

SESSION OF 2005

**SUPPLEMENTAL NOTE ON  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 288**

As Amended by House Committee on  
Appropriations

**Brief\***

House Substitute for SB 288 would amend a section of the Kansas Pet Animal Act to establish new maximum fees for the various licenses and permits issued by the Kansas Animal Health Department.

Those new maximum fees are as follows.

For a license for a premise licensed under the federal Animal Welfare Act .....	\$200
For a license for a premise not licensed under the federal Animal Welfare Act .....	\$405
For a temporary closing permit .....	\$95
For an out-of-state distributor permit .....	\$675
For a hobby breeder license or kennel operator license .....	\$95
Late fee .....	\$70

In addition, the bill would create a new license category for animal shelters and pounds, with a fee not to exceed \$300.

The bill also would add a provision that would allow federally licensed retail breeders to opt out of the state program. If a valid complaint is filed on a licensee that has opted out of the state program,

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

the Animal Health Department would be allowed to inspect the licensee. Upon the licensee failing the state inspection, the licensee would be required to permanently return to the state program, and would not be allowed to only be licensed under the federal program.

## **Background**

At the hearing on the bill, the spokesperson from Kansas Animal Health Department (KAHD) stated that the proposed changes were a result of surveys and other studies conducted by the Pet Animal Advisory Board. The spokesperson also stated that the maximum fees were proposed to be raised because of budget shortfalls and that the agency is no longer able to adequately perform its duties because of the lack of funds. Other proponents of the bill included representatives of the Lawrence Humane Society and Kansas Pet Professionals. Also appearing as proponents were several industry representatives. Several other proponents submitted written testimony. Opponents included several representatives from the Kansas Federation of Animal Owners. Several other individuals appeared in opposition to the bill.

The Senate Committee on Agriculture amended the bill to:

- Delete new authority for the Livestock Commissioner to adopt rules and regulations for USDA licensed animal distributors and animal breeders and their associated premises dealing with all aspects of the federal Animal Welfare Act. (Current law only permits the Kansas Livestock Commissioner to promulgate rules and regulations associated with the standards of facilities under the federal Animal Welfare Act.)
- Delete the proposed increase in the late fee for any person whose permit or license renewal is late. This new maximum fee would have been \$100. In current law, there is a grace period of 45 days for late payment. The original bill would have eliminated this grace period.
- Delete a new provision which would prevented the use of public money for certain travel and associated subsistence.

The Agriculture and Natural Resources Budget Committee held a hearing on HB 2395. At the hearing on the bill, the Kansas Animal Health Department, Kansas Veterinary Medical Association, and several representatives of the pet industry appeared as proponents of the bill. Opponents included several representatives of the pet industry.

The original HB 2395 increased the fees charged under the Kansas Pet Animal Act by 25 percent. Recommended amendments by the Budget Committee included increasing the fees by 35 percent, and creating a new license category for animal shelters and pounds. The Budget Committee also recommended adding a provision allowing federally licensed retail breeders to opt out of the state program, including certain conditions where a breeder would not be allowed to opt out.

The House Committee on Appropriations amended the bill with the provisions recommended by the Budget Committee, and recommended that the provisions of HB 2395, as amended, be substituted for SB 288.

The fiscal note on the original SB 288 states that passage would result in total additional revenue of \$84,536 presuming the fees are raised to the new limit. It goes on to state that the portion credited to the State General Fund would be \$16,907, so the agency's net increase to its fee fund would be \$67,629.

The fiscal note on the original HB 2395 states that passage would result in total additional revenue of \$50,915 presuming the fees are raised to the new limit. Of this amount, \$16,907 would be credited to the State General Fund, making the agency's net increase to its fee fund \$40,732.