992 Supp. 47-1720, and amendments thereto;

20 (3) one member shall be a companion animal breeder, actively
21 engaged in the breeding of companion animals, licensed under the
22 Kansas animal dealer ~~dealers~~ act and shall be selected from a list
23 of three names presented to the governor by the American profes-
24 sional pet distributors, inc.;

25 (4) one member shall be a companion animal broker, actively
26 engaged in buying and selling companion animals, licensed under
27 the Kansas animal dealer ~~dealers~~ act and shall be selected from a
28 list of three names presented to the governor by the American
29 professional pet distributors, inc.;

30 (5) one member shall be a ~~pet shop operator~~ *an animal retailer*
31 *A or animal retailer B* licensed under the Kansas animal dealer
32 ~~dealers~~ act and shall be selected from a list of three names presented
33 to the governor by the pet industry joint advisory council;

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

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

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

1 (9) one member shall be a hobby kennel operator, registered
2 under the Kansas animal dealer ~~dealers~~ act.

3 (b) Of the members first appointed to the board, the governor
4 shall designate three whose terms shall expire June 30, 1992; three
5 whose terms shall expire June 30, 1993; and three whose terms shall
6 expire June 30, 1994. After the expiration of such terms, each mem-
7 ber shall be appointed for a term of three years and until a successor
8 is appointed and qualified.

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

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

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

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

18 (1) To advise the Kansas livestock commissioner on hiring a di-
19 rector to implement the Kansas animal dealer ~~dealers~~ act;

20 (2) to review the status of the Kansas animal dealer ~~dealers~~ act;

21 (3) to make recommendations on changes to the Kansas animal
22 dealer ~~dealers~~ act; and

23 (4) to make recommendations concerning the rules and regula-
24 tions for the Kansas animal dealer ~~dealers~~ act.

25 Sec. 11. K.S.A. 1992 Supp. 47-1726 is hereby amended to read
26 as follows: 47-1726. K.S.A. 47-1701 through ~~47-1722~~ 47-1718 and
27 K.S.A. 1992 Supp. ~~47-1723~~ 47-1719 through 47-1727 *and section 1*,
28 and amendments thereto, shall be known and may be cited as the
29 Kansas animal dealers act. This act shall license, register and regulate
30 the conditions of certain premises and facilities within the state of
31 Kansas where animals are maintained, sold or offered or maintained
32 for sale.

33 Sec. 12. K.S.A. 47-1711 and 47-1713 and K.S.A. 1992 Supp. 47-
34 1701, 47-1702, 47-1703, 47-1704, 47-1712, 47-1721, 47-1722, 47-1725
35 and 47-1726 are hereby repealed.

36 Sec. 13. This act shall take effect and be in force from and after
37 its publication in the statute book.