

HOUSE BILL No. 2528

By Committee on Appropriations

3-17

9 AN ACT concerning animals; abolishing the animal health department;
10 creating the animal health division within the department of agricul-
11 ture; transferring certain powers and duties of the livestock commis-
12 sioner and the animal health department of the Kansas department of
13 agriculture; amending K.S.A. 47-239, 47-414a, 47-416, 47-416a, 47-
14 417, 47-418a, 47-420, 47-422, 47-428, 47-429, 47-432, 47-433, 47-434,
15 47-435, 47-441, 47-442, 47-446, 47-448, 47-605, 47-607, 47-607a, 47-
16 607d, 47-608, 47-610, 47-612, 47-613, 47-616, 47-618, 47-619, 47-620,
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18 47-632, 47-632a, 47-633a, 47-634, 47-635, 47-646a, 47-650, 47-651,
19 47-653, 47-653a, 47-653b, 47-653d, 47-653e, 47-653f, 47-653h, 47-
20 654, 47-655, 47-657, 47-658a, 47-658b, 47-660, 47-666, 47-667, 47-
21 673, 47-1001, 47-1001e, 47-1501, 47-1506, 47-1511, 47-1701, 47-1702,
22 47-1703, 47-1704, 47-1706, 47-1707, 47-1709, 47-1712, 47-1713, 47-
23 1715, 47-1719, 47-1720, 47-1723, 47-1727, 47-1735, 47-1804, 47-1808,
24 47-1832, 65-171i, 66-1319, 75-1901 and 75-1903 and K.S.A. 2004
25 Supp. 47-417a, 47-437, 47-611, 47-624, 47-672, 47-816, 47-1008, 47-
26 1011a, 47-1201, 47-1218, 47-1302, 47-1303, 47-1304, 47-1307, 47-
27 1503, 47-1706a, 47-1721, 47-1805, 47-1809, 47-1831 and 47-2101 and
28 repealing the existing sections; also repealing K.S.A. 74-4002 and 75-
29 3142 and K.S.A. 2004 Supp. 74-4001.

30

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

32 New Section 1. (a) The Kansas animal health department established
33 by K.S.A. 75-1901 is hereby abolished.

34 New Sec. 2. (a) On the effective date of this act, the division of ani-
35 mal health is hereby established within the Kansas department of agri-
36 culture. The division of animal health shall be a continuation of the Kansas
37 animal health department and the director of animal health shall be a
38 continuation of the livestock commissioner of the Kansas animal health
39 department.

40 (b) Except as otherwise provided by this order, all of the powers,
41 duties and functions of the existing Kansas animal health department and
42 the existing livestock commissioner of the Kansas animal health depart-
43 ment are hereby transferred to and imposed upon the Kansas department

1 of agriculture and the secretary of agriculture, respectively.

2 New Sec. 3. (a) The Kansas department of agriculture and the sec-
3 retary of agriculture shall be the successor in every way to the powers,
4 duties and functions of the Kansas animal health department and the
5 livestock commissioner of the Kansas animal health department in which
6 the same were vested prior to the effective date of this act and that are
7 transferred pursuant to section 2. Every act performed in the exercise of
8 such transferred powers, duties and functions by or under the authority
9 of the secretary of agriculture shall be deemed to have the same force
10 and effect as if performed by the Kansas animal health department and
11 the livestock commissioner of the Kansas animal health department in
12 which such powers, duties and functions were vested prior to the effective
13 date of this act.

14 (b) Whenever the Kansas animal health department or the livestock
15 commissioner of the Kansas animal health department, or words of like
16 effect, are referred to or designated by a statute, contract, memorandum
17 of understanding, plan, grant, waiver or other document and such ref-
18 erence is in regard to any of the powers, duties or functions transferred
19 to the secretary of agriculture pursuant to section 2 of this act, such ref-
20 erence or designation shall be deemed to apply to the secretary of
21 agriculture.

22 (c) All rules and regulations, orders and directives of the livestock
23 commissioner of the Kansas animal health department that relate to the
24 functions transferred by section 2 of this act and that are in effect on the
25 effective date of this act shall continue to be effective and shall be deemed
26 to be rules and regulations, orders and directives of the secretary of ag-
27 riculture until revised, amended, revoked or nullified pursuant to law.

28 New Sec. 4. The Kansas department of agriculture shall succeed to
29 all property, property rights and records that were used for or pertain to
30 the performance of powers, duties and functions transferred to the de-
31 partment of agriculture pursuant to section 2. Any conflict as to the
32 proper disposition of property, personnel or records arising under this
33 order shall be determined by the governor, whose decision shall be final.

34 New Sec. 5. Whenever the Kansas animal health department, or
35 words of like effect, are referred to or designated by a statute, contract,
36 plan, grant, waiver or other document, and such reference or designation
37 is in regard to any function, power or duty other than those powers, duties
38 and functions that are transferred to the secretary of agriculture under
39 section 2 of this act, such reference or designation shall be deemed to
40 apply to the secretary of agriculture.

41 New Sec. 6. (a) On the effective date of this act, the balances of all
42 funds or accounts thereof appropriated or reappropriated for the Kansas
43 animal health department that relate to the powers, duties and functions

1 of the Kansas animal health department are hereby transferred within
2 the state treasury to the Kansas department of agriculture and shall be
3 used only for the purpose for which the appropriation was originally
4 made.

5 New Sec. 7. (a) (1) All officers and employees of the Kansas animal
6 health department who, immediately prior to the effective date of this
7 act, are engaged in the exercise and performance of the powers, duties
8 and functions transferred to the secretary of agriculture by section 2 of
9 this act are transferred to the Kansas department of agriculture on the
10 effective date of this act or on a later date or dates determined by the
11 secretary of agriculture.

12 (2) All officers and employees of the Kansas animal health depart-
13 ment who are determined by the secretary of agriculture to be engaged
14 in providing administrative, technical or other support services that are
15 essential to the exercise and performance of the powers, duties and func-
16 tions transferred by section 2 of this act, are transferred to the Kansas
17 department of agriculture on the effective date of this act or on a later
18 date or dates determined by the secretary of agriculture.

19 (3) All classified employees transferred under this subsection (a) shall
20 retain their status as classified employees. Thereafter, the secretary of
21 agriculture may convert vacant classified positions to positions that are
22 not classified as otherwise provided by law.

23 (b) Officers and employees of the Kansas animal health department
24 transferred by this act shall retain all retirement benefits and leave bal-
25 ances and rights that had accrued or vested prior to the date of transfer.
26 The service of each such officer and employee so transferred shall be
27 deemed to have been continuous. Any subsequent transfers, layoffs or
28 abolition of classified service positions under the Kansas civil service act
29 shall be made in accordance with the civil service laws and any rules and
30 regulations adopted thereunder. Nothing in this order shall affect the
31 classified status of any transferred person employed by the Kansas animal
32 health department prior to the date of transfer.

33 (c) Liability for accrued compensation or salaries of each officer and
34 employee who is transferred to the Kansas department of agriculture
35 under this act shall be assumed and paid by the Kansas department of
36 agriculture on the effective date of this act or on the date of the transfer,
37 whichever is later.

38 (d) When any conflict arises as to the disposition of any property,
39 power, duty or function or the unexpended balance of any appropriation
40 as a result of any abolition or transfer made by or under the authority of
41 this act, such conflict shall be resolved by the governor, whose decision
42 shall be final.

43 New Sec. 8. (a) No suit, action, or other proceeding, judicial or ad-

1 ministrative, that is lawfully commenced or that could have been lawfully
2 commenced, by or against any state agency or program mentioned in this
3 act, or by or against any officer of the state in such officer's official capacity
4 or in relation to the discharge of such officer's official duties, shall abate
5 by reason of the governmental reorganization effected under the provi-
6 sions of this act. The court may allow any such suit, action or other pro-
7 ceeding to be maintained by or against the successor of any such state
8 agency or any officer affected.

9 (b) No criminal action that is commenced or that could have been
10 commenced by the state shall abate by the taking effect of this act.

11 Sec. 9. K.S.A. 47-239 is hereby amended to read as follows: 47-239.
12 The notice for the sale of the stray shall be published for one ~~(1)~~ issue in
13 a publication or publications having general circulation in the area where
14 ~~said such~~ stray was taken up, which notice shall describe the stray animal
15 by stating the kind, sex, age, and brands. The notice shall not contain any
16 statement as to the color of the stray animal, or as to any marks or other
17 distinguishing features, and it shall not contain the name or address of
18 the taker-up of such animal. Out of the proceeds from the sale of ~~said~~
19 ~~such~~ stray animal, the sheriff shall pay the taker-up of such animal, rea-
20 sonable compensation for his keeping and feeding of the same, and the
21 sheriff shall pay all costs of the stray proceedings. ~~Any~~ *The balance of any*
22 ~~proceeds remaining in the hands of~~ *retained by* the sheriff after payment
23 of feeding and sale costs, shall be paid by ~~him~~ *such sheriff* to the treasurer
24 of the county in which the stray animal was taken up. Such funds shall
25 be placed by the county treasurer in a special stray fund.

26 At any time prior to the expiration to six ~~(6)~~ months following the date
27 of such deposit with the county treasurer, a claimant may appear before
28 the sheriff and submit evidence of ownership of ~~said such~~ stray animal.
29 If such evidence is acceptable and satisfactory to the sheriff and to the
30 ~~state livestock commissioner~~ *secretary of agriculture* or ~~his~~ *such secre-*
31 *tary's* authorized representative, for purpose of establishing ownership of
32 ~~said such~~ stray animal, the sheriff shall direct the county treasurer to
33 disburse the remainder of the proceeds from the sale of ~~said such~~ stray
34 animal to ~~said such~~ claimant.

35 Upon the expiration of a period of six ~~(6)~~ months following the receipt
36 of deposit of proceeds from the sale of any stray animal, without any such
37 directive having been received from the sheriff, the county treasurer shall
38 pay the remaining proceeds to the livestock commissioner to be remitted,
39 deposited and credited as provided by K.S.A. 47-417a, *and amendments*
40 *thereto*.

41 Sec. 10. K.S.A. 47-414a is hereby amended to read as follows: 47-
42 414a. ~~(a)~~ Whenever in any statutes of this state the terms "livestock brand
43 commissioner" or "brand commissioner" are used, or the term "commis-

1 sioner” is used to refer to the livestock brand commissioner, such terms
2 shall be construed to mean the livestock commissioner appointed by the
3 ~~Kansas animal health board~~ *secretary of agriculture* pursuant to K.S.A.
4 75-1901, and amendments thereto.

5 ~~(b) Whenever the term “board” is used in the acts contained in K.S.A.~~
6 ~~47-414 to 47-433, inclusive, and any acts amendatory thereof, such term~~
7 ~~shall be construed to mean the Kansas animal health board created in~~
8 ~~K.S.A. 74-4001.~~

9 Sec. 11. K.S.A. 47-416 is hereby amended to read as follows: 47-416.
10 It shall be the duty of the ~~livestock commissioner~~ *secretary of agriculture*
11 to keep all books and records and to record all brands used for the brand-
12 ing or marking of livestock in Kansas. The ~~commissioner~~ *secretary of*
13 *agriculture* shall receive applications for the recording of any and all
14 brands and the ~~commissioner~~ *secretary of agriculture* shall decide on the
15 availability and desirability of any brand or brands sent in for recording.

16 The ~~commissioner~~ *secretary of agriculture* may appoint an assistant
17 commissioner in charge of brands and brand inspectors, special investi-
18 gators, examiners, deputy assistants and employees necessary to carry out
19 the provisions of the acts contained in article 4 of chapter 47 of the Kansas
20 Statutes Annotated, and any acts amendatory thereof, ~~subject to approval~~
21 ~~of the board.~~

22 Sec. 12. K.S.A. 47-416a is hereby amended to read as follows: 47-
23 416a. Each special investigator, appointed by the ~~livestock commissioner~~
24 *secretary of agriculture*, pursuant to K.S.A. 47-416 and amendments
25 thereto shall have the authority to make arrests, conduct searches and
26 seizures and carry firearms while investigating violations of the provisions
27 of article 4 of chapter 47 of the Kansas Statutes Annotated and acts amen-
28 datory of the provisions thereof and supplemental thereto and while in-
29 vestigating livestock theft. The ~~director as defined in K.S.A. 74-5602 and~~
30 ~~amendments thereto~~ *secretary of agriculture* is authorized to offer and
31 carry out a special course of instruction for special investigators perform-
32 ing law enforcement duties under authority of this section. Such special
33 investigators shall not carry firearms without having first successfully com-
34 pleted such special law enforcement training course.

35 Sec. 13. K.S.A. 47-417 is hereby amended to read as follows: 47-417.
36 (a) Any person may adopt a brand for the purpose of branding livestock
37 in accordance with authorized rules and regulations of the ~~livestock com-~~
38 ~~missioner of the Kansas animal health department~~ *secretary of agricul-*
39 *ture*. Such person shall have the exclusive right to use such brand in this
40 state, after registering such brand with the ~~livestock commissioner~~ *sec-*
41 *retary of agriculture*.

42 (b) Any person desiring to register a livestock brand shall forward to
43 the ~~commissioner~~ *secretary of agriculture* a facsimile of such brand and

1 shall accompany the same with the registration fee in the amount pro-
2 vided under this section. Each person making application for the regis-
3 tering of a livestock brand which is available shall be issued a certificate
4 of brand title which shall be valid for a period ending four years subse-
5 quent to the next April 1, following date of issuance.

6 (c) For the purpose of revising the brand records, the ~~livestock com-~~
7 ~~missioner~~ *secretary of agriculture* shall collect a renewal fee in the amount
8 provided under this section on all brands upon which recording period
9 expires. Any person submitting such renewal fee shall be entitled to a
10 renewal of registration of such person's livestock brand for a five-year
11 period from the date of expiration of registration of such person's livestock
12 brand as shown by such person's last certificate of brand title.

13 (d) The livestock brand of any person whose registration expires and
14 who fails to pay such renewal fee within a grace period of 60 days after
15 expiration of the registration period shall be placed in a delinquency
16 status. The use of a delinquent brand shall be unlawful. If the owner of
17 any delinquent registered brand the registration of which has expired fails
18 to renew registration of such brand within 120 days after such brand
19 became delinquent, such failure shall constitute an abandonment of all
20 claim to any property right in such brand.

21 (e) Upon the expiration of such delinquency period without any re-
22 quest for renewal and required remittance from the last record owner of
23 a brand, or such owner's heirs, legatees or assigns, and with the termi-
24 nation of property rights by abandonment, the ~~livestock commissioner~~
25 *secretary of agriculture* is authorized to receive and accept an application
26 for such brand to the same extent as if such brand had never been issued
27 to anyone as a registered brand.

28 (f) The ~~livestock commissioner~~ *secretary of agriculture* shall deter-
29 mine annually the amount of funds which will be required for the pur-
30 poses for which the brand registration and renewal fees are charged and
31 collected and shall fix and adjust from time to time each such fee in such
32 reasonable amount as may be necessary for such purposes, except that in
33 no case shall either the brand registration fee or the renewal fee exceed
34 \$55. The amounts of the brand registration fee and the renewal fee in
35 effect on the day preceding the effective date of this act shall continue
36 in effect until the ~~livestock commissioner~~ *secretary of agriculture* fixes
37 different amounts for such fees under this section.

38 Sec. 14. K.S.A. 2004 Supp. 47-417a is hereby amended to read as
39 follows: 47-417a. (a) The ~~livestock commissioner~~ *secretary of agriculture*
40 may, when brand inspectors or examiners are available, provide brand
41 inspection. When brand inspection is requested and provided, the ~~live-~~
42 ~~stock commissioner~~ *secretary of agriculture* shall charge and collect from
43 the person making the request, a brand inspection fee of not to exceed

1 \$.75 per head on cattle and \$.05 per head on sheep and other livestock.
2 No inspection charge shall be made or collected at any licensed livestock
3 market where brand inspection is otherwise available.

4 (b) The ~~livestock commissioner~~ *secretary of agriculture* shall remit
5 all moneys received under the statutes contained in article 4 of chapter
6 47 of the Kansas Statutes Annotated, and amendments thereto, except
7 K.S.A. 47-434 through 47-445, and amendments thereto, to the state trea-
8 surer in accordance with the provisions of K.S.A. 75-4215, and amend-
9 ments thereto. Upon receipt of each such remittance, the state treasurer
10 shall deposit the entire amount in the state treasury to the credit of the
11 livestock brand fee fund. All expenditures from such fund shall be made
12 in accordance with appropriation acts upon warrants of the director of
13 accounts and reports issued pursuant to vouchers approved by the ~~live-~~
14 ~~stock commissioner~~ *secretary of agriculture* or by a person or persons
15 designated by the ~~commissioner~~ *secretary*.

16 Sec. 15. K.S.A. 47-418a is hereby amended to read as follows: 47-
17 418a. Any person who willfully brands or causes to be branded any cattle
18 in any manner other than as required or authorized by K.S.A. 47-418 and
19 amendments thereto or as required by the laws of this state and the rules
20 and regulations of the ~~livestock commissioner~~ *secretary of agriculture*, or
21 any person who falsely brands or causes to be falsely branded any cattle
22 in such a manner as to incorrectly designate the disease control identifi-
23 cation or ownership of livestock, shall be deemed guilty of a class A *non-*
24 *person* misdemeanor.

25 Sec. 16. K.S.A. 47-420 is hereby amended to read as follows: 47-420.
26 (a) It shall be unlawful for any person to use any brand for branding any
27 livestock unless such brand has been duly registered in the office of the
28 ~~livestock commissioner~~ *secretary of agriculture* at Topeka, except: (1) The
29 use of a single numeral digit (0 to 9) in conjunction with the registered
30 brand of the owner may be used, for the purpose of determining the age
31 of the branded animal, such number to be applied at least six inches from
32 such registered brand; (2) the use of serial numbers in conjunction with
33 the registered brand of the owner may be used for the purpose of iden-
34 tifying individual animals, such numbers to be applied at least six inches
35 from the registered brand; (3) the use of numbers in conjunction with
36 the registered brand of the owner may be used for the purpose of iden-
37 tifying herds of the same owner for feeding or experimental purposes,
38 such numbers to be applied at least six inches from the registered brand;
39 and (4) the use of a digital system of branding livestock may be used for
40 the purpose of identifying animals in a licensed feedlot. Such feedlot
41 brand may be used in conjunction with the registered brand of the owner,
42 such brand to be applied at least six inches from such registered brand
43 or may be used on animals which are not branded with a registered brand

1 of the owner, subject to conditions, limitations and requirements appli-
2 cable to the use of a feedlot brand as prescribed in K.S.A. 47-446, and
3 amendments thereto. The age, serial, herd or feedlot brand shall not be
4 construed as a part of the registered brand, and the use of such numeral
5 or numerals in conjunction with a registered brand shall not be unlawful.
6 Before any person uses any such serial or herd brand in conjunction with
7 a registered brand, such person shall first obtain a permit from the ~~live-~~
8 ~~stock commissioner~~ *secretary of agriculture* authorizing such use.

9 (b) The ~~livestock commissioner~~ *secretary of agriculture* is authorized
10 to receive applications for permits for such serial or herd brands and issue
11 permits thereon. All applications for such permits shall be accompanied
12 by a permit fee of \$1.50. No such fee shall be required if the application
13 for such permit is submitted in conjunction with an original application
14 for the registered brand or in conjunction with a request for renewal of
15 registration of a registered brand.

16 Sec. 17. K.S.A. 47-422 is hereby amended to read as follows: 47-422.
17 Any brand recorded with the Kansas ~~animal health board~~ *department of*
18 *agriculture* in compliance with the requirements of this act shall be the
19 property of the person causing such record to be made and shall be sub-
20 ject to sale, assignment, transfer, devise, and descent as other personal
21 property. Instruments of writing evidencing the sale, assignment or trans-
22 fer of such brand shall be recorded by the ~~livestock commissioner~~ *sec-*
23 *retary of agriculture*, and the fee for recording such instruments of writ-
24 ing shall be \$15. Such instruments shall have the same force and effect
25 as recorded instruments affecting real estate, and a certified copy of the
26 record of any such instrument may be introduced in evidence the same
27 as is now provided for certified copies of instruments affecting real estate.
28 Any brand recorded with the ~~Kansas animal health department~~ *Kansas*
29 *department of agriculture* shall not be used by any person other than the
30 recorded owner. Any person violating any provision of this section shall
31 be guilty of a class C *nonperson* misdemeanor.

32 Sec. 18. K.S.A. 47-428 is hereby amended to read as follows: 47-428.
33 The ~~livestock commissioner~~ *secretary of agriculture* and the ~~commis-~~
34 ~~sioner's secretary's~~ deputies or assistants are hereby authorized to enter
35 upon any private lands to make any inspections necessary for the purpose
36 of carrying out the provisions of this act or any of the provisions of article
37 4 of chapter 47 of the Kansas Statutes Annotated or any amendments
38 thereto. The ~~commissioner~~ *secretary of agriculture* and the ~~commis-~~
39 ~~sioner's secretary's~~ deputies or assistants may accept proof of ownership
40 of livestock from any person in possession of animals bearing the recorded
41 brands of another party as sufficient to exclude and exempt such animals
42 from being classified as stray animals under the provisions of this act.

43 Sec. 19. K.S.A. 47-429 is hereby amended to read as follows: 47-429.

1 All moneys received from the sale of branded stray livestock shall be paid
2 to the ~~state livestock commissioner~~ *secretary of agriculture*, regardless of
3 the provisions of article 2 of chapter 47 of the Kansas Statutes Annotated
4 and acts amendatory thereto, or any other provision of law relating to the
5 disposition of the moneys received from the sale of branded stray animals.
6 The ~~commissioner~~ *secretary of agriculture* or the ~~commissioner's~~ *sec-*
7 *retary's* deputies are hereby authorized and directed to receive and receipt
8 for all moneys received from the sale of branded stray livestock and shall
9 pay the same to the state treasurer, and the state treasurer shall credit
10 the amount so paid to the livestock brand fee fund.

11 Sec. 20. K.S.A. 47-432 is hereby amended to read as follows: 47-432.
12 There is hereby created a livestock brand emergency revolving fund for
13 the use of the ~~state livestock commissioner~~ *secretary of agriculture* for
14 the purpose of paying expenses and costs of establishing the ownership
15 of livestock which are mingled as a result of sudden or extreme storm
16 conditions or other unforeseen occurrences.

17 Sec. 21. K.S.A. 47-433 is hereby amended to read as follows: 47-433.
18 The livestock brand emergency revolving fund may be used to provide
19 for the compensation, subsistence and travel of emergency livestock
20 brand inspectors and other necessary temporary employees and to pro-
21 vide for such transactions which demand immediate attention. Emer-
22 gency livestock brand inspectors and other needed personnel may be
23 employed by the ~~livestock commissioner, Kansas animal health depart-~~
24 ~~ment~~ *Kansas department of agriculture*, or by the assistant commissioner
25 in charge of brands, on a temporary basis for services in the establishment
26 of the ownership of livestock which may have been mingled as a result
27 of sudden or extreme storm conditions, or other unforeseen occurrences.
28 Personnel employed under this act shall be in the unclassified service and
29 shall be exempt from the provisions of subsection (b) of K.S.A. 75-2935,
30 requirements of the civil service law and processing by the division of
31 personnel services of the department of administration. Such revolving
32 fund shall not be used to pay any regular employees, or for current ac-
33 counts, which are payable monthly. Advanced payments may be made
34 from such revolving fund by the ~~commissioner or assistant commissioner~~
35 *secretary of agriculture or the secretary's designee* for subsistence and
36 travel of employees and for other necessary emergency purposes when
37 deemed necessary. A settlement, based on an approved accounting for
38 any advance payments, shall be completed prior to the certification to the
39 director of accounts and reports for payment of any compensation earned.
40 ~~The assistant commissioner~~ *Employees of the department of agriculture*
41 *responsible for carrying out the provisions of this section* shall comply
42 with supplemental procedures as the ~~controller~~ *secretary of agriculture*
43 may require, but payments for services, subsistence and travel from the

1 livestock brand emergency revolving fund shall be made by voucher
2 method, showing periods of time worked.

3 Sec. 22. K.S.A. 47-434 is hereby amended to read as follows: 47-434.
4 As used in this act:

5 (a) ~~“Commissioner” means means the state livestock commissioner~~
6 *“Secretary” means the secretary of agriculture of the state of Kansas;*

7 (b) “brand inspection area” means any county which has been des-
8 ignated as such by the board of county commissioners of such county in
9 the manner provided by K.S.A. 47-435 and amendments thereto;

10 (c) “resident owner of cattle” means any resident of a county who has
11 owned one or more head of cattle at any time during the 12 preceding
12 months;

13 (d) “brand inspection” means the inspection of brands, marks, and
14 other identifying characteristics of cattle or sheep, or both, for the pur-
15 pose of determining the ownership thereof; and

16 (e) “person” means any individual, firm, association, partnership or
17 corporation.

18 Sec. 23. K.S.A. 47-435 is hereby amended to read as follows: 47-435.

19 (a) Whenever a petition is submitted to the board of county commission-
20 ers, signed by not less than 51% of the resident owners of cattle, as de-
21 termined by an enumeration taken and verified for this purpose by a
22 qualified elector of the county, requesting that the county be designated
23 a brand inspection area, it shall be the duty of the board of county com-
24 missioners, within 10 days after receipt of such petition, to make a de-
25 termination as to the sufficiency of the qualifications and numbers of
26 signers. If such petition is found sufficient the board shall adopt a reso-
27 lution declaring the county a brand inspection area, and shall immediately
28 file a certified copy of such resolution with the ~~livestock commissioner~~
29 *secretary of agriculture*. In every case, the date of filing of the certified
30 copy of the resolution of the board of county commissioners declaring
31 the county a brand inspection area with the ~~commissioner~~ *secretary* shall
32 be the date the county shall qualify as a brand inspection area.

33 (b) Any and all counties which have been so designated as a brand
34 inspection area, and which are adjacent to and contiguous with other
35 counties so designated, shall be and constitute a part of a basic brand
36 inspection area. From and after the effective date of this act, the counties
37 of Hamilton, Kearny and Wichita shall be and are hereby designated and
38 declared to be a part of a basic brand inspection area. Such basic brand
39 inspection area shall be subject to enlargement by the addition of other
40 contiguous counties.

41 (c) Whenever a petition is submitted to the board of county com-
42 missioners, signed by not less than 51% of the resident owners of cattle,
43 as determined by an enumeration taken and verified for this purpose by

1 a qualified elector of the county, requesting that the county no longer be
2 designated a brand inspection area and that its status as a brand inspection
3 area be terminated, it shall be the duty of the board of county commis-
4 sioners, within 10 days after receipt of such petition, to make a deter-
5 mination as to the sufficiency of the qualifications and numbers of signers.
6 If such petition is found sufficient the board shall adopt a resolution
7 declaring that the county is no longer a brand inspection area, and shall
8 immediately file a certified copy of such resolution with the ~~livestock~~
9 ~~commissioner~~ *secretary of agriculture*. Thereupon the county shall be
10 terminated as a brand inspection area, but the termination as a brand
11 inspection area by a county within a basic brand inspection area shall not
12 affect the existence of such basic brand inspection area as to the remain-
13 ing counties therein.

14 Sec. 24. K.S.A. 2004 Supp. 47-437 is hereby amended to read as
15 follows: 47-437. (a) The ~~livestock commissioner~~ *secretary of agriculture*
16 shall charge and collect a fee of not to exceed \$.75 per head on all cattle
17 and not to exceed \$.05 per head on all sheep inspected in brand inspection
18 areas of the state. In addition to the per head fee, the ~~livestock commis-~~
19 ~~sioner~~ *secretary of agriculture* may charge and collect an on-site inspec-
20 tion fee and a mileage fee for each mile necessarily and actually traveled
21 in going to and returning from the place of inspection. The ~~livestock~~
22 ~~commissioner~~ *secretary of agriculture*, when brand inspectors are avail-
23 able, may provide brand inspection in other areas where brand inspection
24 is requested and the ~~commissioner~~ *secretary* shall charge and collect in-
25 spection fees in the same manner as prescribed for the collection of such
26 fees in brand inspection areas. The owner or seller of cattle or sheep
27 inspected shall be responsible for the payment of the inspection fees and
28 such fees shall be collected in such manner as the ~~livestock commissioner~~
29 *secretary of agriculture* shall prescribe or authorize by rule or regulation.

30 (b) When the ~~livestock commissioner~~ *secretary of agriculture* deter-
31 mines that the fees collected under this section are yielding more than is
32 required for the purposes for which such fees are collected, the ~~commis-~~
33 ~~sioner~~ *secretary* may reduce such fees for such period as the ~~commis-~~
34 ~~sioner~~ *secretary* deems justified. In the event the ~~livestock commissioner~~
35 *secretary of agriculture*, after reducing such fees, finds that sufficient
36 revenues are not being produced by the reduced fees to properly admin-
37 ister and enforce this act and acts of which this section is amendatory or
38 supplemental, the ~~commissioner~~ *secretary* may increase such fees to such
39 rate as will, in the ~~commissioner's~~ *secretary's* judgment, produce suffi-
40 cient revenue for the purposes provided in this section, but not exceeding
41 \$.75 per head on cattle and not to exceed \$.05 per head on sheep.

42 (c) The ~~livestock commissioner~~ *secretary of agriculture* shall remit all
43 moneys received under K.S.A. 47-434 through 47-445, and amendments

1 thereto, to the state treasurer in accordance with the provisions of K.S.A.
2 75-4215, and amendments thereto. Upon receipt of each such remittance,
3 the state treasurer shall deposit the entire amount in the state treasury
4 to the credit of the county option brand fee fund, except any amounts
5 received for brand inspection services of livestock outside of a county
6 option area. All expenditures from such fund shall be made in accordance
7 with appropriation acts upon warrants of the director of accounts and
8 reports issued pursuant to vouchers approved by the ~~livestock commis-~~
9 ~~sioner~~ *secretary of agriculture* or by a person or persons designated by
10 the ~~commissioner~~ *secretary*. All amounts received for inspection of live-
11 stock outside of a county option area shall be deposited to the credit of
12 the livestock brand fee fund.

13 Sec. 25. K.S.A. 47-441 is hereby amended to read as follows: 47-441.
14 It shall be unlawful for any person in any brand inspection area, including
15 the owner of cattle, the shipper, motor carrier, railroad company, other
16 carrier or corporation, or the agent or servant of any such person, carrier
17 or corporation, to move, drive, ship or transport, in any manner, any cattle
18 from any point in a brand inspection area, to any point outside such area
19 other than another brand inspection area, unless such cattle shall have
20 first been inspected for brands by the ~~state livestock commissioner~~ *sec-*
21 *retary of agriculture*, the ~~commissioner's~~ *secretary's* inspectors or exam-
22 iners, or some person deputized by the ~~commissioner~~ *secretary* to per-
23 form such inspection, unless such cattle are accompanied by a brand
24 inspection certificate. The ~~livestock commissioner~~ *secretary of agriculture*
25 and the ~~commissioner's~~ *secretary's* inspectors and deputies may give per-
26 mission for such movement of cattle without inspection when: (1) There
27 is no change of ownership involved; or (2) shipment of such cattle is to a
28 market where Kansas brand inspection is maintained. No such inspection
29 shall be required in any case where any such cattle are being moved from
30 a feedlot the operator of which has been licensed pursuant to K.S.A. 47-
31 1503 and amendments thereto. It shall be unlawful for any motor carrier,
32 railroad company or other carrier transporting any cattle from any brand
33 inspection area to any market to permit the owner, the shipper or the
34 party in charge of cattle to change the billing from consignment point to
35 a point other than to a market where Kansas brand inspection is main-
36 tained, unless such carrier has or first secures an authorized brand in-
37 spection certificate for such cattle.

38 Sec. 26. K.S.A. 47-442 is hereby amended to read as follows: 47-442.
39 It shall be unlawful for any person in any brand inspection area to move
40 any cattle within such area unless such cattle have been first inspected
41 for brands by the ~~livestock commissioner~~ *secretary of agriculture* or the
42 ~~commissioner's~~ *secretary's* inspectors or deputies except that cattle may
43 be moved without such inspection when: (1) cattle are moved to a market

1 where Kansas brand inspection is maintained; or (2) cattle are moved
2 from a feedlot the operator of which has been licensed pursuant to K.S.A.
3 47-1503 and amendments thereto, except that when any such cattle are
4 moved to any such feedlot the same shall be inspected at the time they
5 enter such feedlot. The ~~livestock commissioner~~ *secretary of agriculture*
6 shall have the authority in any case where as a result of a natural or man-
7 made disaster cattle have strayed or have become mixed to conduct a one
8 time brand inspection of the cattle in any such feedlot. Any person who
9 purchases cattle from within a brand inspection area without receiving a
10 bill of sale and a brand inspection certificate shall be deemed as coun-
11 seling, aiding and abetting the seller in the unlawful sale of such livestock.

12 Sec. 27. K.S.A. 47-446 is hereby amended to read as follows: 47-446.
13 Feedlot brands may be lawfully applied to livestock which livestock are
14 not branded with a registered brand of the owner and which are in the
15 custody of, and upon the premises of, a feedlot operator licensed under
16 the provisions of article 15 of chapter 47 of the Kansas Statutes Annotated
17 and acts amendatory thereof or supplemental thereto, subject to the fol-
18 lowing conditions, limitations and requirements: (1) such feedlot brand
19 shall not be construed as evidence of ownership identification; (2) live-
20 stock which are branded with a feedlot brand shall be held by the licensed
21 feedlot operator under quarantine upon ~~said such~~ feed lot premises until
22 (a) released by ~~said such~~ feedlot operator for movement to slaughter or
23 (b) released by the ~~livestock commissioner~~ *secretary of agriculture*, or ~~his~~
24 *the secretary's* authorized representative, by issuance of a permit author-
25 izing such livestock to be moved from the feedlot premises for grazing
26 purposes; any such permit, if issued, shall be subject to the requirement
27 that such livestock, before release from licensed feedlot premises, shall
28 be branded with a registered brand of the owner of the livestock.

29 Sec. 28. K.S.A. 47-448 is hereby amended to read as follows: 47-448.
30 The ~~livestock commissioner~~ *secretary of agriculture* is authorized to enter
31 into reciprocity agreements with any ~~livestock commissioner~~ *secretary of*
32 *agriculture* or brand inspection agency of any other state or the United
33 States, for cooperation in the administration of brand inspection laws and
34 laws for the control, suppression and eradication of contagious diseases
35 among domestic animals.

36 The ~~livestock commissioner~~ *secretary of agriculture* may set and charge
37 fees for brand inspection of animals subject to any reciprocity agreement,
38 and such fees shall not be limited by or subject to the provisions of K.S.A.
39 47-417a or 47-437, *and amendments thereto*, or any other law prescribing
40 fees for brand inspection.

41 Sec. 29. K.S.A. 47-605 is hereby amended to read as follows: 47-605.
42 For the purpose of this act, the ~~livestock commissioner~~ *secretary of ag-*
43 *riculture or the secretary's designee* is hereby authorized and empowered

1 to administer oaths and affirmations.

2 Sec. 30. K.S.A. 47-607 is hereby amended to read as follows: 47-607.

3 (a) It shall be unlawful for any person or persons to bring, drive or trans-
4 port any cattle, calves, sheep, swine, horses, mules, goats, domesticated
5 deer, as defined in K.S.A. 47-1001, and amendments thereto, any creature
6 of the ratite family that is not indigenous to this state, including but not
7 limited to ostriches, emus and rheas, or any other animal that may be
8 used in the preparation of meat or meat products into the state of Kansas,
9 without first having caused such animal or animals to be inspected and
10 passed under certificate of health as required by the ~~livestock commis-~~
11 ~~sioner~~ *secretary of agriculture* of this state.

12 (b) All shipments and movements of livestock into the state of Kansas
13 upon a public highway shall be accompanied by any such certificates of
14 health or permits required by the ~~livestock commissioner~~ *secretary of*
15 *agriculture*. The ~~livestock commissioner~~ *secretary of agriculture* shall pre-
16 scribe, by rules and regulations, procedure whereby certificates of health
17 and other required statements and declarations may be submitted to the
18 ~~commissioner~~ *secretary* at the time of shipment.

19 (c) The ~~livestock commissioner~~ *secretary of agriculture* is authorized
20 to issue a special quarantine on such conditions as the ~~commissioner~~ *sec-*
21 *retary* deems necessary to prevent the spread of infectious and contagious
22 diseases in the state of Kansas and on the condition that, if any such
23 livestock upon inspection by an authorized veterinarian are found not to
24 be free and clear of infectious and contagious diseases, the same shall be:
25 (1) Forthwith disposed of by the owner or possessor thereof either by:
26 (A) Sale at a public market for immediate slaughter; (B) delivery at a
27 licensed disposal plant; or (C) return to place of origin; or (2) held by the
28 owner or possessor thereof under quarantine of and subject to the orders
29 and rules and regulations of the ~~livestock commissioner~~ *secretary of*
30 *agriculture*.

31 Sec. 31. K.S.A. 47-607a is hereby amended to read as follows: 47-
32 607a. When the ~~livestock commissioner~~ *secretary of agriculture* of this
33 state determines that a special permit is required to move any or all kinds
34 or species of livestock into or through the state of Kansas, the ~~livestock~~
35 ~~commissioner~~ *secretary of agriculture* may declare that no person or per-
36 sons, firm, corporation, railway, aerial or motor transportation company,
37 or individual owner of a truck, or the agents thereof, shall ship, trail,
38 permit to cross the state line or in any manner transport any class of
39 livestock into the state of Kansas from any other area, state or states
40 designated by the ~~livestock commissioner~~ *secretary of agriculture*, with-
41 out first obtaining a special permit, by wire, letter or telephone, from the
42 ~~livestock commissioner~~ *secretary of agriculture* at Topeka, Kansas. Such
43 special permit or the authorized permit number of such special permit

1 shall accompany such shipment of livestock into the state of Kansas.

2 Sec. 32. K.S.A. 47-607d is hereby amended to read as follows: 47-
3 607d. The ~~livestock commissioner~~ *secretary of agriculture* may adopt such
4 rules and regulations as necessary to carry out the purposes of this act.

5 Sec. 33. K.S.A. 47-608 is hereby amended to read as follows: 47-608.
6 The ~~livestock commissioner~~ *secretary of agriculture* is hereby authorized
7 and directed to cooperate with the secretary of agriculture of the United
8 States, or any officer or authority of the general government, in the sup-
9 pression and extirpation of contagious diseases among domestic animals
10 and in the enforcement and execution of all acts of congress to prevent
11 the importation and exportation of diseased animals and the spread of
12 infectious or contagious diseases among domestic animals.

13 Sec. 34. K.S.A. 47-610 is hereby amended to read as follows: 47-610.
14 The ~~state livestock commissioner~~ *secretary of agriculture* is hereby di-
15 rected to protect the health of domestic animals of the state from all
16 contagious or infectious diseases and for this purpose is hereby authorized
17 and empowered to establish, maintain and enforce such quarantine, sani-
18 tary and other regulations as necessary. If the ~~livestock commissioner~~
19 *secretary of agriculture* requires the assistance of technical knowledge,
20 experience or skill to carry out the duties of the ~~livestock commissioner~~
21 *secretary of agriculture*, the ~~livestock commissioner~~ *secretary of agricul-*
22 *ture* may command the services of any competent veterinarian or may
23 call upon the dean of the college of veterinary medicine, Kansas state
24 university at Manhattan, Kansas, for that purpose. In case the dean of the
25 college of veterinary medicine, Kansas state university is called, the dean
26 shall receive actual and necessary expenses in the performance of such
27 duties as full compensation for such services. If any other veterinarian is
28 employed, such veterinarian shall receive such actual and necessary ex-
29 penses and reasonable compensation for such services.

30 Sec. 35. K.S.A. 2004 Supp. 47-611 is hereby amended to read as
31 follows: 47-611. (a) When the ~~commissioner~~ *secretary of agriculture* de-
32 termines that a quarantine and other regulations are necessary to prevent
33 the spread among domestic animals of any contagious or infectious dis-
34 ease, the ~~commissioner~~ *secretary* shall notify the governor of such deter-
35 mination, and the governor shall issue a proclamation announcing the
36 boundary of such quarantine and the orders and rules and regulations
37 prescribed by the ~~commissioner~~ *secretary*, which proclamation shall be
38 published in the Kansas register, except that the ~~commissioner~~ *secretary*,
39 if the area affected by the quarantine is limited in extent, may dispense
40 with the proclamation of the governor and give such notice as the ~~com-~~
41 ~~missioner~~ *secretary* shall deem sufficient to make the quarantine
42 effective.

43 (b) Upon a determination by the governor that a quarantine or other

1 regulations are necessary to prevent the spread among domestic animals
2 of any contagious or infectious disease, the governor shall direct the ~~com-~~
3 ~~missioner~~ *secretary* to establish a quarantine pursuant to this section.

4 (c) The governor may require and direct the cooperation and assis-
5 tance of any state agency in enforcing such quarantine or other regulations
6 pursuant to subsection (a) or (b).

7 (d) The ~~commissioner~~ *secretary* shall establish such quarantine im-
8 mediately and shall give and enforce such directions, rules and regulations
9 as to separating, isolating, handling and treating, feeding and caring for
10 such diseased animals, animals exposed to the disease and animals within
11 the quarantine which have not been immediately exposed, as the ~~com-~~
12 ~~missioner~~ *secretary* deems necessary to prevent those classes of animals
13 from coming into contact with one another.

14 (e) The ~~livestock commissioner~~ *secretary of agriculture* or the ~~com-~~
15 ~~missioner's~~ *secretary's* designee is hereby authorized and empowered to
16 enter any grounds and premises to carry out the provisions of this act.

17 Sec. 36. K.S.A. 47-612 is hereby amended to read as follows: 47-612.
18 Whenever the ~~livestock commissioner~~ *secretary of agriculture* determines
19 that certain animals within the state are capable of communicating infec-
20 tious or contagious disease, the ~~commissioner~~ *secretary of agriculture* may
21 issue an order to the sheriff of the county or to any agent, inspector or
22 authorized representative of the ~~livestock commissioner~~ *secretary of ag-*
23 *riculture* in which such animals are found, commanding such individuals
24 to take into custody and keep such animals subject to such quarantine
25 regulations as the ~~livestock commissioner~~ *secretary of agriculture* may
26 prescribe, until such time as the ~~commissioner~~ *secretary* directs such
27 person to deliver such animals to their owner or owners or to the agent
28 of the owner or owners. Before any animals are delivered, there shall be
29 paid by the owner thereof to the ~~livestock commissioner~~ *secretary of*
30 *agriculture* all the costs and expenses of taking, detaining and holding and
31 caring for the animals. In case such costs and expenses are not paid at
32 the time fixed by the ~~livestock commissioner~~ *secretary of agriculture*, the
33 officer having custody of such animals shall advertise, in the same manner
34 as provided by law in case of sale of personal property on execution, that
35 the officer will sell such animals or such portion thereof as may be nec-
36 essary to pay such costs and expenses, together with the costs and ex-
37 penses of such sale, and at the time and place so advertised the officer
38 shall proceed to sell as many of the animals as may be necessary to pay
39 for such cost and expenses and the expenses of such sale. Upon such sale
40 the officer shall without delay pay to the owner any amount so received
41 in excess of the legal fees and expenses of such officer, and any officer
42 performing any of the duties directed in this section or any other section
43 of this act shall receive the same compensation therefor as is prescribed

1 by law for similar services. In case such fees cannot be collected by sale
2 of such stock, they shall be paid by the county in which such stock was
3 held.

4 Sec. 37. K.S.A. 47-613 is hereby amended to read as follows: 47-613.
5 The sheriff to whom the existence of any contagious or infectious disease
6 of domestic animals is reported shall proceed without delay to the place
7 where such domestic animal or animals are and examine the same, and
8 shall report immediately the result of such examination to the ~~livestock~~
9 ~~commissioner~~ *secretary of agriculture*. The sheriff shall enforce such tem-
10 porary quarantine regulations as the ~~livestock commissioner~~ *secretary of*
11 *agriculture* may direct to prevent the spread of such disease, until the
12 ~~livestock commissioner~~ *secretary of agriculture* provides and orders suit-
13 able permanent quarantine rules and regulations. No sheriff who takes
14 or detains such animals under the provisions of this act shall be liable to
15 the owner or owners of such animals for any damages by reason of such
16 taking or detention or by reason of the performance of any other duties
17 directed by law.

18 Sec. 38. K.S.A. 47-616 is hereby amended to read as follows: 47-616.
19 When any animal or animals are killed under the provisions of this act by
20 order of the ~~commissioner~~ *secretary of agriculture*, the owner of such
21 animal or animals shall be paid for such animal or animals such proportion
22 of the appraised value as fixed by the appraisement as provided by law.
23 The right of indemnity on account of animals killed by order of the ~~com-~~
24 ~~missioner~~ *secretary of agriculture* under the provisions of this act shall
25 not extend: (a) To animals killed on account of rabies; (b) to the owner
26 of animals which have been brought into the state in a diseased condition,
27 or from a state, country, territory or district in which the disease with
28 which the animal is infected or to which it has been exposed exists; (c) to
29 any animal which has been brought into the state in violation of any law
30 or quarantine regulations thereof, or the owner of which has violated any
31 of the provisions of this act or disregarded any rule and regulation or
32 order of the ~~livestock commissioner~~ *secretary of agriculture*; (d) to any
33 animal which came into the possession of the claimant with the claimant's
34 knowledge that such animal was diseased or was suspected of being dis-
35 eased or of having been exposed to any contagious or infectious disease;
36 nor (e) to any animal belonging to the United States.

37 Sec. 39. K.S.A. 47-618 is hereby amended to read as follows: 47-618.
38 The ~~commissioner~~ *secretary of agriculture* shall have power to call upon
39 any sheriff, undersheriff or deputy sheriff to execute his orders, and such
40 officers shall obey the orders of ~~said commissioner~~ *such secretary*, and
41 for performing such services shall receive mileage and fees as is now
42 provided for service in process in civil actions; and in addition thereto
43 shall receive for killing and disposing of diseased animals, in accordance

1 with the rules prescribed by the ~~livestock commissioner~~ *secretary of ag-*
2 *riculture*, the following fees: For the first animal, not to exceed ~~five dollars~~
3 ~~(\$5)~~ \$5; for each additional animal, not to exceed ~~two dollars (\$2)~~ \$2; but
4 in no case shall the amount exceed the actual cost of doing such work;
5 and such fees shall be paid by the board of county commissioners of the
6 county in which the services are rendered. Any such officer may arrest
7 on view and take before any judge of a court of competent jurisdiction
8 of the county any person found violating the provisions of this act, and
9 such officer shall immediately notify the county or district attorney of
10 such arrest, and he shall prosecute the person so offending according to
11 law.

12 Sec. 40. K.S.A. 47-619 is hereby amended to read as follows: 47-619.
13 The owner or owners of any stockyards doing business in this state, when
14 requested by the ~~livestock commissioner~~ *secretary of agriculture*, shall
15 keep constantly in their employ a competent inspector of livestock ap-
16 pointed by the ~~commissioner~~ *secretary of agriculture* whose compensa-
17 tion shall be fixed and duties prescribed by the ~~livestock commissioner~~
18 *secretary of agriculture*. The ~~livestock commissioner~~ *secretary of agri-*
19 *culture* shall prescribe that portion of the compensation which shall be
20 paid by the owner or owners of the stockyards. It shall be the duty of
21 such inspector to work in conjunction with the United States government
22 authorities to prohibit and prevent any stock affected with any contagious
23 or infectious disease to be driven or shipped out of any such stockyards
24 except to some licensed rendering establishment.

25 Sec. 41. K.S.A. 47-620 is hereby amended to read as follows: 47-620.
26 Whenever the ~~state livestock commissioner~~ *secretary of agriculture* has
27 good reason to believe that any contagious or infectious disease has be-
28 come epidemic in certain localities in other states, territories or countries,
29 or that there are conditions which render domestic animals from such
30 infected districts liable to convey such disease, the ~~livestock commissioner~~
31 *secretary of agriculture* shall publish an order prohibiting the entrance of
32 any livestock of the kind diseased into the state from such infected district.

33 Sec. 42. K.S.A. 47-622 is hereby amended to read as follows: 47-622.
34 It shall be the duty of the owner or person in charge of any domestic
35 animal or animals who discovers, or has reason to believe that any do-
36 mestic animal owned by such person or in such person's charge or keeping
37 is affected with any contagious or infectious disease, to immediately re-
38 port such fact or belief to the ~~livestock commissioner~~ *secretary of agri-*
39 *culture*. It shall be the duty of any person who discovers the existence of
40 any such contagious or infectious disease among the domestic animals of
41 any person to report this information at once to the ~~livestock commis-~~
42 ~~sioner~~ *secretary of agriculture*.

43 Sec. 43. K.S.A. 2004 Supp. 47-624 is hereby amended to read as

1 follows: 47-624. (a) In addition to any other penalty provided by law, any
2 person who has in such person's possession any domestic animal affected
3 with any contagious or infectious disease, knowing such animal to be so
4 affected, who permits such animal to run at large; or who keeps such
5 animal where other domestic animals, not affected with or previously
6 exposed to such disease, may be exposed to such contagious or infectious
7 disease; or who sells, ships, drives, trades or gives away such diseased and
8 infected animal or animals which have been exposed to such infection or
9 contagion, except by sale, trade or gift to a regularly licensed disposal
10 plant; or who moves or drives any domestic animal in violation of the
11 rules and regulations, directions or orders establishing and regulating
12 quarantine may incur a civil penalty imposed under subsection (b) in the
13 amount of not less than \$250 nor more than \$1,000 for each such violation
14 and, in the case of a continuing violation, every day such violation contin-
15 ues shall be deemed a separate violation. Any owner of any domestic
16 animal which has been affected with or exposed to any contagious or
17 infectious disease may dispose of the same after such owner obtains from
18 the ~~livestock commissioner~~ *secretary of agriculture* a bill of health for
19 such animal.

20 (b) Any duly authorized agent of the ~~commissioner~~ *secretary of ag-*
21 *riculture*, upon a finding that any person, or agent or employee thereof,
22 has violated any of the provisions stated above, may impose a civil penalty
23 upon such person as provided in this section.

24 (c) No civil penalty shall be imposed pursuant to this section except
25 upon the written order of the duly authorized agent of the ~~commissioner~~
26 *secretary of agriculture* to the person who committed the violation. Such
27 order shall state the violation, the penalty to be imposed and the right of
28 the person to appeal to the ~~commissioner~~ *secretary of agriculture*. Any
29 such person, within 20 days after notification, may make written request
30 to the ~~commissioner~~ *secretary of agriculture* for a hearing in accordance
31 with the provisions of the Kansas administrative procedure act. The ~~com-~~
32 ~~missioner~~ *secretary of agriculture* shall affirm, reverse or modify the order
33 and shall specify the reasons therefor.

34 (d) Any person aggrieved by an order of the ~~commissioner~~ *secretary*
35 *of agriculture* made under this section may appeal such order to the
36 district court in the manner provided by the act for judicial review and
37 civil enforcement of agency actions.

38 (e) Any civil penalty recovered pursuant to the provisions of this sec-
39 tion shall be remitted to the state treasurer in accordance with the pro-
40 visions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each
41 such remittance, the state treasurer shall deposit the entire amount in the
42 state treasury to the credit of the state general fund.

43 Sec. 44. K.S.A. 47-626 is hereby amended to read as follows: 47-626.

1 The ~~state livestock commissioner~~ *secretary of agriculture* may employ
2 such persons and purchase such supplies, appliances and materials as may
3 be necessary to carry into full effect all the orders given by the ~~livestock~~
4 ~~commissioner~~ *secretary of agriculture* as provided by law. No labor shall
5 be employed and no material or supplies purchased by the ~~livestock com-~~
6 ~~missioner~~ *secretary of agriculture* except such additional labor, material
7 and supplies as may be necessary to carry into effect the quarantine and
8 other regulations prescribed by the ~~commissioner~~ *secretary of agricul-*
9 *ture*. The director of accounts and reports shall draw warrants upon the
10 treasurer of state for the necessary amount upon vouchers properly ver-
11 ified by the person performing such labor or furnishing such material and
12 approved by the ~~livestock commissioner~~ *secretary of agriculture*.

13 Sec. 45. K.S.A. 47-627 is hereby amended to read as follows: 47-627.
14 If the ~~livestock commissioner~~ *secretary of agriculture* finds the disease
15 known as the itch or mange existing among domestic animals, the ~~live-~~
16 ~~stock commissioner~~ *secretary of agriculture* shall order all animals so af-
17 fected to be properly treated as the ~~commissioner~~ *secretary of agriculture*
18 deems necessary.

19 Sec. 46. K.S.A. 47-629 is hereby amended to read as follows: 47-629.
20 It shall be unlawful for any person to inject any virulent hog-cholera virus
21 into any hog, in the state of Kansas, unless such person first obtains a
22 permit from the ~~livestock commissioner~~ *secretary of agriculture* author-
23 izing such injection. A permit to inject virulent hog-cholera virus may be
24 issued by the ~~livestock commissioner~~ *secretary of agriculture* upon ap-
25 plication to the ~~livestock commissioner~~ *secretary of agriculture* upon a
26 form provided by the ~~livestock commissioner~~ *secretary of agriculture*.
27 Such permit shall be issued only to persons who are sufficiently informed
28 as to qualify to safely handle and use such virus, and such permit shall
29 state such conditions, limitations and regulations as the ~~livestock com-~~
30 ~~missioner~~ *secretary of agriculture* deems necessary for the protection of
31 the health of the domestic animals of this state from infectious or con-
32 tagious diseases. Such permit shall be issued for a definite period which
33 duration shall be fixed by the ~~livestock commissioner~~ *secretary of agri-*
34 *culture* as the ~~livestock commissioner~~ *secretary of agriculture* deems nec-
35 essary to prevent the spread of infectious or contagious diseases. The
36 permit holder shall comply with the requirements of such permit.

37 Sec. 47. K.S.A. 47-629a is hereby amended to read as follows: 47-
38 629a. It shall be unlawful for any person to sell or offer for sale virulent
39 hog-cholera virus to another unless the vendor is: (1) A manufacturer
40 thereof; or (2) a distributor of veterinarian supplies, authorized by the
41 ~~livestock commissioner~~ *secretary of agriculture* to handle and sell such
42 virus; or (3) a veterinarian licensed under the Kansas veterinary practice
43 act.

1 Sec. 48. K.S.A. 47-629b is hereby amended to read as follows: 47-
2 629b. It shall be unlawful for any person to sell, or offer for sale, any
3 virulent hog-cholera virus to another unless the purchaser is: (1) A holder
4 of a permit from the ~~livestock commissioner~~ *secretary of agriculture*, cur-
5 rently in effect, authorizing such person to inject virulent hog-cholera
6 virus; or (2) a distributor of veterinarian supplies authorized by the ~~live-~~
7 ~~stock commissioner~~ *secretary of agriculture* to handle and sell such virus.

8 Sec. 49. K.S.A. 47-629c is hereby amended to read as follows: 47-
9 629c. Any person who violates any provision of this act, or any provision
10 of a permit to inject virulent hog-cholera virus issued by the ~~livestock~~
11 ~~commissioner~~ *secretary of agriculture*, and any person who fails to comply
12 with any provision of this act or any provision of such a permit, shall be
13 guilty of a *nonperson* misdemeanor and upon conviction shall be fined in
14 a sum of not less than \$25 or more than \$500 or shall be imprisoned in
15 the county jail for not more than six months, or both.

16 Sec. 50. K.S.A. 47-631 is hereby amended to read as follows: 47-631.
17 (a) The ~~livestock commissioner~~ *secretary of agriculture*, whenever the
18 ~~livestock commissioner~~ *secretary of agriculture* deems it necessary, shall
19 formulate and announce the rules under which the tuberculin test for
20 tuberculosis in domestic animals shall be applied and for all proceedings
21 subsequent to such application:

22 (1) No tuberculin shall be used other than that furnished by the
23 United States government;

24 (2) no person other than one indicated for that purpose by the ~~live-~~
25 ~~stock commissioner~~ *secretary of agriculture* shall inject any tuberculin
26 into any animal in this state;

27 (3) all charts giving the temperature and conditions existing at the
28 time the animal was tested, accompanied by a history and description of
29 the animal, shall be submitted, immediately after the test is made, to the
30 ~~state livestock commissioner~~ *secretary of agriculture*, who shall thereupon
31 render an opinion thereon, which decision shall be final and shall be
32 recorded in the office of the ~~livestock commissioner~~ *secretary of*
33 *agriculture*.

34 (b) The ~~state livestock commissioner~~ *secretary of agriculture* shall at
35 once apply the quarantine and other regulations issued under the provi-
36 sions of this act to animals found infected with tuberculosis.

37 Sec. 51. K.S.A. 47-632 is hereby amended to read as follows: 47-632.
38 Whenever the ~~livestock commissioner~~ *secretary of agriculture* shall have
39 decided that any domestic animal is affected with tuberculosis he or she
40 shall at once condemn ~~said~~ *such* animal and quarantine the herd wherein
41 it is found. Whereupon, the owner shall sell such diseased animal for
42 immediate slaughter under state or federal inspection, subject to a post-
43 mortem examination under the direction of the ~~livestock commissioner~~

1 ~~secretary of agriculture. Said~~ Such owner shall be indemnified by the
 2 ~~state livestock commissioner~~ *secretary of agriculture*, from funds appro-
 3 priated therefor, in an amount equal to ~~one hundred dollars (\$100)~~ \$100
 4 for each condemned grade bovine animal and ~~two hundred dollars (\$200)~~
 5 \$200 for each registered bovine animal.

6 Sec. 52. K.S.A. 47-632a is hereby amended to read as follows: 47-
 7 632a. The ~~livestock commissioner~~ *secretary of agriculture* shall not be
 8 required to examine the records in the county where condemned animals
 9 are situated to determine names and rights of lien claimants or
 10 mortgagees.

11 Sec. 53. K.S.A. 47-633a is hereby amended to read as follows: 47-
 12 633a. The ~~livestock commissioner~~ *secretary of agriculture* may order the
 13 condemnation of an entire herd of domestic animals when tuberculosis
 14 of any animal within such herd has been diagnosed. In such event, the
 15 ~~livestock commissioner~~ *secretary of agriculture* shall indemnify the owner
 16 of such herd in an amount not to exceed ~~fifty percent (50%)~~ 50% of the
 17 difference between the salvage value and the appraised value of the ani-
 18 mals in the condemned herd. Such payment by the ~~commissioner~~ *sec-*
 19 *retary of agriculture* shall be from funds appropriated therefor, but in no
 20 event shall such payment exceed the sum of ~~four hundred dollars (\$400)~~
 21 \$400 per head for registered bovine animals, the sum of ~~two hundred~~
 22 ~~dollars (\$200)~~ \$200 per head for grade bovine animals. Such compensa-
 23 tion shall not be paid, and the premises from which the herd was taken
 24 shall not be restocked, until such premises have been cleaned and dis-
 25 infected and, subsequent thereto, have been inspected and approved by
 26 the ~~livestock commissioner~~ *secretary of agriculture*, or ~~his or her~~ *the sec-*
 27 *retary's* authorized representative. Appraisals of animals condemned shall
 28 be made by the ~~livestock commissioner~~ *secretary of agriculture*, or ~~his or~~
 29 ~~her~~ *such secretary's* authorized representative, and by the owner. If ~~said~~
 30 *such* appraisers cannot agree, a disinterested third party, who has knowl-
 31 edge of livestock values in such locality, shall be selected as an arbitrator
 32 by the ~~commissioner~~ *secretary of agriculture* and the owner, at the ex-
 33 pense of the owner. The determination of values by ~~said~~ *such* arbitrator
 34 shall be final.

35 Sec. 54. K.S.A. 47-634 is hereby amended to read as follows: 47-634.
 36 The disinfection of the premises where a diseased animal or animals com-
 37 ing within the provisions of this act have been kept shall be under the
 38 supervision of the ~~livestock commissioner~~ *secretary of agriculture*, or the
 39 designee of the ~~livestock commissioner~~ *secretary of agriculture*. The ~~live-~~
 40 ~~stock commissioner~~ *secretary of agriculture*, in addition, shall designate
 41 the materials to be used and the method of their application. The cost of
 42 such material together with the necessary labor of disinfecting shall be
 43 paid by the owner of such animals. Except for disinfection, the premises

1 shall be kept in quarantine until such time as the ~~livestock commissioner~~
2 *secretary of agriculture* may determine.

3 Sec. 55. K.S.A. 47-635 is hereby amended to read as follows: 47-635.
4 The provisions of this act shall be construed to include all contagious or
5 infectious diseases among all kinds of domestic animals including but not
6 limited to horses, mules, asses, cattle, sheep, goats, llamas, swine, dogs,
7 cats, poultry, birds, nonhuman primates, ferrets, domesticated deer, as
8 defined in K.S.A. 47-1001, and amendments thereto, all creatures of the
9 ratite family including but not limited to ostriches, emus and rheas and
10 exotic animals as defined by rules and regulations in 9 C.F.R. 1.1, pur-
11 suant to 7 U.S.C. § 2131 et seq. The ~~state livestock commissioner~~ *secr-*
12 *tary of agriculture* is given the same power over any domestic animal
13 afflicted with rabies as is conferred upon the ~~livestock commissioner~~ *sec-*
14 *retary of agriculture* in relation to other diseases of domestic animals.

15 Sec. 56. K.S.A. 47-646a is hereby amended to read as follows: 47-
16 646a. It shall be lawful for any authorized representative of the ~~livestock~~
17 ~~commissioner~~ *secretary of agriculture*, any sheriff, any city marshal or any
18 law enforcement officer at any time to kill any dog which may be found
19 unconfined in violation of any rabies quarantine or other quarantine order
20 issued by the ~~state livestock commissioner~~ *secretary of agriculture* or is-
21 sued by the secretary of health and environment.

22 Sec. 57. K.S.A. 47-650 is hereby amended to read as follows: 47-650.
23 Upon the presentation to the ~~state livestock commissioner~~ *secretary of*
24 *agriculture* of a petition signed by 50 farmers who are resident taxpayers
25 of any county in this state asking that they be permitted to establish a
26 county hog-cholera-control organization in their county, such ~~commis-~~
27 ~~sioner~~ *secretary* shall notify in writing the president of Kansas state uni-
28 versity, and the inspector in charge of the office of the United States
29 department of agriculture, animal plant health inspection service, veter-
30 inary services, that a meeting will be held at the county seat of the county
31 at a certain date and hour to perfect the organization prayed for in the
32 petition. All persons attending such meeting shall proceed to perfect the
33 establishment of the _____ county hog-cholera-control organi-
34 zation by choosing a president, vice-president, secretary and treasurer
35 and one farmer from each township in the county, who shall, in connec-
36 tion with such officers, constitute the executive board of the _____
37 county hog-cholera-control organization.

38 Sec. 58. K.S.A. 47-651 is hereby amended to read as follows: 47-651.
39 Upon the completion of the establishment of such organization, the ~~state~~
40 ~~livestock commissioner~~ *secretary of agriculture* shall, ~~upon the recom-~~
41 ~~mendation of the executive board,~~ appoint a competent person as deputy
42 state livestock commissioner for the county. Such county deputy livestock
43 commissioner shall perform all services and discharge all duties in the

1 county hog cholera control work in exact conformity with the rules and
2 regulations promulgated by the ~~livestock commissioner~~ *secretary of*
3 *agriculture*.

4 Sec. 59. K.S.A. 47-653 is hereby amended to read as follows: 47-653.
5 The county deputy livestock commissioner shall receive a reasonable
6 compensation, to be determined by the ~~state livestock commissioner~~ *sec-*
7 *retary of agriculture*, in an amount not to exceed \$100 per month and
8 necessary travel expenses while absent from home in the discharge of the
9 duties of such position.

10 Sec. 60. K.S.A. 47-653a is hereby amended to read as follows: 47-
11 653a. It shall be unlawful for any person to sell or to use hog cholera
12 vaccines in the state of Kansas unless the hog cholera vaccine is first
13 approved by the ~~state livestock commissioner~~ *secretary of agriculture*.

14 Sec. 61. K.S.A. 47-653b is hereby amended to read as follows: 47-
15 653b. The ~~state livestock commissioner~~ *secretary of agriculture* is hereby
16 authorized and empowered to adopt rules and regulations designating
17 which hog cholera vaccines may be sold or used in this state.

18 Sec. 62. K.S.A. 47-653d is hereby amended to read as follows: 47-
19 653d. In order to prevent the spread of hog cholera, and to reduce the
20 danger of the spread thereof, the ~~livestock commissioner~~ *secretary of*
21 *agriculture*, or the authorized representative of the ~~livestock commis-~~
22 ~~sioner~~ *secretary of agriculture*, may destroy or require the destruction of
23 any swine which the ~~livestock commissioner~~ *secretary of agriculture* has
24 determined to be affected with or exposed to hog cholera. Prior to such
25 destruction there shall be an appraisal of the value of any swine, which
26 shall be made jointly by the owner of such swine and the ~~livestock com-~~
27 ~~missioner~~ *secretary of agriculture*, or the authorized representative of the
28 ~~livestock commissioner~~ *secretary of agriculture*. If the appraisers cannot
29 agree, a disinterested third party who has knowledge of livestock values
30 in such locality shall be selected by the ~~commissioner~~ *secretary of agri-*
31 *culture* and the owner, at the expense of the owner, as an arbitrator. The
32 arbitrator's determination of the value of such swine shall be final.

33 Sec. 63. K.S.A. 47-653e is hereby amended to read as follows: 47-
34 653e. The owner or custodian of such swine, immediately after the de-
35 termination of its appraised value, shall cause such swine to be disposed
36 of in the manner directed by the ~~livestock commissioner~~ *secretary of*
37 *agriculture* or the authorized representative of the ~~livestock commissioner~~
38 *secretary of agriculture*. Any owner or custodian of swine who fails to
39 dispose of swine as directed by the ~~livestock commissioner~~ *secretary of*
40 *agriculture*, upon conviction, shall be guilty of a misdemeanor and shall
41 be punished in the manner provided in K.S.A. 47-607c and amendments
42 thereto.

43 Sec. 64. K.S.A. 47-653f is hereby amended to read as follows: 47-

1 653f. On presentation to the ~~livestock commissioner~~ *secretary of agri-*
2 *culture* of acceptable evidence that disposition of such swine has been
3 made in the prescribed manner, the owner of such swine shall be entitled
4 to indemnity, to be paid by the state, in an amount equal to the amount
5 of indemnity paid by the federal government for such destruction of
6 swine. Such indemnification by the state shall not exceed \$40 per head
7 for grade swine and shall not exceed \$60 per head for purebred swine.
8 Indemnities shall not be paid on swine which have been brought or moved
9 into Kansas in violation of the import regulations of this state, and indem-
10 nity shall not be paid on any swine which have been allowed to mingle
11 with swine so brought or moved into Kansas.

12 Indemnification payments shall be made from legislative appropri-
13 ations for such purpose to the ~~livestock commissioner~~ *secretary of agri-*
14 *culture*. The director of accounts and reports is hereby authorized and
15 directed to draw warrants upon the state treasurer for the amounts and
16 for the purposes provided herein upon duly executed vouchers approved
17 by the ~~livestock commissioner~~ *secretary of agriculture*.

18 Sec. 65. K.S.A. 47-653h is hereby amended to read as follows: 47-
19 653h. Any motor vehicle used in the hauling or transporting of swine
20 from the premises where diseased or exposed swine have been under hog
21 cholera quarantine to a destination where such swine are to be slaugh-
22 tered, including a licensed disposal plant, shall be thoroughly cleaned and
23 disinfected after unloading such swine. Such cleaning and disinfection
24 shall be made under the supervision of the ~~livestock commissioner~~ *sec-*
25 *retary of agriculture*, or the authorized representative of the ~~livestock~~
26 ~~commissioner~~ *secretary of agriculture*, and with a disinfectant which has
27 been approved by the ~~livestock commissioner~~ *secretary of agriculture*.

28 Sec. 66. K.S.A. 47-654 is hereby amended to read as follows: 47-654.
29 It shall be unlawful for any person to ship into Kansas or offer for sale in
30 Kansas any food for livestock contained in sacks which have not been first
31 thoroughly disinfected or fumigated in accordance with the requirements
32 of the ~~livestock commissioner~~ *secretary of agriculture*. It shall be unlawful
33 for any person to offer for sale in Kansas any food for livestock manufac-
34 tured within the state that is contained in sacks which have not been first
35 thoroughly disinfected or fumigated in accordance with the requirements
36 of the ~~livestock commissioner~~ *secretary of agriculture*.

37 Sec. 67. K.S.A. 47-655 is hereby amended to read as follows: 47-655.
38 It shall be unlawful for any person to sell or offer for sale any old or
39 secondhand sacks until the same have been thoroughly disinfected or
40 fumigated as required by the ~~livestock commissioner~~ *secretary of*
41 *agriculture*.

42 Sec. 68. K.S.A. 47-657 is hereby amended to read as follows: 47-657.
43 (a) The ~~state livestock commissioner~~ *secretary of agriculture*, whenever

1 the ~~commissioner~~ *secretary of agriculture* deems it necessary, shall for-
2 mulate and announce the rules under which approved test for brucellosis
3 in cattle shall be applied and for all proceedings subsequent to such
4 application:

5 (1) No person or laboratory other than those indicated for that pur-
6 pose by the ~~livestock commissioner~~ *secretary of agriculture* shall test cat-
7 tle for brucellosis;

8 (2) all charts showing result of test and conditions existing at the time
9 of test, together with a history and description of cattle, shall be submitted
10 to the ~~livestock commissioner~~ *secretary of agriculture* immediately upon
11 completion of test and the ~~livestock commissioner~~ *secretary of agriculture*
12 shall render an opinion thereon, which decision shall be final, and shall
13 be recorded in the office of the ~~livestock commissioner~~ *secretary of*
14 *agriculture*.

15 (b) The ~~livestock commissioner~~ *secretary of agriculture* may at once
16 apply the quarantine and other regulations issued under the provisions of
17 law to animals found infected with brucellosis.

18 Sec. 69. K.S.A. 47-658a is hereby amended to read as follows: 47-
19 658a. Whenever the ~~state livestock commissioner~~ *secretary of agriculture*
20 shall have decided that any domestic animal is affected with brucellosis,
21 ~~he or his~~ *the secretary's* authorized representatives, may proceed at once
22 to identify such reactor animal by causing ~~said~~ *such* reactor animal to be
23 branded with the letter "B" on the left jaw by hot iron. ~~Provided~~. The
24 ~~livestock commissioner~~ *secretary of agriculture* may approve the use of
25 other methods for the identification of brucellosis reactors.

26 Sec. 70. K.S.A. 47-658b is hereby amended to read as follows: 47-
27 658b. Any animal determined to be a reactor animal to brucellosis shall
28 be sold for slaughter within ~~fifteen (15)~~ 15 days after being properly iden-
29 tified. Such animal being shipped to be sold for slaughter shall be accom-
30 panied by an official shipping permit issued by the ~~livestock commissioner~~
31 *secretary of agriculture* or ~~his~~ *authorized the secretary's* representative.
32 Under unusual circumstances, the ~~livestock commissioner~~ *secretary of*
33 *agriculture* may extend the period for sale for slaughter up to a maximum
34 of an additional ~~thirty (30)~~ 30 days following the proper identification of
35 such reactor.

36 Sec. 71. K.S.A. 47-660 is hereby amended to read as follows: 47-660.
37 The secretary of agriculture of the United States, authorized officers of
38 the bureau of animal industry of such department, the ~~state livestock~~
39 ~~commissioner~~ *secretary of agriculture* of Kansas and the authorized dep-
40 uties of such officials shall have free access to enter upon the premises
41 of any and all persons who own or are in possession of domestic animals
42 and free access to inspect and examine all such domestic animals:

43 (a) Which are affected with any infectious or contagious disease; or

- 1 (b) which are suspected or reported to be affected with any infectious
 2 or contagious disease; or
 3 (c) which are located within any area which has been designated as
 4 a tuberculosis modified accredited area or brucellosis modified accredited
 5 area by the secretary of agriculture of the United States, or by an officer
 6 or authority under the United States department of agriculture, animal
 7 plant health inspection service, veterinary services or by the ~~state livestock~~
 8 ~~commissioner~~ *secretary of agriculture*; or
 9 (d) which are within a herd that has been designated as accredited
 10 tuberculosis free or accredited brucellosis free; or
 11 (e) which are located upon the premises of an owner who has a herd
 12 of domestic animals which has been accredited as tuberculosis free or
 13 brucellosis free.

14 Sec. 72. K.S.A. 47-666 is hereby amended to read as follows: 47-666.
 15 Whenever the ~~livestock commissioner~~ *secretary of agriculture* has de-
 16 cided that any swine is affected with vesicular exanthema and that it is
 17 necessary to order the animals killed in order to prevent the spread of
 18 such disease in Kansas, the ~~livestock commissioner~~ *secretary of agricul-*
 19 *ture* shall proceed with the appraisalment, condemnation and killing of
 20 the same as authorized under K.S.A. 47-614 and 47-615 and amendments
 21 ~~to such sections thereto~~. The owner of such diseased animals which have
 22 been so killed and disposed of shall be entitled to receive from the state
 23 of Kansas $\frac{1}{3}$ of the difference between the appraised value of the animals
 24 and the salvage proceeds, if any, received by the owner from the destruc-
 25 tion and disposal of such animals.

26 The ~~livestock commissioner~~ *secretary of agriculture* shall draw a
 27 voucher upon the director of accounts and reports of the state of Kansas
 28 in favor of the owner of such diseased animals for the amount of indem-
 29 nity for which such owner is entitled, and the director of accounts and
 30 reports is hereby authorized and directed to accept such vouchers so
 31 drawn by the ~~state livestock commissioner~~ *secretary of agriculture*, such
 32 amounts to be paid for out of the funds appropriated for such purposes.

33 Sec. 73. K.S.A. 47-667 is hereby amended to read as follows: 47-667.
 34 As used in this act, unless the context otherwise requires: (a) "~~Commis-~~
 35 ~~sioner~~" means the ~~livestock commissioner appointed by the Kansas animal~~
 36 ~~health board pursuant to K.S.A. 75-1901~~ "*Secretary*" means the *secretary*
 37 *of agriculture of the state of Kansas*.

38 (b) "~~SPF~~" ~~swine~~ "*SPF swine*" means specific pathogen free swine,
 39 which conform to the regulations and health standards prescribed by the
 40 ~~commissioner~~ *secretary of agriculture*.

41 (c) "Person" means any individual, partnership, firm, association or
 42 corporation.

43 Sec. 74. K.S.A. 2004 Supp. 47-672 is hereby amended to read as

1 follows: 47-672. (a) The ~~livestock commissioner of the Kansas animal~~
2 ~~health department~~ *secretary of agriculture* is hereby authorized to su-
3 pervise the operation of cattle and other animal dipping equipment which
4 is used in the control and eradication of scabies in cattle and other animals
5 and which is made available by the federal government for use by live-
6 stock producers and others under the supervision of the ~~livestock com-~~
7 ~~missioner~~ *secretary of agriculture*. The ~~livestock commissioner~~ *secretary*
8 *of agriculture* is hereby authorized to fix, charge and collect a fee from
9 the owner of such cattle and other animals which are dipped as provided
10 in this section, in an amount of not more than \$5 per head, to recover all
11 or part of the costs of operating and maintaining such cattle and other
12 animal dipping equipment.

13 (b) All moneys received by the ~~livestock commissioner~~ *secretary of*
14 *agriculture* for fees under this section shall be remitted to the state trea-
15 surer in accordance with the provisions of K.S.A. 75-4215, and amend-
16 ments thereto. Upon receipt of each such remittance, the state treasurer
17 shall deposit the entire amount in the state treasury to the credit of the
18 animal disease control fund, which is hereby created. All expenditures
19 from the animal disease control fund shall be made in accordance with
20 appropriations acts upon warrants of the director of accounts and reports
21 issued pursuant to vouchers approved by the ~~livestock commissioner~~ *sec-*
22 *retary of agriculture* or by a person or persons designated by the ~~livestock~~
23 ~~commissioner~~ *secretary of agriculture*.

24 Sec. 75. K.S.A. 47-673 is hereby amended to read as follows: 47-673.

25 (a) The ~~livestock commissioner~~ *secretary* is hereby authorized to take
26 control of any pseudorabies infected herd of swine from the owner. A
27 pseudorabies infected herd of swine is a herd that has been determined
28 to be infected with pseudorabies virus by official pseudorabies testing
29 procedures conducted at approved veterinary diagnostic laboratories from
30 adequate samples collected from the herd by an accredited veterinarian.

31 (b) For any such herd, the ~~livestock commissioner~~ *secretary* shall de-
32 velop and monitor a mandatory infected herd plan to eradicate the virus
33 from the owner's premises. If, in the opinion of the ~~livestock commis-~~
34 ~~sioner~~ *secretary*, sufficient progress toward pseudorabies free status, as
35 defined in the state-federal-industry pseudorabies eradication program as
36 in effect on the effective date of this act, is not being made, the ~~livestock~~
37 ~~commissioner~~ *secretary* shall order the depopulation of such herd.

38 (c) Whenever any swine are depopulated under provisions of this act
39 by order of the ~~livestock commissioner~~ *secretary*, the owner of such swine
40 shall be paid for such swine in an amount determined by the ~~livestock~~
41 ~~commissioner~~ *secretary* from funds appropriated for such purpose by the
42 legislature.

43 (d) The ~~livestock commissioner~~ *secretary* may adopt rules and regu-

1 lations as necessary to carry out the purposes of this act.

2 Sec. 76. K.S.A. 2004 Supp. 47-816 is hereby amended to read as
3 follows: 47-816. As used in the Kansas veterinary practice act:

4 (a) "Animal" means any mammalian animal other than human and
5 any fowl, bird, amphibian, fish or reptile, wild or domestic, living or dead.

6 (b) "Board" means the state board of veterinary examiners.

7 (c) "Clock hour of continuing education" means 60 minutes of par-
8 ticipation in a continuing education program or activity which meets the
9 minimum standards for continuing education according to rules and reg-
10 ulations adopted by the board.

11 (d) "Direct supervision" means the supervising licensed veterinarian:

12 (1) Is on the veterinary premises or in the same general area in a field
13 setting;

14 (2) is quickly and easily available;

15 (3) examines the animal prior to delegating any veterinary practice
16 activity to the supervisee and performs any additional examination of the
17 animal required by good veterinary practice; and

18 (4) delegates only those veterinary practice activities which are con-
19 sistent with rules and regulations of the board regarding employee
20 supervision.

21 (e) "Licensed veterinarian" means a veterinarian who is validly and
22 currently licensed to practice veterinary medicine in this state.

23 (f) "Indirect supervision" means that the supervising licensed
24 veterinarian:

25 (1) Is not on the veterinary premises or in the same general area in
26 a field setting, but has examined the animal and provided either written
27 or documented oral instructions or a written protocol for treatment of
28 the animal patient, except that in an emergency, the supervising licensed
29 veterinarian may provide oral instructions prior to examining the animal
30 and subsequently examine the animal and document the instruction in
31 writing;

32 (2) delegates only those veterinary practice tasks which are consistent
33 with the rules and regulations of the board regarding employee supervi-
34 sion; and

35 (3) the animal being treated is not anesthetized as defined in rules
36 and regulations.

37 (g) "Practice of veterinary medicine" means any of the following:

38 (1) To diagnose, treat, correct, change, relieve, or prevent animal
39 disease, deformity, defect, injury or other physical or mental condition;
40 including the prescription or administration of any drug, medicine, bio-
41 logic, apparatus, application, anesthesia or other therapeutic or diagnostic
42 substance or technique on any animal including but not limited to acu-
43 puncture, surgical or dental operations, animal psychology, animal chi-

- 1 ropractic, theriogenology, surgery, including cosmetic surgery, any man-
2 ual, mechanical, biological or chemical procedure for testing for
3 pregnancy or for correcting sterility or infertility or to render service or
4 recommendations with regard to any of the above and all other branches
5 of veterinary medicine.
- 6 (2) To represent, directly or indirectly, publicly or privately, an ability
7 and willingness to do any act described in paragraph (1).
- 8 (3) To use any title, words, abbreviation or letters in a manner or
9 under circumstances which induce the belief that the person using them
10 is qualified to do any act described in paragraph (1). Such use shall be
11 prima facie evidence of the intention to represent oneself as engaged in
12 the practice of veterinary medicine.
- 13 (4) To collect blood or other samples for the purpose of diagnosing
14 disease or conditions. This shall not apply to unlicensed personnel em-
15 ployed by the United States department of agriculture, ~~the Kansas animal~~
16 ~~health department~~ or the Kansas department of agriculture who are en-
17 gaged in such personnel's official duties.
- 18 (5) To apply principles of environmental sanitation, food inspection,
19 environmental pollution control, animal nutrition, zoonotic disease con-
20 trol and disaster medicine in the promotion and protection of public
21 health in the performance of any veterinary service or procedure.
- 22 (h) "School of veterinary medicine" means any veterinary college or
23 division of a university or college that offers the degree of doctor of vet-
24 erinary medicine or its equivalent, which conforms to the standards re-
25 quired for accreditation by the American veterinary medical association
26 and which is recognized and approved by the board.
- 27 (i) "Veterinarian" means a person who has received a doctor of vet-
28 erinary medicine degree or the equivalent from a school of veterinary
29 medicine.
- 30 (j) "Veterinary medical specialist" means a person who has completed
31 advanced training in such person's specialty area and is a diplomat of such
32 specialty.
- 33 (k) "Veterinary premises" means any premises or facility where the
34 practice of veterinary medicine occurs, including but not limited to, a
35 mobile clinic, outpatient clinic, satellite clinic or veterinary hospital or
36 clinic, but shall not include the premises of a veterinary client, research
37 facility, a federal military base, Kansas state university college of veteri-
38 nary medicine or any premises wherein the practice of veterinary medi-
39 cine occurs no more than three times per year as a public service outreach
40 of a registered veterinary premises.
- 41 (l) "Graduate veterinary technician" means a person who has grad-
42 uated from an American veterinary medical association accredited school
43 approved by the board.

- 1 (m) “Registered veterinary technician” means a person who is a grad-
2 uate veterinary technician, has passed the examinations required by the
3 board for registration and is registered by the board.
- 4 (n) “Veterinary-client-patient relationship” means:
- 5 (1) The veterinarian has assumed the responsibility for making med-
6 ical judgments regarding the health of the animal or animals and the need
7 for medical treatment, and the client, owner or other caretaker has agreed
8 to follow the instruction of the veterinarian;
- 9 (2) there is sufficient knowledge of the animal or animals by the vet-
10 erinarian to initiate at least a general or preliminary diagnosis of the med-
11 ical condition of the animal or animals. This means that the veterinarian
12 has recently seen or is personally acquainted with the keeping and care
13 of the animal or animals by virtue of an examination of the animal or
14 animals, or by medically appropriate and timely visits to the premises
15 where the animal or animals are kept, or both; and
- 16 (3) the practicing veterinarian is readily available for followup in case
17 of adverse reactions or failure of the regimen of therapy.
- 18 (o) “ECFVG certificate” means a certificate issued by the American
19 veterinary medical association education commission for foreign veteri-
20 nary graduates, indicating that the holder has demonstrated knowledge
21 and skill equivalent to that possessed by a graduate of an accredited or
22 approved college of veterinary medicine.
- 23 (p) “Veterinary prescription drugs” means such prescription items as
24 defined by subsection (f) of 21 U.S.C. Sec. 353, as in effect on July 1,
25 2001.
- 26 (q) “Veterinary corporation” means a professional corporation of li-
27 censed veterinarians incorporated under the professional corporation act
28 of Kansas, cited at K.S.A. 17-2706 et seq., and amendments thereto.
- 29 (r) “Veterinary partnership” means a partnership pursuant to the
30 Kansas uniform partnership act, cited at K.S.A. 2004 Supp. 56a-101 et
31 seq., and amendments thereto, formed by licensed veterinarians engaged
32 in the practice of veterinary medicine.
- 33 (s) “Person” means any individual, corporation, partnership, associ-
34 ation or other entity.
- 35 Sec. 77. K.S.A. 47-1001 is hereby amended to read as follows: 47-
36 1001. As used in this act, except where the context clearly indicates a
37 different meaning:
- 38 (a) ~~“Commissioner” means the livestock commissioner~~ “Secretary”
39 *means the secretary of agriculture* of the state of Kansas.
- 40 (b) “Livestock” means and includes cattle, swine, sheep, goats,
41 horses, mules, domesticated deer, all creatures of the ratite family that
42 are not indigenous to this state, including but not limited to ostriches,
43 emus and rheas, and any other animal as deemed necessary by the ~~com-~~

1 ~~missioner~~ *secretary of agriculture* established through rules and
2 regulations.

3 (c) “Person” means and includes any individual, partnership, corpo-
4 ration or association.

5 (d) “Producer” means any person engaged in the business of breed-
6 ing, grazing or feeding livestock.

7 (e) “Consignor” means any person who ships or delivers to any public
8 livestock market livestock for handling, sale or resale at a public livestock
9 market.

10 (f) “Public livestock market” means any place, establishment or fa-
11 cility commonly known as a “livestock market,” “livestock auction mar-
12 ket,” “sales ring,” “stockyard,” “community sale” as such term is used in
13 article 10 of chapter 47 of the Kansas Statutes Annotated, *and amend-*
14 *ments thereto*, which includes any business conducted or operated for
15 compensation or profit as a public market for livestock, consisting of pens,
16 or other enclosures, and their appurtenances, in which livestock are re-
17 ceived, held, sold or kept for sale or shipment except that this term shall
18 not apply to any livestock market where federal veterinary inspection is
19 regularly maintained.

20 (g) “Public livestock market operator” means any person who, in this
21 state, receives on consignment, or solicits from the producer or consignee
22 thereof, or holds in trust or custody for another, any livestock for sale or
23 exchange, on behalf of such producer or consignee at a public livestock
24 market, or sells, or offer for sale, at a public livestock market, for the
25 account of the producer or consignee thereof, any livestock or directly or
26 indirectly owns, conducts or operates a public livestock market. The term
27 “public livestock market operator” shall not be construed to include any
28 packer or agent of a packer who receives or purchases livestock for
29 prompt slaughter.

30 (h) “Packer” means any person engaged in the business of buying
31 livestock for purposes of slaughter, or of manufacturing or preparing
32 meats or meat food products for sale or shipment, or of manufacturing
33 or preparing livestock products for sale or shipment, or of marketing
34 meats, meat food products, livestock products, dairy products, poultry or
35 poultry products.

36 (i) ~~“Board” means any three members of the Kansas animal health~~
37 ~~board designated by the chairperson of the Kansas animal health board~~
38 ~~for each particular hearing. The chairperson may be included in such~~
39 ~~designation.~~

40 ~~(j)~~ “Dealer” as used in article 10 of chapter 47 of the Kansas Statutes
41 Annotated, *and amendments thereto*, to which this act is amendatory and
42 supplemental, shall have the same meaning as the term “public livestock
43 market operator.”

1 ~~(j)~~ (j) “Domesticated deer” means any member of the family cervi-
 2 dae which was legally obtained and is being sold or raised in a confined
 3 area for breeding stock; for any carcass, skin or part of such animal; for
 4 exhibition; or for companionship.

5 ~~(k)~~ (k) “Occasional livestock sale” means livestock auctions or sales,
 6 that receive on consignment, or solicits from the producer or consignor
 7 thereof, or holds in trust or custody for another, any livestock for sale or
 8 exchange, on behalf of such producer or consignor at such auction or sale,
 9 or sells, or offers for sale, at such auction or sale, for the account of the
 10 producer or consignor thereof, any livestock or directly or indirectly owns,
 11 conducts or operates such auction or sale and such auctions or sales are
 12 held 12 or less times per year.

13 ~~(l)~~ (l) “Electronic auction” means a live audio-visual broadcast of an
 14 actual auction where livestock are offered for sale and shall include auc-
 15 tions conducted by satellite communications and over the internet.

16 Sec. 78. K.S.A. 47-1001e is hereby amended to read as follows: 47-
 17 1001e. (a) Each livestock market operator shall pay annually, on or before
 18 June 30, a renewal market license fee in an amount set by the ~~Kansas~~
 19 ~~animal health board~~ *secretary of agriculture* and adopted by rules and
 20 regulations of the ~~commissioner~~ *secretary of agriculture* of not more than
 21 \$40 to the ~~commissioner~~ *secretary of agriculture* for each public livestock
 22 market operated by such operator, which payment shall constitute a re-
 23 newal until June 30 of the following year. The renewal market license fee
 24 established by this section on the day preceding the effective date of this
 25 act shall continue in effect until a different renewal market license fee is
 26 set as provided under this section.

27 (b) Any person who owns or operates an electronic auction which is
 28 simulcast into the state of Kansas and at which livestock located in the
 29 state of Kansas are offered for sale, shall apply to the livestock ~~commis-~~
 30 ~~sioner~~ *secretary of agriculture* for an electronic auction license. A license
 31 shall be granted to such person upon a showing that such person meets
 32 the bond requirements, as established in K.S.A. 47-1002, and amend-
 33 ments thereto, and has paid an annual fee in an amount set by the ~~Kansas~~
 34 ~~animal health board~~ *secretary of agriculture* and adopted by rules and
 35 regulations of the commissioner of not more than \$40. Any such license
 36 shall expire on June 30 of each year.

37 Sec. 79. K.S.A. 2004 Supp. 47-1008 is hereby amended to read as
 38 follows: 47-1008. (a) Livestock shall not be offered for sale or sold at any
 39 licensed public livestock market if such livestock:

- 40 (1) Is infected with a disease that permanently renders the livestock
- 41 unfit for human consumption;
- 42 (2) has severe neoplasia;
- 43 (3) has severe actinomycosis;

1 (4) is unable to rise to its feet by itself; or
2 (5) has an obviously fractured long bone or other fractures or dislo-
3 cation of a joint that renders the livestock unable to bear weight on the
4 affected limb without that limb collapsing.

5 (b) If, in the judgment of an accredited veterinarian, the livestock
6 consigned and delivered on the premises of any licensed public livestock
7 market is in any of the conditions described in subsection (a), such vet-
8 erinarian shall euthanize humanely the livestock or direct the consignor
9 to immediately remove the livestock from the premises of the public
10 livestock market. All expenses incurred for euthanasia and disposal of the
11 livestock under the provisions of this subsection shall be the responsibility
12 of the consignor. Collection of expenses shall not be the responsibility of
13 the consignee.

14 (c) All livestock consigned and delivered on the premises of any li-
15 censed public livestock market, before being offered for sale, shall be
16 inspected by a veterinarian authorized by the ~~commissioner~~ *secretary* who
17 shall visually examine or test, or both, each animal consigned to such
18 market, for the purpose of determining its condition of health and free-
19 dom of clinical signs of infectious or contagious animal diseases that are
20 determined to be reportable by the ~~livestock commissioner~~ *secretary*.
21 Such regulatory veterinary services shall be contracted for by the ~~livestock~~
22 ~~commissioner~~ *secretary* who shall select an accredited veterinarian for
23 each public livestock market. The public livestock market operator, for
24 each public livestock market, shall submit to the ~~livestock commissioner~~
25 *secretary* a list of accredited veterinarians to be considered for the posi-
26 tion or positions. Such veterinarian shall be authorized to make all re-
27 quired examinations and tests, and to issue certificates of inspection at
28 the public livestock market where such veterinarian serves. All livestock
29 sold, resold, exchanged or transferred, or offered for sale or exchange at
30 a livestock market shall be treated as may be necessary to prevent the
31 spread of contagious or infectious diseases. A certificate of inspection, on
32 a form to be approved by the ~~commissioner~~ *secretary*, shall be issued to
33 the purchaser by the inspector. For the visual inspection of livestock of-
34 fered for sale, there shall be collected by the market operator from the
35 consignor a fee which shall be determined by negotiation between the
36 market operator and the market veterinarian but shall not be less than
37 \$.07 per head, except that no fee for inspection shall be collected unless
38 the inspection actually has been made. If the charges per head collected
39 on all livestock inspected at a livestock market on any sales day do not
40 amount to a minimum per diem of \$40 or any amount greater than \$40
41 negotiated by the operator, the market operator shall be required to sup-
42 ply sufficient funds to provide such amount. Any amount lesser or greater
43 than the \$40 amount specified, shall be determined by negotiation be-

1 tween the market operator and the market veterinarian. A copy of any
2 agreement or contract shall be on file with the ~~commissioner~~ *secretary*.
3 Payments for veterinary services rendered under a contract as provided
4 in this section shall be paid from the veterinary inspection fee fund, and
5 for such services rendered prior to the end of a fiscal year, payment may
6 be made within 90 days after the end of the fiscal year.

7 (d) Livestock market operators shall pay amounts received and
8 amounts due under this section to the ~~livestock commissioner~~ *secretary*.
9 The ~~commissioner~~ *secretary* shall remit all such amounts received to the
10 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
11 amendments thereto. Upon receipt of each such remittance, the state
12 treasurer shall deposit the entire amount in the state treasury to the credit
13 of the veterinary inspection fee fund. All expenditures from such fund
14 shall be made in accordance with appropriation acts upon warrants of the
15 director of accounts and reports issued pursuant to vouchers approved
16 by the ~~commissioner~~ *secretary* or by a person or persons designated by
17 such ~~commissioner~~ *secretary*.

18 (e) The ~~livestock commissioner~~ *secretary* shall promulgate rules and
19 regulations as may be necessary to carry out the purposes of this section,
20 including, but not limited to, rules and regulations designating any disease
21 as a disease that renders livestock or the carcasses thereof permanently
22 unfit for human consumption. The ~~livestock commissioner~~ *secretary* shall
23 promulgate all such rules and regulations in accordance with existing an-
24 temortem inspection regulations promulgated by the United States de-
25 partment of agriculture food safety and inspection service, as in effect on
26 July 1, 1997.

27 (f) All livestock sold by a licensed electronic auction, before being
28 delivered to an out-of-state buyer, shall have a health certificate issued
29 by a licensed, accredited veterinarian. Kansas buyers shall be furnished a
30 health certificate upon request.

31 Sec. 80. K.S.A. 2004 Supp. 47-1011a is hereby amended to read as
32 follows: 47-1011a. (a) The public livestock market operator shall collect
33 from the consignor of cattle sold at a public livestock market, where brand
34 inspection of such cattle is requested, by the public livestock market op-
35 erator, as a brand inspection fee, in addition to amounts specified in
36 K.S.A. 47-1011, and amendments thereto, a sum of not more than \$.40
37 per head on all such cattle. Such amount shall be determined by the
38 ~~livestock commissioner~~ *secretary of agriculture*. If a public livestock mar-
39 ket operator requests brand inspection at a public livestock market pur-
40 suant to this section, the public livestock market operator shall contract
41 with the ~~livestock commissioner~~ *secretary of agriculture* to perform such
42 brand inspection services.

43 (b) Where cattle consigned to, or sold at, such public livestock market

1 originate in, and have brand inspection clearance from a county option
2 brand inspection area, operating under K.S.A. 47-434 through 47-445,
3 and amendments thereto, such livestock brand inspection fee under this
4 section shall not be required.

5 (c) The public livestock market operator shall pay all amounts re-
6 ceived under this section to the ~~livestock commissioner~~ *secretary of*
7 *agriculture*.

8 (d) The ~~livestock commissioner~~ *secretary of agriculture* shall remit
9 all amounts received under this section to the state treasurer in accord-
10 ance with the provisions of K.S.A. 75-4215, and amendments thereto.
11 Upon receipt of each such remittance, the state treasurer shall deposit
12 the entire amount in the state treasury to the credit of the livestock market
13 brand inspection fee fund. All expenditures from such fund shall be made
14 in accordance with appropriation acts upon warrants of the director of
15 accounts and reports issued pursuant to vouchers approved by the ~~live-~~
16 ~~stock commissioner~~ *secretary of agriculture* or by a person or persons
17 designated by the ~~commissioner~~ *secretary*.

18 Sec. 81. K.S.A. 2004 Supp. 47-1201 is hereby amended to read as
19 follows: 47-1201. As used in this act, except where the context clearly
20 indicates a different meaning:

21 (a) ~~“Commissioner” means the livestock commissioner~~ *“Secretary”*
22 *means the secretary of agriculture* of the state of Kansas.

23 (b) “Person” means any individual, partnership, firm, corporation or
24 association.

25 (c) “Disposal plant” means a place of business or a location where
26 the carcasses of domestic animals or packing house refuse is purchased,
27 received or unloaded and where such carcasses or refuse are processed
28 for the purpose of obtaining the hide, skin, grease, residue, or any other
29 byproduct from the animal or refuse, in any way whatsoever.

30 (d) “Substation” means a concentration site equipped with at least
31 one storage building and operated and maintained for the temporary de-
32 posit or storage of the carcasses of domestic animals pending final delivery
33 of the carcasses to the disposal plant.

34 (e) “Place of transfer” means a reloading site, authorized for use in
35 direct transferring of carcasses of domestic animals from vehicles making
36 original pickup or loading to a line vehicle for the transportation of the
37 carcasses to the disposal plant.

38 (f) “Carcasses of domestic animals” means bodies, or any part or por-
39 tion thereof, of dead domestic animals not slaughtered for human food.

40 Sec. 82. K.S.A. 2004 Supp. 47-1218 is hereby amended to read as
41 follows: 47-1218. ~~(a)~~ All moneys received by the ~~livestock commissioner~~
42 *secretary* under article 12 of chapter 47 of Kansas Statutes Annotated,
43 and amendments thereto, shall be remitted to the state treasurer in ac-

1 cordance with the provisions of K.S.A. 75-4215, and amendments thereto.
2 Upon receipt of each such remittance, the state treasurer shall deposit
3 the entire amount in the state treasury to the credit of the animal disease
4 control fund.

5 ~~(b) On July 1, 1986, the director of accounts and reports shall transfer~~
6 ~~all moneys in the animal health department fee fund to the animal disease~~
7 ~~control fund. On July 1, 1986, all liabilities of the animal health depart-~~
8 ~~ment fee fund are hereby imposed upon the animal disease control fund,~~
9 ~~and the animal health department fee fund is hereby abolished.~~

10 Sec. 83. K.S.A. 2004 Supp. 47-1302 is hereby amended to read as
11 follows: 47-1302. (a) Except as provided in subsection (b) or (c), it shall
12 be unlawful for any person, firm, partnership or corporation to feed gar-
13 bage to animals.

14 (b) Any person, firm, partnership or corporation who on the effective
15 date of this act is registered as a garbage feeding operator may continue
16 to feed garbage to animals through October 31, 2001, if such garbage has
17 been heated to a temperature of 212 degrees Fahrenheit (boiling point)
18 for at least 30 minutes as provided by rules and regulations promulgated
19 by the ~~state livestock commissioner~~ *secretary of agriculture*.

20 (c) Nothing in this section shall prohibit an individual from feeding
21 such individual's own animals only the garbage obtained from such in-
22 dividual's own household.

23 Sec. 84. K.S.A. 2004 Supp. 47-1303 is hereby amended to read as
24 follows: 47-1303. (a) It shall be unlawful for the governing body of any
25 city, or any official or employee of a city, to enter into any contract or
26 agreement for the collection or disposal of garbage unless such contract
27 or agreement requires a disposal of garbage in accordance with rules and
28 regulations of the ~~state livestock commissioner~~ *secretary of agriculture*,
29 when disposed of by other means.

30 (b) It shall be unlawful for any person to give, sell or transfer garbage
31 to another person, if such person knows that such other person is com-
32 mercially feeding the garbage to a cloven hoofed animal.

33 Sec. 85. K.S.A. 2004 Supp. 47-1304 is hereby amended to read as
34 follows: 47-1304. The ~~state livestock commissioner~~ *secretary of agricul-*
35 *ture* is hereby authorized to promulgate and enforce all rules and regu-
36 lations deemed necessary to carry out the provisions of K.S.A. 47-1301
37 through 47-1307, and amendments thereto.

38 Sec. 86. K.S.A. 2004 Supp. 47-1307 is hereby amended to read as
39 follows: 47-1307. (a) Except as provided in subsection (g), no person, firm,
40 partnership or corporation shall be allowed to register as a garbage feed-
41 ing operator.

42 (b) It shall be unlawful for any person, firm, partnership or corpo-
43 ration to feed cooked garbage to animals, other than dogs, as permitted

1 under K.S.A. 47-1302, and amendments thereto, unless the operator of
2 such garbage feeding establishment shall have first registered as a garbage
3 feeding operator with the ~~livestock commissioner~~ *secretary of agriculture*
4 and shall have paid the annual registration fee under this section for each
5 place where garbage is to be fed.

6 (c) The ~~livestock commissioner~~ *secretary of agriculture* may accept
7 applications for registration on a form to be supplied by the ~~commis-~~
8 ~~sioner's secretary's~~ office. Upon the acceptance of such application for
9 registration and the receipt of the annual registration fee under this sec-
10 tion for each place where garbage is to be fed, the ~~livestock commissioner~~
11 *secretary of agriculture* shall issue to such applicant and operator a cer-
12 tificate of registration for the current operation period. Such certificate
13 shall expire on June 30 each year following the date of issuance of the
14 certificate of registration. The application for registration may be rejected
15 and denied if the applicant does not supply all the information deemed
16 essential by the ~~livestock commissioner~~ *secretary of agriculture* and if the
17 applicant's garbage feeding establishment does not meet the require-
18 ments of article 13 of chapter 47 of Kansas Statutes Annotated, and
19 amendments thereto, and the rules and regulations adopted thereunder.

20 (d) The ~~livestock commissioner~~ *secretary of agriculture* shall fix the
21 annual registration fee in such amount as the ~~commissioner~~ *secretary of*
22 *agriculture* deems desirable in interests of public service, but not in an
23 amount of more than \$15 per registration for each garbage feeding
24 establishment.

25 (e) The certificate of registration for garbage feeding operators may
26 be revoked by the ~~livestock commissioner~~ *secretary of agriculture* when-
27 ever the operator of a garbage feeding establishment is found to be op-
28 erating in violation of law, or rules and regulations adopted thereunder,
29 or in an unsanitary manner. Any such operator shall first be given notice
30 of hearing and an opportunity to appear and be heard in defense of any
31 proceeding for the revocation of any certificate of registration in accord-
32 ance with the provisions of the Kansas administrative procedure act.

33 (f) The ~~livestock commissioner~~ *secretary of agriculture* shall remit all
34 moneys received by or for the ~~commissioner~~ *secretary of agriculture* un-
35 der article 13 of chapter 47 of Kansas Statutes Annotated and amend-
36 ments thereto to the state treasurer at least monthly. Upon receipt of any
37 such remittance, the state treasurer shall deposit the entire amount
38 thereof in the state treasury and the same shall be credited to the animal
39 disease control fund.

40 (g) (1) Any person, firm, partnership or corporation who on the ef-
41 fective date of this act is registered as a garbage feeding operator may
42 continue to be registered through October 31, 2001 as a garbage feeding
43 operator if such operator is in compliance with all applicable laws and

1 rules and regulations concerning such garbage feeding establishment.

2 (2) The provision of subsections (b) through (f) shall apply only to
3 those validly registered garbage feeding operators through October 31,
4 2001.

5 Sec. 87. K.S.A. 47-1501 is hereby amended to read as follows: 47-
6 1501. (a) "Feedlot" means: (1) A livestock feedlot, or feed yard, having
7 more than 1,000 head of livestock at one time during the licensed year;
8 or (2) any other livestock feedlot whose operator elects to come under
9 this act.

10 (b) "Feed yard feeding" means the feeding of livestock in lots or pens
11 which are not used normally for raising crops and in which no vegetation,
12 intended for livestock feed, is growing.

13 (c) "Livestock" means cattle, swine, sheep and horses.

14 (d) "Operator" means the owner, or the person having charge or con-
15 trol, of a feedlot.

16 (e) "Person" means an individual, a corporation, a group of individ-
17 uals, joint venturers, a partnership or any other business entity.

18 (f) ~~"Commissioner" means the state livestock commissioner~~ "*Secre-*
19 *tary*" *means the secretary of agriculture of the state of Kansas.*

20 ~~(g) "Board" means the Kansas animal health board.~~

21 Sec. 88. K.S.A. 2004 Supp. 47-1503 is hereby amended to read as
22 follows: 47-1503. (a) It shall be unlawful for any person to operate a
23 feedlot within the state of Kansas without having first obtained a license
24 from the ~~livestock commissioner~~ *secretary of agriculture* authorizing and
25 permitting such operation.

26 (b) An operator of any feedlot in the state of Kansas, or a person
27 desiring to operate a feedlot in the state of Kansas, shall obtain, from the
28 ~~livestock commissioner~~ *secretary of agriculture*, a license to operate a
29 feedlot, unless exempted therefrom. The owner or operator of any live-
30 stock feedlot, with a capacity of less than 1,000 head of livestock, may
31 apply for and obtain a license for feedlot operations, if such owner or
32 operator chooses and elects to come under the terms and provisions of
33 this act, but the licensing for operations at a capacity of less than 1,000
34 head shall not be required.

35 (c) Application for a livestock feedlot license shall be filed with the
36 ~~livestock commissioner~~ *secretary of agriculture*, on a form prescribed and
37 furnished by the ~~commissioner~~ *secretary*. Upon the filing of such an ap-
38 plication and payment of the required fees, the ~~commissioner~~ *secretary*
39 shall issue a livestock feedlot license to such applicant, provided the ap-
40 plication discloses information assuring the ~~commissioner~~ *secretary* that
41 the operation of such feedlot will be conducted in accordance with the
42 standards set forth elsewhere in this act, and with rules and regulations
43 adopted by the ~~commissioner~~ *secretary*.

1 (d) Feedlot licenses shall be issued for the term of one year, to expire
 2 on June 30 following the date of issuance. Feedlot licenses may be con-
 3 tinued in force by annual renewal or extension of such license with the
 4 payment of an annual license fee, and with continued compliance by the
 5 operator with the provisions of this act, and acts amendatory of the pro-
 6 visions thereof and supplemental thereto, and rules and regulations
 7 adopted hereunder.

8 (e) Each feedlot operator, who shall be granted a license, shall pay a
 9 fee in an amount set by the ~~Kansas animal health board~~ *department of*
 10 *agriculture* and adopted by rules and regulations of the ~~commissioner~~
 11 *secretary of agriculture* for such license and for annual renewal thereof,
 12 in accordance with and subject to the following schedule of maximum
 13 fees:

<i>Feedlot capacity</i>	<i>Maximum fee</i>
14 Under 1,000 head.....	\$75
15 1,000 to 2,999 head.....	\$150
16 3,000 to 9,999 head.....	\$300
17 10,000 to 17,999 head.....	\$450
18 18,000 head and over.....	\$750

19
 20 The fees established by this subsection on the day preceding the ef-
 21 fective date of this act shall continue in effect until different fees are set
 22 as provided under this subsection.

23 (f) If an original feedlot license expires within six months after date
 24 of issuance, only 50% of the applicable license fee shall be required. An
 25 application for feedlot license shall not be approved, nor shall a license
 26 be issued to any applicant unless the application is accompanied by the
 27 applicable license fee under the schedule of fees in this section. Each
 28 licensed feedlot operator shall pay an annual license fee in accordance
 29 with the schedule of fees in this section and, upon payment of such fee
 30 and a showing of compliance with other requirements, shall be entitled
 31 to a renewal or extension of such operator's license for the ensuing license
 32 year.

33 (g) The ~~livestock commissioner~~ *secretary of agriculture* shall remit all
 34 moneys received by or for the ~~commissioner~~ *secretary of agriculture* un-
 35 der article 15 of chapter 47 of Kansas Statutes Annotated, and amend-
 36 ments thereto, to the state treasurer in accordance with the provisions of
 37 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such
 38 remittance, the state treasurer shall deposit the entire amount in the state
 39 treasury to the credit of the animal disease control fund.

40 Sec. 89. K.S.A. 47-1506 is hereby amended to read as follows: 47-
 41 1506. The ~~commissioner~~ *secretary of agriculture* shall have the power to:
 42 (1) Receive applications for feedlot licenses; (2) issue licenses to quali-
 43 fying applicants; (3) make and enforce reasonable regulations pertaining

1 to the operation of feedlots, within the framework of the standards set
2 forth in this act, and acts amendatory and supplemental thereto; (4) make
3 rules of procedure for the administration and enforcement of this act;
4 and (5) determine adequateness of the compliance with the requirements
5 fixed in standards prescribed in this act.

6 The ~~commissioner~~ *secretary of agriculture* shall have the duty to (1)
7 Prepare, design and have printed application forms which shall be avail-
8 able to feedlot operators and to applicants for such a license. Such forms
9 shall provide for answers and statements by applicants, to disclose
10 whether such applicants can, and are capable of complying with standards
11 of operation set forth in this act, and as set forth in the regulations made
12 by such ~~commissioner~~ *secretary* under authority of this act; (2) keep,
13 maintain and compile all necessary records; and (3) undertake and carry
14 through research studies, investigations and surveys which are needed
15 and required for the proper administration of this act.

16 The ~~commissioner~~ *secretary* shall have the power to call upon the uni-
17 versity of Kansas and Kansas state university for aid and assistance in
18 conducting such research studies and surveys.

19 The ~~commissioner~~ *secretary*, or authorized agents or employees, are
20 authorized to investigate all complaints concerning the operation of feed-
21 lots within the state of Kansas when an operator of such a feedlot is
22 charged with any violations of the provisions of this act. The ~~commissioner~~
23 *secretary* shall have the power to enter upon feedlot premises and to
24 investigate the methods of operation of all such feedlots.

25 The ~~commissioner~~ *secretary* shall have the power and the duty to sus-
26 pend or revoke the license of any feedlot operator, after a hearing, and
27 after an administrative determination that such an operator has violated,
28 or has failed to comply with any of the provisions of this act, or any
29 regulation adopted thereunder. The ~~commissioner~~ *secretary* shall have
30 the power and duty to reinstate any such suspended or revoked licenses,
31 upon a satisfactory and acceptable showing and assurance that such feed-
32 lot operator conducted feedlot operations in conformity with, and in com-
33 pliance with, the provisions of this act and regulations adopted thereun-
34 der, and that such conformity and compliance will be continuous. A
35 feedlot license shall not be suspended or revoked by the ~~commissioner~~
36 *secretary*, until charges have been submitted, in writing, concerning al-
37 leged violations, and until the licensee shall have been given an oppor-
38 tunity to be heard in such licensee's defense in accordance with the pro-
39 visions of the Kansas administrative procedure act.

40 Sec. 90. K.S.A. 47-1511 is hereby amended to read as follows: 47-
41 1511. Upon request of the ~~livestock commissioner~~ *secretary of agricul-*
42 *ture*, the secretary of health and environment shall make staff engineers
43 available to assist (1) an operator of any feedlot in the state of Kansas,

1 and (2) any person who has applied for a license to operate a feedlot in
2 the state of Kansas, in the development of plans and in the design for the
3 construction of facilities for a feedlot in order to control pollution of
4 streams and lakes. Nothing in this act shall be construed as limiting the
5 authority of the secretary of health and environment in matters of stream
6 and lake pollution as provided for in K.S.A. 65-161 to 65-171h, inclusive,
7 and amendments thereto.

8 Sec. 91. K.S.A. 47-1701 is hereby amended to read as follows: 47-
9 1701. As used in the Kansas pet animal act, unless the context otherwise
10 requires:

11 (a) “Adequate feeding” means supplying at suitable intervals (not to
12 exceed 24 hours) of a quantity of wholesome foodstuff, suitable for the
13 animal species and age, and sufficient to maintain a reasonable level of
14 nutrition in each animal.

15 (b) “Adequate watering” means a supply of clean, fresh, potable wa-
16 ter, supplied in a sanitary manner and either continuously accessible to
17 each animal or supplied at intervals suitable for the animal species, not
18 to exceed intervals of 12 hours.

19 (c) “Ambient temperature” means the temperature surrounding the
20 animal.

21 (d) (1) “Animal” means any live dog, cat, rabbit, rodent, nonhuman
22 primate, bird or other warm-blooded vertebrate or any fish, snake or
23 other cold-blooded vertebrate.

24 (2) Animal does not include horses, cattle, sheep, goats, swine, ratites,
25 domesticated deer or domestic fowl.

26 (e) “Animal breeder” means any person who operates animal breeder
27 premises.

28 (f) “Animal breeder premises” means any premises where all or part
29 of six or more litters of dogs or cats, or both, or 30 or more dogs or cats,
30 or both, are sold, or offered or maintained for sale, primarily at wholesale
31 for resale to another.

32 (g) “Animal shelter” or “pound” means a facility which is used or
33 designed for use to house, contain, impound or harbor any seized stray,
34 homeless, relinquished or abandoned animal or a person who acts as an
35 animal rescuer, or who collects and cares for unwanted animals or offers
36 them for adoption. Animal shelter or pound also includes a facility of an
37 individual or organization, profit or nonprofit, maintaining 20 or more
38 dogs or cats, or both, for the purpose of collecting, accumulating, amass-
39 ing or maintaining the animals or offering the animals for adoption.

40 (h) “Cat” means an animal which is wholly or in part of the species
41 *Felis domesticus*.

42 (i) ~~“Commissioner” means the livestock commissioner appointed by~~
43 ~~the Kansas animal health board~~ “Secretary” means the secretary of ag-

1 *riculture of the state of Kansas.*

2 (j) “Dog” means any animal which is wholly or in part of the species
3 *Canis familiaris* but does not include any greyhound, as defined by K.S.A.
4 74-8802 and amendments thereto.

5 (k) “Animal control officer” means any person employed by, con-
6 tracted with or appointed by the state, or any political subdivision thereof,
7 for the purpose of aiding in the enforcement of this law, or any other law
8 or ordinance relating to the licensing or permitting of animals, control of
9 animals or seizure and impoundment of animals, and includes any state,
10 county or municipal law enforcement officer, dog warden, constable or
11 other employee, whose duties in whole or in part include assignments
12 which involve the seizure or taking into custody of any animal.

13 (l) “Euthanasia” means the humane destruction of an animal, which
14 may be accomplished by any of those methods provided for in K.S.A. 47-
15 1718 and amendments thereto.

16 (m) “Hobby breeder premises” means any premises where all or part
17 of 3, 4 or 5 litters of dogs or cats, or both, are produced for sale or sold,
18 offered or maintained for sale. This provision applies only if the total
19 number of dogs or cats, or both, sold, offered or maintained for sale is
20 less than 30 individual animals.

21 (n) “Hobby breeder” means any person who operates a hobby
22 breeder premises.

23 (o) “Housing facility” means any room, building or area used to con-
24 tain a primary enclosure or enclosures.

25 (p) “Kennel operator” means any person who operates an establish-
26 ment where four or more dogs or cats, or both, are maintained in any
27 one week for boarding, training or similar purposes for a fee or compen-
28 sation.

29 (q) “Kennel operator premises” means the facility of a kennel oper-
30 ator.

31 (r) “License year” or “permit year” means the 12-month period end-
32 ing on June 30.

33 (s) “Person” means any individual, association, partnership, corpo-
34 ration or other entity.

35 (t) (1) “Pet shop” means any premises where there are sold, or of-
36 fered or maintained for sale, at retail and not for resale to another:

37 (A) Any dogs or cats, or both; or (B) any other animals except those
38 which are produced and raised on such premises and are sold, or offered
39 or maintained for sale, by a person who resides on such premises.

40 (2) Pet shop does not include: (A) Any pound or animal shelter; (B)
41 any premises where only fish are sold, or offered or maintained for sale;
42 or (C) any animal distributor premises, hobby breeder premises, retail
43 breeder premises or animal breeder premises.

- 1 (3) Nothing in this section prohibits inspection of those premises
2 which sell only fish to verify that only fish are being sold.
- 3 (u) "Pet shop operator" means any person who operates a pet shop.
- 4 (v) "Primary enclosure" means any structure used or designed for
5 use to restrict any animal to a limited amount of space, such as a room,
6 pen, cage, compartment or hutch.
- 7 (w) "Research facility" means any place, laboratory or institution, ex-
8 cept an elementary school, secondary school, college or university, at
9 which any scientific test, experiment or investigation involving the use of
10 any living animal is carried out, conducted or attempted.
- 11 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.
12 Maintaining animals for sale is presumed whenever 20 or more dogs or
13 cats, or both, are maintained by any person.
- 14 (y) "Sanitize" means to make physically clean and to remove and de-
15 stroy, to a practical minimum, agents injurious to health, at such intervals
16 as necessary.
- 17 (z) "Animal distributor" means any person who operates an animal
18 distributor premises.
- 19 (aa) "Animal distributor premises" means the premises of any person
20 engaged in the business of buying for resale dogs or cats, or both, as a
21 principal or agent, or who holds such distributor's self out to be so en-
22 gaged.
- 23 (bb) "Out-of-state distributor" means any person residing in a state
24 other than Kansas, who is engaged in the business of buying for resale
25 dogs or cats, or both, within the state of Kansas, as a principal or agent.
- 26 (cc) "Food animals" means rodents, rabbits, reptiles, fish or amphib-
27 ians that are sold or offered or maintained for sale for the sole purpose
28 of being consumed as food by other animals.
- 29 (dd) (1) "Adequate veterinary medical care" means:
- 30 (A) A documented program of disease control and prevention, eu-
31 thanasia and routine veterinary care shall be established and maintained
32 under the supervision of a licensed veterinarian, on a form provided by
33 the ~~commissioner~~ *secretary*, and shall include a documented on-site visit
34 to the premises by the veterinarian at least once a year; and
- 35 (B) that diseased, ill, injured, lame or blind animals shall be provided
36 with veterinary care as is needed for the health and well-being of the
37 animal.
- 38 (2) As used in the Kansas pet animal act, "adequate veterinary med-
39 ical care" shall not apply to United States department of agriculture li-
40 censed animal breeders or animal distributors.
- 41 (ee) "Ratites" means all creatures of the ratite family that are not
42 indigenous to this state, including, but not limited to, ostriches, emus and
43 rheas.

1 (ff) “Retail breeder” means any person who operates a retail breeder
2 premises.

3 (gg) “Retail breeder premises” means any premises where all or part
4 of six or more litters or 30 or more dogs or cats, or both, are sold, or
5 offered or maintained for sale, primarily at retail and not for resale to
6 another.

7 (hh) “Retail” means any transaction where the animal is sold to the
8 final consumer.

9 (ii) “Wholesale” means any transaction where the animal is sold for
10 the purpose of resale to another.

11 Sec. 92. K.S.A. 47-1702 is hereby amended to read as follows: 47-
12 1702. It shall be unlawful for any person to act as or be an animal dis-
13 tributor unless such person has obtained from the ~~commissioner~~ *secretary*
14 an animal distributor license for each animal distributor premises oper-
15 ated by such person. Application for such license shall be made in writing
16 on a form provided by the ~~commissioner~~ *secretary*. The license period
17 shall be for the license year ending on June 30 following the issuance
18 date.

19 Sec. 93. K.S.A. 47-1703 is hereby amended to read as follows: 47-
20 1703. It shall be unlawful for any person to act as or be a pet shop operator
21 unless such person has obtained from the ~~commissioner~~ *secretary* a pet
22 shop operator license for each pet shop operated by such person. Appli-
23 cation for each such license shall be made in writing on a form provided
24 by the ~~commissioner~~ *secretary*. The license period shall be for the license
25 year ending on June 30 following the issuance date.

26 Sec. 94. K.S.A. 47-1704 is hereby amended to read as follows: 47-
27 1704. It shall be unlawful for any person to operate a pound or animal
28 shelter, except a licensed veterinarian who operates such pound or animal
29 shelter from such licensed veterinarian’s clinic, unless a license for such
30 pound or shelter has been obtained from the ~~commissioner~~ *secretary*.
31 Application for such license shall be made on a form provided by the
32 ~~commissioner~~ *secretary*. The license period shall be for the license year
33 ending on June 30 following the issuance date.

34 Sec. 95. K.S.A. 47-1706 is hereby amended to read as follows: 47-
35 1706. (a) The ~~commissioner~~ *secretary* may refuse to issue or renew or
36 may suspend or revoke any license or permit required under K.S.A. 47-
37 1701 et seq. and amendments thereto for any one or more of the following
38 reasons:

39 (1) Material misstatement in the application for the original license
40 or permit, or in the application for any renewal of a license or permit;

41 (2) willful disregard of any provision of the Kansas pet animal act or
42 any rule and regulation adopted hereunder, or any willful aiding or abet-
43 ting of another in the violation of any provision of the Kansas pet animal

1 act or any rule and regulation adopted hereunder;

2 (3) permitting any license or permit issued hereunder to be used by

3 an unlicensed or unpermitted person or transferred to unlicensed or un-

4 permitted premises;

5 (4) the conviction of any crime relating to the theft of or cruelty to

6 animals;

7 (5) substantial misrepresentation;

8 (6) misrepresentation or false promise, made through advertising, sa-

9 lespersons, agents or otherwise, in connection with the operation of busi-

10 ness of the licensee or permittee;

11 (7) fraudulent bill of sale;

12 (8) the housing facility or the primary enclosure is inadequate; or

13 (9) the feeding, watering, sanitizing and housing practices at the li-

14 censee's or permittee's premises are not consistent with the Kansas pet

15 animal act or the rules and regulations adopted hereunder.

16 (b) Any refusal to issue or renew a license or permit, and any sus-

17 pension or revocation of a license or permit, under this section shall be

18 in accordance with the provisions of the Kansas administrative procedure

19 act and shall be subject to review in accordance with the act for judicial

20 review and civil enforcement of agency actions.

21 (c) Whenever the ~~commissioner~~ *secretary* denies, suspends or re-

22 vokes a license or permit under this section, the ~~commissioner~~ *secretary*

23 or the ~~commissioner's~~ *secretary's* authorized, trained representatives shall

24 seize and impound any animals in the possession, custody or care of the

25 person whose license or permit is denied, suspended or revoked if there

26 are reasonable grounds to believe that the animals' health, safety or wel-

27 fare is endangered. Except as provided by K.S.A. 21-4311, and amend-

28 ments thereto, such animals may be returned to the person owning them

29 if there is satisfactory evidence that the animals will receive adequate care

30 by that person or such animals may be sold, placed or euthanized, at the

31 discretion of the ~~commissioner~~ *secretary*. Costs of care and services for

32 such animals while seized and impounded shall be paid by the person

33 from whom the animals were seized and impounded, if that person's

34 license or permit is denied, suspended or revoked. Such funds shall be

35 paid to the ~~commissioner~~ *secretary* for reimbursement of care and serv-

36 ices provided during seizure and impoundment. If such person's license

37 or permit is not denied, suspended or revoked, the ~~commissioner~~ *secre-*

38 *tary* shall pay the costs of care and services provided during seizure and

39 impoundment.

40 Sec. 96. K.S.A. 2004 Supp. 47-1706a is hereby amended to read as

41 follows: 47-1706a. (a) When an animal is seized or impounded pursuant

42 to K.S.A. 47-1706, 47-1707 or 47-1715, and amendments thereto, the

43 owner or person who was in possession of the animal at the time such

1 animal was seized or impounded may post a cash or security bond as
2 provided in this section which shall prevent the sale, placement or eu-
3 thanasia of the animal. Such cash or security bond shall be in an amount
4 sufficient to pay for the animal's care and keeping for a period of at least
5 30 days, commencing on the date which the animal was seized or im-
6 pounded. Any such security bond or any security bond as provided in
7 subsection (b) shall be approved by the ~~Kansas animal health department~~
8 *secretary of agriculture*.

9 (b) Such bond shall be filed with the ~~Kansas animal health depart-~~
10 ~~ment~~ *secretary of agriculture* and shall be posted on or before the date
11 of the disposition hearing or within ten days after the animal is seized or
12 impounded, whichever is earlier. At the end of the time for which ex-
13 penses are covered by the bond if the owner or person who was in pos-
14 session of the animal at the time it was seized or impounded desires to
15 prevent disposition of the animal, such owner or person shall post a new
16 cash or security bond prior to the previous bond's expiration. At the end
17 of the time for which expenses are covered by the bond, the animal may
18 be sold, placed or euthanized.

19 (c) The authority seizing or impounding an animal shall give notice
20 by delivering a copy of this section to a person residing on the property
21 where the animal was seized or by posting a copy at the place where the
22 animal was seized.

23 (d) Nothing in this section shall prevent the euthanasia at any time
24 of an animal seized or impounded which is determined by a licensed
25 veterinarian to be diseased or disabled beyond recovery for any useful
26 purpose.

27 (e) This act is supplemental to and shall become a part of the Kansas
28 pet animal act.

29 Sec. 97. K.S.A. 47-1707 is hereby amended to read as follows: 47-
30 1707. (a) In addition to or in lieu of any other civil or criminal penalty
31 provided by law, the ~~commissioner~~ *secretary*, upon a finding that a person
32 has violated or failed to comply with any provision of the Kansas pet
33 animal act or any rule and regulation adopted hereunder, may impose on
34 such person a civil fine not exceeding \$1,000 for each violation.

35 (b) Any imposition of a civil fine pursuant to this section shall be only
36 upon notice and a hearing conducted in accordance with the Kansas ad-
37 ministrative procedure act and shall be subject to review in accordance
38 with the act for judicial review and civil enforcement of agency actions.

39 (c) Whenever the ~~commissioner~~ *secretary* has reasonable grounds to
40 believe that a person or premises required to be licensed or permitted
41 under the Kansas pet animal act has failed to comply with or has violated
42 any provision of the Kansas pet animal act or any rule and regulation
43 adopted hereunder and that the health, safety or welfare of animals in

1 such person's possession, custody or care is endangered thereby, the ~~com-~~
2 ~~missioner~~ *secretary* shall seize and impound such animals using emer-
3 gency adjudicative proceedings in accordance with the Kansas adminis-
4 trative procedure act. Except as provided by K.S.A. 21-4311, and
5 amendments thereto, such animals may be returned to the person owning
6 them if there is satisfactory evidence that the animals will receive ade-
7 quate care by that person or such animals may be sold, placed or euthan-
8 ized, at the discretion of the ~~commissioner~~ *secretary*. Costs of care and
9 services for such animals while seized and impounded shall be paid by
10 the person from whom the animals were seized and impounded, if that
11 person is found to be in violation of the Kansas pet animal act or any
12 rules and regulations adopted hereunder. Such funds shall be paid to the
13 ~~commissioner~~ *secretary* for reimbursement of care and services provided
14 during seizure and impoundment. If such person is not found to be in
15 violation of the Kansas pet animal act or any rules and regulations adopted
16 hereunder, the ~~commissioner~~ *secretary* shall pay the costs of care and
17 services provided during seizure and impoundment.

18 Sec. 98. K.S.A. 47-1709 is hereby amended to read as follows: 47-
19 1709. (a) The ~~commissioner~~ *secretary of agriculture* or the ~~commis-~~
20 ~~sioner's~~ *secretary's* authorized, trained representatives shall make an in-
21 spection of the premises for which an application for an original license
22 or permit is made under K.S.A. 47-1701 et seq., and amendments thereto,
23 before issuance of such license or permit. The application for a license
24 shall conclusively be deemed to be the consent of the applicant to the
25 right of entry and inspection of the premises sought to be licensed or
26 permitted by the ~~commissioner~~ *secretary of agriculture* or the ~~commis-~~
27 ~~sioner's~~ *secretary's* authorized, trained representatives at reasonable
28 times with the owner or owner's representative present. Refusal of such
29 entry and inspection shall be grounds for denial of the license or permit.
30 Notice need not be given to any person prior to inspection.

31 (b) The ~~commissioner~~ *secretary of agriculture* or the ~~commissioner's~~
32 *secretary's* authorized, trained representatives may make an inspection of
33 each premises for which a license or permit has been issued under K.S.A.
34 47-1701 et seq., and amendments thereto. If such premises are premises
35 of a person licensed or permitted under public law 91-579 (7 U.S.C. §
36 2131 et seq.), such premises may be inspected at least once each year.
37 Otherwise, the premises may be inspected at least twice each year. The
38 acceptance of a license or permit shall conclusively be deemed to be the
39 consent of the licensee or permittee to the right of entry and inspection
40 of the licensed or permitted premises by the ~~commissioner~~ *secretary of*
41 *agriculture* or the ~~commissioner's~~ *secretary's* authorized, trained repre-
42 sentatives at reasonable times with the owner or owner's representative
43 present. Refusal of such entry and inspection shall be grounds for sus-

1 pension or revocation of the license or permit. Notice need not be given
2 to any person prior to inspection.

3 (c) The ~~commissioner~~ *secretary of agriculture* or the ~~commissioner's~~
4 *secretary's* authorized, trained representatives shall make inspections of
5 the premises of a person required to be licensed or permitted under
6 K.S.A. 47-1701 et seq., and amendments thereto, upon a determination
7 by the ~~commissioner~~ *secretary of agriculture* that there are reasonable
8 grounds to believe that the person is violating the provisions of K.S.A 47-
9 1701 et seq., and amendments thereto, or rules and regulations adopted
10 thereunder or that there are grounds for suspension or revocation of such
11 person's license or permit.

12 (d) Any complaint filed with the ~~commissioner~~ *secretary* shall be con-
13 fidential and shall not be released to any person other than employees of
14 the ~~commissioner~~ *secretary* as necessary to carry out the duties of their
15 employment.

16 (e) Any person making inspections under this section shall be trained
17 by the ~~commissioner~~ *secretary* in reasonable standards of animal care.

18 (f) The ~~commissioner~~ *secretary* may request a licensed veterinarian
19 to assist in any inspection or investigation made by the ~~commissioner~~
20 *secretary* or the ~~commissioner's~~ *secretary's* authorized representative under
21 this section.

22 (g) Any person acting as the ~~commissioner's~~ *secretary's* authorized
23 representative for purposes of making inspections and conducting inves-
24 tigations under this section who knowingly falsifies the results or findings
25 of any inspection or investigation or who intentionally fails or refuses to
26 make an inspection or conduct an investigation pursuant to this section
27 shall be guilty of a class A nonperson misdemeanor.

28 (h) No person shall act as the ~~commissioner's~~ *secretary's* authorized
29 representative for the purposes of making inspections and conducting
30 investigations under this section if such person has a beneficial interest
31 in a person required to be licensed or permitted pursuant to K.S.A. 47-
32 1701 et seq., and amendments thereto.

33 (i) Records of inspections pursuant to this section shall be maintained
34 in the office of the ~~Kansas animal health department~~ *Kansas department*
35 *of agriculture*. Records of a deficiency or violation shall not be maintained
36 for longer than three years after the deficiency or violation is remedied.

37 Sec. 99. K.S.A. 47-1712 is hereby amended to read as follows: 47-
38 1712. (a) The ~~commissioner~~ *secretary* is hereby authorized to adopt rules
39 and regulations for licensees and permittees. Such rules and regulations
40 shall include, but not be limited to, provisions relating to: (1) Reasonable
41 treatment of animals in the possession, custody or care of a licensee or
42 permittee or being transported to or from licensed or permitted premises;
43 (2) a requirement that each licensee and permittee file with the ~~com-~~

1 ~~missioner~~ *secretary* evidence that animals entering or leaving the state
2 are free from any visible symptoms of communicable disease; (3) iden-
3 tification of animals handled; (4) primary enclosures; (5) housing facilities;
4 (6) sanitation; (7) euthanasia; (8) ambient temperatures; (9) feeding; (10)
5 watering; (11) adequate veterinary medical care; (12) inspections of li-
6 censed or permitted premises, investigations of complaints and training
7 of persons conducting such inspections and investigations; and (13) a re-
8 quirement that each licensee or permittee keep and maintain, for in-
9 spection by the ~~commission~~ *secretary*, such records as necessary to ad-
10 minister and enforce the provisions of the Kansas pet animal act.

11 (b) The ~~commissioner~~ *secretary* shall only adopt as rules and regu-
12 lations for United States department of agriculture licensed animal dis-
13 tributors and animal breeders, and animal distributor and animal breeder
14 premises the rules and regulations promulgated by the secretary of the
15 United States department of agriculture, cited at 9 C.F.R. 3.1 through
16 3.12, pursuant to the provisions of the United States public law 91-579
17 (7 U.S.C. § 2131 et seq.), commonly known as the animal welfare act.

18 (c) Notwithstanding any provision in subsection (b), the ~~commis-~~
19 ~~sioner~~ *secretary* may adopt a requirement that each licensee and per-
20 mittee file with the ~~commissioner~~ *secretary* evidence that animals enter-
21 ing or leaving the state are free from any visible symptoms of
22 communicable disease.

23 Sec. 100. K.S.A. 47-1713 is hereby amended to read as follows: 47-
24 1713. The ~~commissioner~~ *secretary* may prohibit the sale or gift of animals
25 which constitute a hazard to human health or safety or to animal health
26 or safety.

27 Sec. 101. K.S.A. 47-1715 is hereby amended to read as follows: 47-
28 1715. (a) Any violation of or failure to comply with any provision of the
29 Kansas pet animal act, or any rule and regulation adopted hereunder,
30 shall constitute a class A nonperson misdemeanor. Continued operation,
31 after a conviction, shall constitute a separate offense for each day of op-
32 eration.

33 (b) Upon a conviction of a person for any violation of the Kansas pet
34 animal act, or any rule and regulation adopted hereunder, the court shall
35 order the ~~commissioner~~ *secretary* to seize and impound any animals in
36 the convicted person's possession, custody or care if there are reasonable
37 grounds to believe that the animals' health, safety or welfare is endan-
38 gered. Except as provided by K.S.A. 21-4311, and amendments thereto,
39 such animals may be returned to the person owning them if there is
40 satisfactory evidence that the animals will receive adequate care by that
41 person or such animals may be sold, placed or euthanized, at the discre-
42 tion of the ~~commissioner~~ *secretary*. Costs of care and services for such
43 animals while seized and impounded shall be paid by the convicted per-

1 son. Such funds shall be paid to the ~~commissioner~~ *secretary* for reim-
2 bursement of care and services provided during seizure and impound-
3 ment. If the person is not convicted, the ~~commissioner~~ *secretary* shall
4 pay the costs of care and services provided during seizure and impound-
5 ment.

6 Sec. 102. K.S.A. 47-1719 is hereby amended to read as follows: 47-
7 1719. (a) It shall be unlawful for any person to act as or be a hobby
8 breeder unless such person has obtained from the ~~commissioner~~ *secretary*
9 a hobby breeder license. Application for such license shall be made in
10 writing on a form provided by the ~~commissioner~~ *secretary*. The license
11 period shall be for the license year ending on June 30 following the is-
12 suance date.

13 (b) This section shall be part of and supplemental to K.S.A. 47-1701
14 et seq. and amendments thereto.

15 Sec. 103. K.S.A. 47-1720 is hereby amended to read as follows: 47-
16 1720. (a) It shall be unlawful for any person to operate a research facility
17 unless such person has obtained from the ~~commissioner~~ *secretary* a re-
18 search facility license. Application for such license shall be made in writ-
19 ing on a form provided by the ~~commissioner~~ *secretary*. The license period
20 shall be for the license year ending on June 30 following the issuance
21 date.

22 (b) This section shall be part of and supplemental to K.S.A. 47-1701
23 et seq. and amendments thereto.

24 Sec. 104. K.S.A. 2004 Supp. 47-1721 is hereby amended to read as
25 follows: 47-1721. (a) Each application for issuance or renewal of a license
26 or permit required under K.S.A. 47-1701 et seq., and amendments
27 thereto, shall be accompanied by the fee prescribed by the ~~commissioner~~
28 *secretary* under this section. Such fees shall be as follows:

29 (1) Except as provided in paragraph (5), for a license for premises of
30 a person licensed under public law 91-579 (7 U.S.C. § 2131 et seq.), an
31 amount not to exceed \$150.

32 (2) Except as provided in paragraph (5), for a license for any other
33 premises, an amount not to exceed \$300.

34 (3) For a temporary closing permit, an amount not to exceed \$75.

35 (4) For an out-of-state distributor permit, an amount not to exceed
36 \$500.

37 (5) For a hobby breeder license or a kennel operator license an
38 amount not to exceed \$75.

39 (6) A late fee of \$50 shall be assessed to any person whose permit or
40 license renewal is more than 45 days' late.

41 (b) The ~~commissioner~~ *secretary* shall determine annually the amount
42 necessary to carry out and enforce K.S.A. 47-1701 et seq., and amend-
43 ments thereto, for the next ensuing fiscal year and shall fix by rules and

1 regulations the license and permit fees for such year at the amount nec-
2 essary for that purpose, subject to the limitations of this section. In fixing
3 such fees, the ~~commissioner~~ *secretary* may establish categories of licenses
4 and permits, based upon the type of license or permit, size of the licensed
5 or permitted business or activity and the premises where such business
6 or activity is conducted, and may establish different fees for each such
7 category. The fees in effect immediately prior to the effective date of this
8 act shall continue in effect until different fees are fixed by the ~~commis-~~
9 ~~sioner~~ *secretary* as provided by this subsection.

10 (c) If a licensee, permittee or applicant for a license or permit re-
11 quests an inspection of the premises of such licensee, permittee or ap-
12 plicant, the ~~commissioner~~ *secretary* shall assess the costs of such inspec-
13 tion, as established by rules and regulations of the ~~commissioner~~
14 *secretary*, to such licensee, permittee or applicant.

15 (d) No fee or assessment required pursuant to this section shall be
16 refundable.

17 (e) The ~~commissioner~~ *secretary* shall remit all moneys received by or
18 for the ~~commissioner~~ *secretary* under this section to the state treasurer
19 in accordance with the provisions of K.S.A. 75-4215, and amendments
20 thereto. Upon receipt of each such remittance, the state treasurer shall
21 deposit the entire amount in the state treasury to the credit of the animal
22 dealers fee fund, which is hereby created in the state treasury. Moneys
23 in the animal dealers fee fund may be expended only to administer and
24 enforce K.S.A. 47-1701 et seq., and amendments thereto. All expendi-
25 tures from the animal dealers fee fund shall be made in accordance with
26 appropriation acts upon warrants of the director of accounts and reports
27 issued pursuant to vouchers approved by the ~~Kansas livestock commis-~~
28 ~~sioner or the commissioner's~~ *secretary or the secretary's* designee.

29 (f) Premises required to be licensed under the Kansas pet animal act
30 shall not be required to pay for more than one license. If more than one
31 operation is ongoing at the premises, each operation shall comply with
32 the applicable statutes and rules and regulations pertaining to such op-
33 eration.

34 (g) Except as provided further, when a premises required to be li-
35 censed or permitted under the Kansas pet animal act applies for an initial
36 license or permit, the ~~commissioner~~ *secretary* shall prorate to the nearest
37 whole month the license or permit fee established in subsection (a). The
38 ~~commissioner~~ *secretary* shall have discretion to determine whether the
39 application is an initial application or an application for a premises which
40 has been doing business but is not licensed or permitted. If the ~~commis-~~
41 ~~sioner~~ *secretary* determines the premises has been doing business without
42 a license or permit, the ~~commissioner~~ *secretary* is not required to prorate
43 the fee.

1 (h) This section shall be part of and supplemental to K.S.A. 47-1701
2 et seq., and amendments thereto.

3 Sec. 105. K.S.A. 47-1723 is hereby amended to read as follows: 47-
4 1723. (a) It shall be unlawful for any person, except a licensed veterinar-
5 ian, to act as or be a kennel operator unless such person has obtained
6 from the ~~commissioner~~ *secretary* a kennel operator license for each prem-
7 ises operated by such person. Application for such license shall be made
8 in writing on a form provided by the ~~commissioner~~ *secretary*. The license
9 period shall be for the license year ending on June 30 following the is-
10 ssuance date.

11 (b) This section shall be part of and supplemental to K.S.A. 47-1701
12 et seq., and amendments thereto.

13 Sec. 106. K.S.A. 47-1727 is hereby amended to read as follows: 47-
14 1727. Notwithstanding the existence or pursuit of any other remedy,
15 when it appears to the ~~commissioner~~ *secretary*, as head of the licensing
16 and permitting agency, that any person is violating any provisions of the
17 Kansas pet animal act, the ~~commissioner~~ *secretary* may in that capacity
18 bring an action in a court of competent jurisdiction or other process
19 against such person to enjoin, restrain or prevent such person from con-
20 tinuing operation in violation of the Kansas pet animal act without regard
21 to whether administrative proceedings have been or may be instituted or
22 whether criminal proceedings may be or have been instituted.

23 Sec. 107. K.S.A. 47-1735 is hereby amended to read as follows: 47-
24 1735. (a) A licensee, permittee or applicant for a license or permit shall
25 not interfere with, hinder, threaten or abuse, including verbal abuse, any
26 representative or employee of the ~~animal health department~~ *Kansas de-*
27 *partment of agriculture* who is carrying out such representative's or em-
28 ployee's duties under the provisions of the Kansas pet animal act.

29 (b) This section shall be part of and supplemental to the Kansas pet
30 animal act.

31 Sec. 108. K.S.A. 47-1804 is hereby amended to read as follows: 47-
32 1804. As used in this act, unless the context otherwise requires:

33 (a) ~~"Commissioner" means the livestock commissioner~~ *"Secretary"*
34 *means the secretary of agriculture* of the state of Kansas.

35 (b) "Livestock" means cattle, swine, horses, sheep, goats, poultry, all
36 creatures of the ratite family that are not indigenous to this state, includ-
37 ing but not limited to ostriches, emus and rheas and domesticated deer.

38 (c) "Livestock dealer" means any person engaged in the business of
39 buying or selling livestock in commerce, either on that person's own ac-
40 count or as the employee or agent of the seller or purchaser, or any person
41 engaged in the business of buying or selling livestock in commerce on a
42 commission basis and shall include any person who buys or sells livestock
43 with the use of a video. "Livestock dealer" does not include any person

1 who buys or sells livestock as part of that person's own breeding, feeding
2 or dairy operation, nor any person who receives livestock exclusively for
3 immediate slaughter.

4 (d) "Person" means any individual, partnership, corporation, com-
5 pany, firm or association. "Person" does not include any public livestock
6 market operator licensed under K.S.A. 47-1001 et seq., and amendments
7 thereto, or any feedlot operator licensed under K.S.A. 47-1501 et seq.,
8 and amendments thereto.

9 (e) "Domesticated deer" means any member of the family cervidae
10 which was legally obtained and is being sold or raised in a confined area
11 for breeding stock; for any carcass, skin or part of such animal; for exhi-
12 bition; or for companionship.

13 Sec. 109. K.S.A. 2004 Supp. 47-1805 is hereby amended to read as
14 follows: 47-1805. (a) Any person operating as a livestock dealer in Kansas
15 shall register with the ~~Kansas animal health department~~ *Kansas depart-*
16 *ment of agriculture*. Registration shall be made on an application form
17 approved by the ~~livestock commissioner~~ *secretary*. The application shall
18 be accompanied by the livestock dealer registration fee or renewal fee
19 fixed by the ~~commissioner~~ *secretary* under subsection (b). If an applica-
20 tion for registration or renewal of registration is denied by the ~~commis-~~
21 ~~sioner~~ *secretary* or withdrawn by the applicant, the fee shall not be re-
22 funded. Unless renewed under this section, each registration shall expire
23 on the June 30 following the date of issuance.

24 (b) The ~~livestock commissioner~~ *secretary* shall determine annually
25 the amount of funds which will be required for the administration and
26 enforcement of this section and K.S.A. 47-1806, and amendments
27 thereto, and shall fix and adjust from time to time a livestock dealer
28 registration fee and a renewal fee in such reasonable amounts as may be
29 necessary for such purposes, except that in no case shall either the live-
30 stock dealer registration fee or the renewal fee exceed \$75.

31 (c) The ~~livestock commissioner~~ *secretary* shall remit all moneys re-
32 ceived by or for the ~~commissioner~~ *secretary* under this section to the state
33 treasurer in accordance with the provisions of K.S.A. 75-4215, and
34 amendments thereto. Upon receipt of each such remittance, the state
35 treasurer shall deposit the entire amount in the state treasury to the credit
36 of the animal disease control fund.

37 Sec. 110. K.S.A. 47-1808 is hereby amended to read as follows: 47-
38 1808. (a) Except if bonded under the packers and stockyards act, 1921,
39 as amended and supplemented, 7 U.S.C. 181 et seq., every livestock
40 dealer required to be registered pursuant to K.S.A. 47-1805, and amend-
41 ments thereto, upon notification by the ~~livestock commissioner~~ *secretary*
42 of the amount of bond required, shall file with the ~~livestock commissioner~~
43 *secretary* a bond with good corporate surety qualified under the laws of

1 the state of Kansas in a sum computed by dividing the dollar value of
2 livestock sold during the preceding business year, or the substantial part
3 of that business year, in which the livestock dealer did business, by the
4 actual number of days on which livestock was sold. The divisor, the num-
5 ber of days on which livestock was sold, shall not exceed 130. The amount
6 of bond coverage must be the next multiple of \$5,000 above the amount
7 so determined. When the computation exceeds \$75,000, the amount of
8 bond coverage need not exceed \$75,000 plus 10% of the excess over
9 \$75,000, raised to the next \$5,000 multiple. In cases where a business
10 operation is being commenced, an estimated amount of business to be
11 transacted during the next 12 months may be used subject to adjustment
12 later, if indicated. In no event shall the bond be for an amount less than
13 \$10,000.

14 (b) The bond shall be in favor of the state of Kansas for the benefit
15 of all persons interested, their legal representatives, attorneys or assigns
16 and shall be conditioned on the faithful performance of all the registrant's
17 duties as a livestock dealer. Any person injured by the breach of any
18 obligation of the livestock dealer may commence suit on the bond in any
19 court of competent jurisdiction to recover damages that the person has
20 sustained, but any suit commenced shall either be a class action or shall
21 join as parties plaintiff or parties defendant or other persons who may be
22 affected by such suit on the bond. No bond shall be canceled by the surety
23 on less than 30 days' notice by mail to the ~~livestock commissioner~~ *secretary*
24 and the principal except that no such notice shall be required for
25 cancellation of any bond by reason of nonpayment of the premium
26 thereon. The liability of the surety on the bond may continue for each
27 successive registration period the bond covers. The total liability of the
28 surety shall be limited to the amount stated on the current bond or on
29 an appropriate rider or endorsement to the current bond. It is the intent
30 of this statute that the bonds be nonaccumulative, that stacking of bonds
31 not occur in excess of the face value of the current bond.

32 (c) Whenever the ~~livestock commissioner~~ *secretary* determines that
33 any bond given by any livestock dealer is inadequate and insufficient secu-
34 rity against any loss that might arise under the terms of the bond, the
35 ~~livestock commissioner~~ *secretary* shall require any additional bond that
36 the ~~livestock commissioner~~ *secretary* considers necessary to provide ad-
37 equate security. If the ~~livestock commissioner~~ *secretary* considers the
38 financial condition of the surety upon any livestock dealer and the live-
39 stock dealer's bond to be impaired, the ~~livestock commissioner~~ *secretary*
40 shall require any substituted or additional bond that the ~~livestock com-~~
41 ~~missioner~~ *secretary* considers necessary except this act shall not apply to
42 those who buy livestock for others incidentally to their own farming op-
43 eration.

- 1 (d) In all actions hereafter commenced in which judgment is ren-
2 dered against any surety company on any surety bond furnished under
3 the provisions of this section, if it appears from the evidence that the
4 surety company has refused without just cause to pay the loss upon de-
5 mand, the court shall allow the plaintiff a reasonable sum as attorney fees
6 to be recovered and collected as a part of the costs. When a tender is
7 made by the surety company before the commencement of the action in
8 which judgment is rendered and the amount recovered is not in excess
9 of the tender, no such costs shall be allowed.
- 10 (e) Any person violating or failing to comply with the provisions of
11 this section shall be deemed guilty of a class A *nonperson* misdemeanor.
- 12 (f) This section shall be part of and supplemental to article 18 of
13 chapter 47 of the Kansas Statutes Annotated.
- 14 Sec. 111. K.S.A. 2004 Supp. 47-1809 is hereby amended to read as
15 follows: 47-1809. (a) As used in this section, “feral swine” means any
16 untamed or undomesticated hog, boar or pig.
- 17 (b) Importation or possession, or both, of feral swine into the state
18 of Kansas is a violation of state law, which may incur a civil penalty in the
19 amount of not less than \$1,000 nor more than \$5,000 for each such vio-
20 lation. In the case of a continuing violation, every day such violation con-
21 tinues shall be deemed a separate violation.
- 22 (c) Any duly authorized agent of the ~~livestock commissioner~~ *secretary*,
23 upon a finding that any person, or agent or employee thereof, has
24 violated any of the provisions stated above, may impose a civil penalty
25 upon such person as provided in this section.
- 26 (d) No civil penalty shall be imposed pursuant to this section except
27 upon the written order of the duly authorized agent of the ~~livestock com-~~
28 ~~missioner~~ *secretary* to the person who committed the violation. Such or-
29 der shall state the violation, the penalty to be imposed and the right of
30 the person to appeal to the ~~commissioner~~ *secretary*. Any such person,
31 within 20 days after notification, may make written request to the ~~com-~~
32 ~~missioner~~ *secretary* for a hearing in accordance with the provisions of the
33 Kansas administrative procedure act. The ~~commissioner~~ *secretary* shall
34 affirm, reverse or modify the order and shall specify the reasons therefor.
- 35 (e) Any person aggrieved by an order of the ~~commissioner~~ *secretary*
36 made under this section may appeal such order to the district court in
37 the manner provided by the act for judicial review and civil enforcement
38 of agency actions.
- 39 (f) Any civil penalty recovered pursuant to the provisions of this sec-
40 tion shall be remitted to the state treasurer in accordance with the pro-
41 visions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each
42 such remittance, the state treasurer shall deposit the entire amount in the
43 state treasury to the credit of the state general fund.

1 (g) The ~~livestock commissioner~~ *secretary*, or the authorized repre-
2 sentative of the ~~livestock commissioner~~ *secretary*, may destroy or require
3 the destruction of any feral swine upon discovery of such swine.

4 Sec. 112. K.S.A. 2004 Supp. 47-1831 is hereby amended to read as
5 follows: 47-1831. (a) The ~~livestock commissioner~~ *secretary of agriculture*
6 is hereby authorized to:

7 (1) Register original veterinary certificates of inspection for livestock,
8 as defined in K.S.A. 47-1001, and amendments thereto; and

9 (2) provide official calfhooed vaccination tags. Such tags shall not ex-
10 ceed \$.25 for each tag.

11 (b) The ~~commissioner~~ *secretary of agriculture* shall determine an-
12 nually tag fee and shall fix such fee by rules and regulations.

13 (c) The ~~commissioner~~ *secretary of agriculture* shall remit all moneys
14 received by or for the ~~commissioner~~ *secretary of agriculture* under this
15 section to the state treasurer in accordance with the provisions of K.S.A.
16 75-4215, and amendments thereto. Upon receipt of each such remittance,
17 the state treasurer shall deposit the entire amount in the state treasury
18 to the credit of the animal disease control fund.

19 Sec. 113. K.S.A. 47-1832 is hereby amended to read as follows: 47-
20 1832. The ~~livestock commissioner~~ *secretary of agriculture* is hereby au-
21 thorized to establish rules and regulations on disease control programs
22 for and on the sale and importation into Kansas of farm animals and exotic
23 animals. As used in this section “farm animals” and “exotic animal” means
24 the definitions given by rules and regulations in 9 C.F.R. 1.1, pursuant
25 to 7 U.S.C. § 2131 et seq.

26 Sec. 114. K.S.A. 2004 Supp. 47-2101 is hereby amended to read as
27 follows: 47-2101. (a) It shall be unlawful for any person to engage in the
28 business of raising domesticated deer unless such person has obtained
29 from the ~~livestock commissioner~~ *secretary of agriculture* a domesticated
30 deer permit. Application for such permit shall be made in writing on a
31 form provided by the ~~commissioner~~ *secretary of agriculture*. The permit
32 period shall be for the permit year ending on June 30 following the is-
33 suance date.

34 (b) Each application for issuance or renewal of a permit shall be ac-
35 companied by a fee of not more than \$100 as established by the ~~com-~~
36 ~~missioner~~ *secretary of agriculture* in rules and regulations.

37 (c) The ~~livestock commissioner~~ *secretary of agriculture* shall adopt
38 any rules and regulations necessary to enforce this section.

39 (d) Any person who fails to obtain a permit as prescribed in section
40 (a) shall be deemed guilty of a misdemeanor and upon conviction shall
41 be punished by a fine not exceeding \$100. Continued operation, after a
42 conviction, shall constitute a separate offense for each day of operation.

43 (e) The ~~commissioner~~ *secretary of agriculture* may refuse to issue or

1 renew or may suspend or revoke any permit for any one of the following
2 reasons:

3 (1) Material misstatement in the application for the original permit
4 or in the application for any renewal of a permit;

5 (2) the conviction of any crime, an essential element of which is mis-
6 statement, fraud or dishonesty, or relating to the theft of or cruelty to
7 animals;

8 (3) substantial misrepresentation;

9 (4) the person who is issued a permit is found to be adding to such
10 person's herd by poaching or illegally obtaining deer;

11 (5) willful disregard to any rule or regulation adopted under this sec-
12 tion.

13 (f) Any refusal to issue or renew a permit and any suspension or
14 revocation of a permit under this section shall be in accordance with the
15 provisions of the Kansas administrative procedure act and shall be subject
16 to review in accordance with the act for judicial review and civil enforce-
17 ment of agency actions.

18 (g) Domesticated deer shall be identified through implantation of
19 microchips, ear tags, ear tattoos, ear notches or any other permanent
20 identification on such deer as to identify such deer as domesticated deer.
21 Any person who receives a permit issued pursuant to subsection (a) shall
22 keep records of the deer herd pursuant to rules and regulations.

23 (h) ~~The livestock commissioner~~ *secretary of agriculture* shall inspect
24 any premises where a domesticated deer herd has been issued a permit
25 upon receipt of a written, signed complaint that such premises is not
26 being operated, managed or maintained in accordance with rules and
27 regulations.

28 (i) ~~The livestock commissioner~~ *secretary of agriculture*, on a quarterly
29 basis, shall transmit to the secretary of wildlife and parks a current list of
30 persons issued a permit pursuant to this section.

31 (j) All moneys received under this section shall be remitted to the
32 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
33 amendments thereto. Upon receipt of each such remittance, the state
34 treasurer shall deposit the entire amount in the state treasury to the credit
35 of the animal disease control fund.

36 (k) As used in this section:

37 (1) "Deer" means any member of the family cervidae.

38 (2) "Domesticated deer" means any member of the family cervidae
39 which was legally obtained and is being sold or raised in a confined area
40 for breeding stock; for any carcass, skin or part of such animal; for exhi-
41 bition; or for companionship.

42 Sec. 115. K.S.A. 65-171i is hereby amended to read as follows: 65-
43 171i. Nothing in this act shall be construed as limiting the authority of

1 the ~~state livestock commissioner~~ *secretary of agriculture* in matters con-
 2 cerning the administration of the law concerning feedlots (K.S.A. 47-1501
 3 et seq.).

4 Sec. 116. K.S.A. 66-1319 is hereby amended to read as follows: 66-
 5 1319. (a) Members of the Kansas highway patrol shall exercise the power
 6 and authority of the superintendent of the Kansas highway patrol in the
 7 execution of the duties imposed upon the superintendent by this act to
 8 the extent that the exercise of such power and authority is delegated to
 9 such members by the superintendent or is prescribed by law. In enforcing
 10 the laws referred to in K.S.A. 66-1318, and amendments thereto, mem-
 11 bers of the highway patrol are authorized and empowered to inspect any
 12 motor vehicle required by law to comply with any of such laws and rules
 13 and regulations relating thereto. Except as otherwise provided in K.S.A.
 14 8-1910, and amendments thereto, whenever any member of the highway
 15 patrol shall determine that any vehicle is not properly registered under
 16 or not in compliance with any of such laws, such member of the highway
 17 patrol may require such vehicle to be driven to the nearest motor carrier
 18 inspection station, if there is one within five miles, and if not, to another
 19 suitable place, and remain there until the driver thereof has complied
 20 with any or all of such laws. Any driver of a vehicle who fails or refuses
 21 to drive such vehicle to the nearest inspection station or other suitable
 22 place when so directed by a member of the highway patrol shall be
 23 deemed guilty of a misdemeanor.

24 (b) The superintendent of the Kansas highway patrol or any other
 25 member thereof designated by the superintendent may issue any license,
 26 permit, registration or certificate required under any of such laws when
 27 so directed by law or by the head of the agency administering such laws.

28 (c) The superintendent of the Kansas highway patrol, the secretary
 29 of revenue, the secretary of transportation, the chairperson of the state
 30 corporation commission and the ~~livestock commissioner~~ *secretary of ag-*
 31 *riculture* shall cooperate in all functions relating to the enforcement of
 32 such laws.

33 Sec. 117. K.S.A. 75-1901 is hereby amended to read as follows: 75-
 34 1901. *On and after the effective date of this act*, a livestock commissioner
 35 shall be appointed by the ~~Kansas animal health board~~ *secretary of agri-*
 36 *culture* and shall serve as the ~~executive officer~~ *director of the Kansas*
 37 ~~animal health department~~ *animal health of the Kansas department of ag-*
 38 *riculture* which is hereby created. The person ~~so~~ appointed shall have
 39 been actively engaged in one of the major phases of the livestock industry
 40 for a period of not less than five ~~(5)~~ years immediately preceding ~~his or~~
 41 ~~her~~ *such person's* appointment. Before entering upon the duties of ~~said~~
 42 ~~such~~ office, such ~~commissioner~~ *livestock commissioner* shall take and sub-
 43 scribe an oath of office to faithfully and honestly discharge the duties of

1 ~~said~~ *such* office to the best of ~~his or her~~ *such person's* knowledge and
2 ability, and shall file the same with the secretary of state. The livestock
3 commissioner shall serve at the pleasure of the ~~animal health board~~ *sec-*
4 *retary of agriculture.*

5 Sec. 118. K.S.A. 75-1903 is hereby amended to read as follows: 75-
6 1903. ~~(a)~~ Whenever in any of the statutes of this state the term "livestock
7 sanitary commissioner" is used, or the term "commissioner" is used to
8 refer to the livestock sanitary commissioner, such terms shall be construed
9 to mean the livestock commissioner appointed by the ~~Kansas animal~~
10 ~~health board~~ *secretary of agriculture* pursuant to K.S.A. 75-1901, *and*
11 *amendments thereto.*

12 ~~(b)~~ Whenever in any of the statutes of this state the terms "Kansas
13 livestock commission" or "livestock commission" are used, or the term
14 "commission" is used to refer to the Kansas livestock commission, such
15 terms shall be construed to mean the Kansas animal health board created
16 in K.S.A. 74-4001, as amended.

17 Sec. 119. K.S.A. 47-239, 47-414a, 47-416, 47-416a, 47-417, 47-418a,
18 47-420, 47-422, 47-428, 47-429, 47-432, 47-433, 47-434, 47-435, 47-441,
19 47-442, 47-446, 47-448, 47-605, 47-607, 47-607a, 47-607d, 47-608, 47-
20 610, 47-612, 47-613, 47-616, 47-618, 47-619, 47-620, 47-622, 47-626, 47-
21 627, 47-629, 47-629a, 47-629b, 47-629c, 47-631, 47-632, 47-632a, 47-
22 633a, 47-634, 47-635, 47-646a, 47-650, 47-651, 47-653, 47-653a, 47-653b,
23 47-653d, 47-653e, 47-653f, 47-653h, 47-654, 47-655, 47-657, 47-658a, 47-
24 658b, 47-660, 47-666, 47-667, 47-673, 47-1001, 47-1001e, 47-1501, 47-
25 1506, 47-1511, 47-1701, 47-1702, 47-1703, 47-1704, 47-1706, 47-1707,
26 47-1709, 47-1712, 47-1713, 47-1715, 47-1719, 47-1720, 47-1723, 47-
27 1727, 47-1735, 47-1804, 47-1808, 47-1832, 65-171i, 66-1319, 74-4002,
28 75-1901, 75-1903 and 75-3142 and K.S.A. 2004 Supp. 47-417a, 47-437,
29 47-611, 47-624, 47-672, 47-674, 47-816, 47-1008, 47-1011a, 47-1201, 47-
30 1218, 47-1302, 47-1303, 47-1304, 47-1307, 47-1503, 47-1706a, 47-1721,
31 47-1805, 47-1809, 47-1831, 47-2101 and 74-4001 are hereby repealed.

32 Sec. 120. This act shall take effect and be in force from and after its
33 publication in the statute book.