

SENATE BILL No. 57

By Committee on Agriculture

1-22

Proposed amendment #1 to SB 57 by Senators
Abrams, ~~Parsons~~, 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 # 1-1
Sen Abrams, Ballan amendment 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
11 *Be it enacted by the Legislature of the State of Kansas:*
12 New Section 1. (a) It shall be unlawful for any person to operate a
13 rescue network unless a rescue network license has been obtained from the
14 commissioner. Application for each such license shall be made in writing
15 on a form provided by the commissioner. The license period shall be for
16 the license year ending June 30 following the issuance date.
17 (b) Each rescue network shall designate a manager who carries out
18 the duties of:
19 (1) Approving the membership to the rescue network;
20 (2) supervising intake of animals into the rescue network;
21 (3) monitoring members of the rescue network to ensure they are
22 abiding by all relevant laws and rules and regulations; and
23 (4) maintaining on such rescue network manager's premises, records
24 pertaining to the adoption, placement or other disposition of each animal
25 receiving temporary care from the rescue network, membership of the
26 rescue network and any other records required by law or rules and
27 regulations.
28 (c) Once a rescue network license has been obtained, the rescue
29 network manager may host adoption events at a location other than the
30 rescue network members' premises so long as all rescue network laws and
31 rules and regulations are followed.
32 (d) Rescue network managers are responsible for ensuring rescue
33 network members subordinate to them abide by all applicable Kansas pet
34 animal act statutes and regulations. Rescue network managers shall keep
35 records of all rescue network members housing animals and pay annually a
36 fee or not more than \$50 to the department of agriculture for each rescue

1 trained representatives shall make an inspection of the premises for which
 2 an application for an original license or permit is made under K.S.A. 47-
 3 1701 et seq., and amendments thereto, before issuance of such license or
 4 permit. No license or permit shall be issued by the commissioner to an
 5 applicant described in this subsection until the premises for which
 6 application is made has passed a licensing or permitting inspection. The
 7 application for a license shall conclusively be deemed to be the consent of
 8 the applicant to the right of entry and inspection of the premises sought to
 9 be licensed or permitted by the commissioner or the commissioner's
 10 authorized, trained representatives at reasonable times with the owner or
 11 owner's representative present. Refusal of such entry and inspection shall
 12 be grounds for denial of the license or permit. Notice need not be given to
 13 any person prior to inspection.

14 (b) The commissioner or the commissioner's authorized, trained
 15 representatives ~~may shall~~ inspect each premises for which a license or
 16 permit has been issued under K.S.A. 47-1701 et seq., and amendments
 17 thereto, *based upon an inspection frequency schedule adopted by rules*
 18 *and regulations. Such frequency schedule may take into account the*
 19 *relative risk posed by facilities to the health, safety and welfare of animals.*
 20 The acceptance of a license or permit shall conclusively be deemed to be
 21 the consent of the licensee or permittee to the right of entry and inspection
 22 of the licensed or permitted premises by the commissioner or the
 23 commissioner's authorized, trained representatives at reasonable times
 24 with the owner or owner's representative present. Refusal of such entry
 25 and inspection shall be grounds for suspension or revocation of the license
 26 or permit. Notice need not be given to any person prior to inspection.

27 (d) (e) The commissioner or the commissioner's authorized, trained
 28 representatives shall make inspections of the premises of a person required
 29 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments
 30 thereto, upon a determination by the commissioner that there are
 31 reasonable grounds to believe that the person is violating the provisions of
 32 K.S.A 47-1701 et seq., and amendments thereto, or rules and regulations
 33 adopted thereunder or that there are grounds for suspension or revocation
 34 of such person's license or permit.

35 (e) (d) Any complaint filed with the commissioner shall be confidential
 36 and shall not be released to any person other than employees of the
 37 commissioner as necessary to carry out the duties of their employment.

38 (f) (e) Any person making inspections under this section shall be trained
 39 by the commissioner in reasonable standards of animal care.

40 (g) (f) The commissioner may request a licensed veterinarian to assist in
 41 any inspection or investigation made by the commissioner or the
 42 commissioner's authorized representative under this section.

43 (h) (g) Any person acting as the commissioner's authorized

(c)(1) If the commissioner or the commissioner's authorized trained representatives determine that a low-level violation of the Kansas pet animal act or rules and regulations adopted thereunder has occurred, such premises shall be reinspected within a period of six months following the date of the initial inspection.

(2) If the commissioner or the commissioner's authorized trained representatives determine that a mid-level violation of the Kansas pet animal act or rules and regulations adopted thereunder has occurred, such premises shall be reinspected within a period of three months following the date of the initial inspection.

(3) If the commissioner or the commissioner's authorized trained representatives determine that a high-level violation of the Kansas pet animal act or rules and regulations adopted thereunder has occurred, such premises shall be reinspected within a period not to exceed three days following the date of the initial inspection.

(4) The commissioner shall adopt rules and regulations to implement the provisions of this subsection, including, but not limited to, a definition of low-level violation, mid-level and high-level violation. The provisions of this paragraph shall expire on July 1, 2015.

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

38 ~~(f)~~ (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

(d)(1) If a licensee, permittee or applicant for a license or permit fails an inspection of the premises of such licensee, permittee or applicant conducted pursuant to the Kansas pet animal act by 1 or 2 points based upon the inspector reference guide established by rules and regulations of the commissioner, such premises shall be reinspected at no cost to such licensee, permittee or applicant.
 (2) If a premises fails an inspection by 3 to 7 points based upon the inspector reference guide established by rules and regulations of the commissioner, such premises shall be reinspected at one half the cost of inspection for such premises.
 (3) If a premises fails an inspection by 8 or more points based upon the inspector reference guide established by rules and regulations of the commissioner, such premises shall be reinspected at full cost of inspection for such premises.
 (4) The commissioner shall adopt rules and regulations to implement the provisions of this subsection, including, but not limited to, the establishment of a uniform inspector reference guide and point totals necessary to pass an inspection for each licensed premises. The provisions of this paragraph shall expire on July 1, 2015.