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OFFICE OF REVISOR OF STATUTES  
LEGISLATURE OF THE STATE OF KANSAS

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To: Special Committee on Agriculture and Natural Resources  
From: David Wiese, Assistant Revisor  
Re: 2013 SB 57 and SB 230  
Date: 10/11/13

MEMORANDUM

Senate bill No. 57, as introduced, contained provisions concerning the Kansas pet animal act, the national poultry improvement plan and domesticated deer. The senate committee on agriculture amended the bill as Substitute for SB 57 and removed all of the pet animal act provisions. The remaining provisions (New Sec. 2., New Sec. 3., Sec 4., and Sec. 17) were passed in Substitute for SB 57 last session.

Senate bill No. 230 was introduced by the committee on ways and means and was referred to the senate committee on agriculture. No action was taken on the bill during the 2013 session and the bill remains in the senate committee on agriculture. This memo compares the major pet animal act amendments in SB 57 with those in SB 230.

Senate Bill 57:

**[New Section 1.]**

The bill establishes a new licensing category known as rescue networks. Each licensed rescue network shall designate a manager who carries out the duties of:

- Approving membership to the rescue network;
- Supervising intake of animals into the rescue network;
- Monitoring members of the rescue network to ensure they are abiding by all relevant laws and rules and regulations; and
- Maintaining on such rescue network manager's premises, records pertaining to the adoption, placement or other disposition of each animal receiving temporary care from the rescue network, membership of the rescue network and any other records required by law or rules and regulations.

Licensed rescue networks may host adoption events at locations other than the rescue network members' premises so long as all rescue network laws and rules and regulations are followed.

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Special Committee on Agriculture & Natural Resources  
October 11, 2013  
Attachment 2

Rescue network managers are responsible for subordinate rescue network members and shall keep records of all rescue network members housing animals and pay annually a fee of not more than \$50 to the department of agriculture for each rescue network member.

[Sec. 5.]

The bill adds new definitions for "wholesale breeder," "wholesale breeder premises," "foster home", "rescue network," "rescue network manager," and "rescue network member."

The definition of "adequate veterinary medical care" is amended to allow United States department of agriculture licensed breeders to use their USDA vet care forms to meet the adequate veterinary medical care requirement in this section. Such records shall be made available to Kansas department of agriculture inspectors for inspection or copying upon request and shall be maintained for three years.

The definition of "adequate watering" was amended to remove the specific 12-hour interval and replace it with "intervals suitable for animal species...to maintain the health and well-being of such animals."

[Sec. 6.]

The bill also allows animal shelters to host adoption events at locations other than the shelter so long as all shelter laws and rules and regulations are followed.

Animal shelters may utilize foster homes. Shelters are responsible for foster homes subordinate to them and shall keep records of all foster homes housing animals and pay annually a fee of not more than \$50 to the department of agriculture for each foster home.

[Sec. 7.]

The bill amends the inspection schedule for licensed premises. Premises shall be inspected based upon an inspection frequency schedule adopted by rules and regulations. Such frequency schedule may take into account the relative risk posed by the facilities to the health, safety and welfare of animals.

[Sec. 8.]

The bill states that the three-day holding period for animal shelters and rescue networks does not include the day the animal arrives and at the expiration of such holding period the rescue network manager shall have ownership of such animal and shall determine the method of disposition of such animal.

Animals may be euthanized by a licensed shelter or by a licensed veterinarian if it appears to a trained officer of such shelter or to the veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose.

[Sec. 9.]

The bill states that an animal control officer shall not be granted a license under the Kansas pet animal act instead of listing each individual license type.

[Sec. 10.]

The bill deletes language that states the animal health commissioner shall only adopt as rules and regulations for USDA licensed breeders and distributors, the federal regulations promulgated by the USDA pursuant to the federal animal welfare act.

[Sec. 11.]

The bill no longer permits the use of carbon monoxide chambers for purpose of euthanasia of dogs and cats.

[Sec. 12.]

License fee caps for all categories are increased in SB 57 as follows:

- Animal breeder with USDA license from \$200 to \$500
- Animal breeder without a USDA license from \$405 to \$750
- Out-of-state distributor from \$675 to \$750
- Hobby breeders and boarding or training premises operators from \$95 to \$250
- Animal shelter from \$300 to \$750

The late fee for a license or permit renewal is increased from a flat \$70 fee to a \$100 per month fee.

The "animal dealers fee fund" is renamed the "animal facilities fee fund."

Premises required to be licensed under multiple license categories shall be required to pay for the most expensive license and 70% of the license fee for each additional license.

If the commissioner determines that a premises is unlicensed, the commissioner may assess a civil penalty in an amount of up to three times the annual licensing fee.

[Sec. 14.]

The bill makes several changes to the Kansas pet animal advisory board.

- The number of board members would increase from 10 to 11 members. The new member of the board would be a licensed rescue network member.
- One member shall be an employee of a research facility licensed by the state, federal government or international entity.
- One member shall be a licensed wholesale breeder instead of an animal breeder as in current law.
- The secretary of agriculture is the appointing authority for the board instead of the governor.

- The animal health commissioner may determine additional meeting times of the board.
- Board members who are required to be licensed would no longer be required to be affiliated with or a member of an organized pet animal association.

[Sec. 15.]

This is a technical amendment to change the statutory reference of the Kansas pet animal act from specific sections to the entire provisions of article 17 of chapter 47 of the Kansas Statutes Annotated.

Additional amendments were made through the bill to eliminate the terms "kennel" and "pound" from the act.

Senate Bill 230:

[New Section 1.]

The bill establishes a new licensing category known as rescue networks with the same duties for rescue network managers as in SB 57 except that the term "rescue member" is replaced by "pet animal foster home" and the fee that pet animal foster homes must pay to the rescue network is capped at \$10 instead of the \$50 cap SB 57.

Rescue networks would be agents of the department of agriculture for the purpose of issuing pet animal foster licenses and would forward all approved pet animal foster home applications and remit all pet animal foster home license fees to the animal health commissioner with the entire amount deposited in the animal facilities fee fund.

*NOTE: An amendment would need to be added to SB 230 to change the fund name from "animal dealers fee fund" to "animal facilities fee fund." Please see subsection (e) of Sec. 12 in SB 57 (pages 11 and 12) for the necessary amendment. This was an oversight in the initial draft of the bill.*

Rescue networks may host adoption events at locations other than the rescue network licensed pet animal foster homes' premises so long as all rescue network laws and rules and regulations are followed.

[Sec. 2.]

The bill adds definitions to the Kansas pet animal act for "pet animal foster home," "rescue network," and "rescue network manager."

[Sec. 3.]

A pet animal foster home license is established. Animal shelters would be agents of the department of agriculture for the purpose of issuing pet animal foster home licenses. Each licensed pet animal foster home shall pay annually a fee of not more than \$10 to the animal shelter that issued such pet animal foster home a license. Animal shelters shall forward all approved pet animal foster home applications and remit all pet animal foster home license fees to the commissioner in the same manner as rescue networks are required to in section 1 of the bill.

Animal shelters may host adoption events at locations other than the shelter so long as all shelter laws and rules and regulations are followed.

[Sec. 4.]

Licensed premises, except for pet animal foster homes, shall be inspected annually, except that a premises that has passed two consecutive annual inspections without any violations, shall then be inspected once every 18 months. A premises subject to an 18-month inspection schedule that subsequently commits a violation shall return to an annual inspection schedule until such time as the premises passes two consecutive annual inspections.

Licensed pet animal foster homes shall be inspected only upon receipt of a complaint to the commissioner.

The following is a comparison table of the major provisions of SB 57 and SB 230.

Provision	SB 57	SB 230
Rescue networks	<p>Establishes new licensing category and duties for rescue network managers.</p> <p>Allows licensed rescue networks to host off-site adoption events so long as all rescue network laws and rules and regulations are followed.</p> <p>Requires all rescue network managers to be responsible for rescue network members and keep records of all members.</p> <p>Annual license fee is capped at <u>\$50</u> per rescue member paid to the department of agriculture.</p>	<p>Establishes new licensing category and duties for rescue network managers.</p> <p>Changes "rescue network member" to "pet animal foster home."</p> <p>Allows licensed rescue networks to host off-site adoption events so long as all rescue network laws and rules and regulations are followed.</p> <p>Annual license fee is capped at <u>\$10</u> per pet animal foster home.</p> <p>Rescue networks agents of department of agriculture for purpose of issuing pet animal foster home licenses.</p>
Animal shelters	<p>Animal shelters may utilize foster homes.</p> <p>Allows animal shelters to host off-site adoption events so long as all shelter laws and rules and regulations are followed.</p> <p>Annual license fee is capped at <u>\$50</u> for each foster home.</p>	<p>Animal shelters shall be agents of the department of agriculture for the purpose of issuing pet animal foster home licenses.</p> <p>Annual license fee is capped at <u>\$10</u> for pet animal foster homes.</p> <p>Animal shelters agents of department of agriculture for the purpose of issuing pet animal foster home licenses.</p>

Inspection schedule	Premises shall be inspected based upon an inspection frequency schedule adopted by rules and regulations and such schedule may take into account the relative risk posed by facilities to the health, safety and welfare of animals.	Premises shall be inspected annually, except that premises that pass two consecutive inspections without violations shall then be inspected once every 18 months.  Licensed pet animal foster homes shall be inspected only upon receipt of a complaint to the animal health commissioner.
Pet animal foster homes	Not in bill	New license category established.  Animal shelters and rescue networks shall be agents of the department of agriculture for the purpose of issuing pet animal foster home licenses.
License fees and penalties	Fee caps for each license category are increased.  Fee for temporary closing permit eliminated.  Late fee for renewal amended to \$100 per month from a flat \$70.  Premises licensed under multiple categories required to pay for the most expensive license and 70% of the license fee for each additional license.  Unlicensed premises may be assessed a civil penalty in an amount up to three times the annual licensing fee.	Not in bill

Pet animal advisory board	<p>Adds one board member from a licensed rescue network for a total membership of 11.</p> <p>Members appointed by secretary of agriculture instead of governor.</p> <p>Board members required to be licensed are no longer required to be affiliated with or a member of an organized pet animal association.</p>	Not in bill
USDA rules and regs	Strikes language limiting state rules and regulations for USDA licensed breeders and distributors to the federal rules and regulations promulgated by the USDA pursuant to the federal animal welfare act.	Not in bill
Euthanasia	Carbon monoxide chambers no longer permitted as euthanasia method for dogs and cats.	Not in bill
Definitions	New definitions for "wholesale breeder," "wholesale breeder premises," "foster home," "rescue network," "rescue network manager" and "rescue network member."	New definitions for "pet animal foster home," "rescue network" and "rescue network manager."