

HOUSE BILL No. 2477

By Committee on Agriculture

1-17

1 AN ACT concerning agriculture; relating to the Kansas pet animal act;
2 amending K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-1720, 47-
3 1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701, ~~47-~~
4 ~~1709,~~ 47-1721 and 47-1723 and repealing the existing sections.
5

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

7 Section 1. K.S.A. 2017 Supp. 47-1701 is hereby amended to read as
8 follows: 47-1701. As used in the Kansas pet animal act, unless the context
9 otherwise requires:

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

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

18 (c) "Ambient temperature" means the temperature surrounding the
19 animal.

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

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

25 (e) "Animal breeder" means any person who operates an animal
26 breeder premises.

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

31 (g) "Animal shelter" or "pound" means a facility ~~which~~ *that* is used or
32 designed for use to house, contain, impound or harbor any seized stray,

1 homeless, relinquished or abandoned animal or a person who acts as an
2 animal rescuer, or who collects and cares for unwanted animals or offers
3 them for adoption. Animal shelter or pound also includes a facility of an
4 individual or organization, profit or nonprofit, maintaining 20 or more
5 dogs or cats, or both, for the purpose of collecting, accumulating, amassing
6 or maintaining the animals or offering the animals for adoption.

7 (h) "Cat" means an animal~~—which~~ *that* is wholly or in part of the
8 species *Felis domesticus*.

9 (i) "Commissioner" means the animal health commissioner of the
10 Kansas department of agriculture.

11 (j) "Dog" means any animal~~—which~~ *that* is wholly or in part of the
12 species *Canis familiaris*.

13 (k) "Animal control officer" means any person employed by,
14 contracted with or appointed by the state, or any political subdivision
15 thereof, for the purpose of aiding in the enforcement of this law, or any
16 other law or ordinance relating to the licensing or permitting of animals,
17 control of animals or seizure and impoundment of animals, and includes
18 any state, county or municipal law enforcement officer, dog warden,
19 constable or other employee, whose duties in whole or in part include
20 assignments~~—which~~ *that* involve the seizure or taking into custody of any
21 animal.

22 (l) "Euthanasia" means the humane destruction of an animal, which
23 may be accomplished by any of those methods provided for in K.S.A. 47-
24 1718, and amendments thereto.

25 (m) "Hobby breeder premises" means any premises where all or part
26 of three, four or five litters of dogs or cats, or both, are produced for sale
27 or sold, offered or maintained for sale per license year. This provision
28 applies only if the total number of dogs or cats, or both, sold, offered or
29 maintained for sale is less than 30 individual animals.

30 (n) "Hobby breeder" means any person who operates a hobby breeder
31 premises.

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

34 (p) "Boarding or training kennel operator" means any person who
35 operates an establishment where four or more dogs or cats, or both, are
36 maintained in any one week during the license year for boarding, training
37 or similar purposes for a fee or compensation.

38 (q) "Boarding or training kennel operator premises" means the
39 facility of a boarding or training kennel operator.

40 (r) "License year" or "permit year" means the 12-month period
41 ending on ~~June~~ *September 30*.

42 (s) "Person" means any individual, association, partnership,
43 corporation or other entity.

1 (t) (1) "Pet shop" means any premises where there are sold, or offered
2 or maintained for sale, at retail and not for resale to another:

3 (A) Any dogs or cats, or both; or (B) any other animals except those
4 ~~which~~ *that* are produced and raised on such premises and are sold, or
5 offered or maintained for sale, by a person who resides on such premises.

6 (2) "Pet shop" does not include: (A) Any pound or animal shelter; (B)
7 any premises where only fish are sold, or offered or maintained for sale; or
8 (C) any animal distributor premises, hobby breeder premises, retail breeder
9 premises or animal breeder premises.

10 (3) Nothing in this section prohibits inspection of those premises
11 ~~which~~ *that* sell only fish to verify that only fish are being sold.

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

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

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

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

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

26 (z) "Animal distributor" means any person who operates an animal
27 distributor premises.

28 (aa) "Animal distributor premises" means the premises of any person
29 engaged in the business of buying for resale dogs or cats, or both, as a
30 principal or agent, or who holds such distributor's self out to be so
31 engaged.

32 (bb) "Out-of-state distributor" means any person residing in a state
33 other than Kansas, who is engaged in the business of buying for resale
34 dogs or cats, or both, within the state of Kansas, as a principal or agent.

35 (cc) "Food animals" means rodents, rabbits, reptiles, fish or
36 amphibians that are sold or offered or maintained for sale for the sole
37 purpose of being consumed as food by other animals.

38 (dd) (1) "Adequate veterinary medical care" means:

39 ~~(A)~~ (A) A documented program of disease control and prevention,
40 euthanasia and routine veterinary care shall be established and maintained
41 under the supervision of a licensed veterinarian, on a form provided by the
42 commissioner, and shall include a documented on-site visit to the premises
43 by the veterinarian at least once a year;

1 (2)(B) that diseased, ill, injured, lame or blind animals shall be
2 provided with veterinary care as is needed for the health and well-being of
3 the animal, and such veterinary care shall be documented and maintained
4 on the premises; and

5 (3)(C) all documentation required by subsections (dd)(1)(A) and (dd)
6 (2)(1)(B) shall be made available to the commissioner or the
7 commissioner's authorized representative for inspection or copying upon
8 request and shall be maintained for three years after the effective date of
9 the program or the administration of such veterinary care.

10 (4)(2) ~~As used in the Kansas pet animal act,~~ "Adequate veterinary
11 medical care" shall not apply to United States department of agriculture
12 licensed animal breeders or animal distributors.

13 (ee) "Ratites" means all creatures of the ratite family that are not
14 indigenous to this state, including, but not limited to, ostriches, emus and
15 rheas.

16 (ff) "Retail breeder" means any person who operates a retail breeder
17 premises.

18 (gg) "Retail breeder premises" means any premises where all or part
19 of six or more litters or 30 or more dogs or cats, or both, are sold, or
20 offered or maintained for sale, primarily at retail and not for resale to
21 another.

22 (hh) "Retail" means any transaction where the animal is sold to the
23 final consumer.

24 (ii) "Wholesale" means any transaction where the animal is sold for
25 the purpose of resale to another.

26 Sec. 2. K.S.A. 47-1702 is hereby amended to read as follows: 47-
27 1702. It shall be unlawful for any person to act as or be an animal
28 distributor unless such person has obtained from the commissioner an
29 animal distributor license for each animal distributor premises operated by
30 such person. Application for such license shall be made in writing on a
31 form provided by the commissioner. The license period shall be for the
32 license year ending on ~~June~~ *September* 30 following the issuance date.

33 Sec. 3. K.S.A. 47-1703 is hereby amended to read as follows: 47-
34 1703. It shall be unlawful for any person to act as or be a pet shop operator
35 unless such person has obtained from the commissioner a pet shop
36 operator license for each pet shop operated by such person. Application for
37 each such license shall be made in writing on a form provided by the
38 commissioner. The license period shall be for the license year ending on
39 ~~June~~ *September* 30 following the issuance date.

40 Sec. 4. K.S.A. 47-1704 is hereby amended to read as follows: 47-
41 1704. (a) It shall be unlawful for any person to operate a pound or animal
42 shelter, except a licensed veterinarian who operates such pound or animal
43 shelter from such licensed veterinarian's clinic, unless a license for such

1 pound or shelter has been obtained from the commissioner. Application for
2 such license shall be made on a form provided by the commissioner. The
3 license period shall be for the license year ending on ~~June~~ *September* 30
4 following the issuance date.

5 **(b) The Kansas department of agriculture shall not require any**
6 **individual to be licensed who has written and signed an agreement to**
7 **provide temporary care for one or more dogs or cats owned by an**
8 **animal shelter or other premises that is licensed pursuant to this act.**
9 **Any such animal shelter or licensed premises shall keep a current list**
10 **of such individuals who have written and signed an agreement to**
11 **provide such temporary care.**

12 ~~{Sec. 5. K.S.A. 2017 Supp. 47-1709 is hereby amended to read as~~
13 ~~follows: 47-1709. (a) The commissioner or the commissioner's authorized,~~
14 ~~trained representatives shall make an inspection of the premises for which~~
15 ~~an application for an original license or permit is made under K.S.A. 47-~~
16 ~~1701 et seq., and amendments thereto, before issuance of such license or~~
17 ~~permit. No license or permit shall be issued by the commissioner to an~~
18 ~~applicant described in this subsection until the premises for which~~
19 ~~application is made has passed a licensing or permitting inspection. The~~
20 ~~application for a license shall conclusively be deemed to be the consent of~~
21 ~~the applicant to the right of entry and inspection of the premises sought to~~
22 ~~be licensed or permitted by the commissioner or the commissioner's~~
23 ~~authorized, trained representatives at reasonable times with the owner or~~
24 ~~owner's representative present. Refusal of such entry and inspection shall~~
25 ~~be grounds for denial of the license or permit. Notice need not be given to~~
26 ~~any person prior to inspection.~~

27 ~~(b) The commissioner or the commissioner's authorized, trained~~
28 ~~representatives may inspect each premises for which a license or permit~~
29 ~~has been issued under K.S.A. 47-1701 et seq., and amendments thereto.~~
30 ~~The acceptance of a license or permit shall conclusively be deemed to be~~
31 ~~the consent of the licensee or permittee to the right of entry and inspection~~
32 ~~of the licensed or permitted premises by the commissioner or the~~
33 ~~commissioner's authorized, trained representatives at reasonable times~~
34 ~~with the owner or owner's representative present. Refusal of such entry~~
35 ~~and inspection shall be grounds for suspension or revocation of the license~~
36 ~~or permit. Notice need *shall* not be given to any person prior to inspection.~~

37 ~~(c) The commissioner or the commissioner's authorized, trained~~
38 ~~representatives shall make inspections of the premises of a person required~~
39 ~~to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments~~
40 ~~thereto, upon a determination by the commissioner that there are~~
41 ~~reasonable grounds to believe that the person is violating the provisions of~~
42 ~~K.S.A. 47-1701 et seq., and amendments thereto, or rules and regulations~~
43 ~~adopted thereunder or that there are grounds for suspension or revocation~~

1 ~~of such person's license or permit.~~

2 ~~(d) Any complaint filed with the commissioner shall be confidential~~
3 ~~and shall not be released to any person other than employees of the~~
4 ~~commissioner as necessary to carry out the duties of their employment.~~

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

7 ~~(f) The commissioner may request a licensed veterinarian to assist in~~
8 ~~any inspection or investigation made by the commissioner or the~~
9 ~~commissioner's authorized representative under this section.~~

10 ~~(g) Any person acting as the commissioner's authorized~~
11 ~~representative for purposes of making inspections and conducting~~
12 ~~investigations under this section who knowingly falsifies the results or~~
13 ~~findings of any inspection or investigation or intentionally fails or refuses~~
14 ~~to make an inspection or conduct an investigation pursuant to this section~~
15 ~~shall be guilty of a class A nonperson misdemeanor.~~

16 ~~(h) No person shall act as the commissioner's authorized~~
17 ~~representative for the purposes of making inspections and conducting~~
18 ~~investigations under this section if such person has a beneficial interest in~~
19 ~~a person required to be licensed or permitted pursuant to K.S.A. 47-1701~~
20 ~~et seq. and amendments thereto.~~

21 ~~(i) Records of inspections pursuant to this section shall be maintained~~
22 ~~in the office of the Kansas department of agriculture division of animal~~
23 ~~health. Records of a deficiency or violation shall not be maintained for~~
24 ~~longer than three years after the deficiency or violation is remedied.~~

25 ~~(j) The commissioner, in consultation with Kansas state university~~
26 ~~college of veterinary medicine, shall: (1) Continue procedures to provide~~
27 ~~for pet animal training or updated training for authorized trained~~
28 ~~representatives who inspect premises under the pet animal act and to allow~~
29 ~~the owners of such facilities licensed or permitted under the pet animal act~~
30 ~~to attend and participate at the training workshops for the authorized~~
31 ~~trained representatives; and (2) make available to such owners and other~~
32 ~~interested persons an inspection handbook describing the duties and~~
33 ~~responsibilities of such authorized trained representatives.~~

34 ~~(k) If the commissioner or the commissioner's authorized~~
35 ~~representative is denied access to any location where such access is sought~~
36 ~~for the purposes authorized under the Kansas pet animal act, the~~
37 ~~commissioner may apply to any court of competent jurisdiction for an~~
38 ~~administrative search warrant authorizing access to such location for such~~
39 ~~purposes. Upon such application and a showing of cause therefore, the~~
40 ~~court shall issue the search warrant for the purposes requested.~~

41 ~~Sec. 5-~~6.~~~~ 5. K.S.A. 47-1719 is hereby amended to read as follows:
42 47-1719. (a) It shall be unlawful for any person to act as or be a hobby
43 breeder unless such person has obtained from the commissioner a hobby

1 breeder license. Application for such license shall be made in writing on a
 2 form provided by the commissioner. The license period shall be for the
 3 license year ending on ~~June~~ *September* 30 following the issuance date.

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

6 ~~Sec. 6-17.1~~ **6.** K.S.A. 47-1720 is hereby amended to read as follows:
 7 47-1720. (a) It shall be unlawful for any person to operate a research
 8 facility unless such person has obtained from the commissioner a research
 9 facility license. Application for such license shall be made in writing on a
 10 form provided by the commissioner. The license period shall be for the
 11 license year ending on ~~June~~ *September* 30 following the issuance date.

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

14 ~~Sec. 7-18.1~~ **7.** K.S.A. 2017 Supp. 47-1721 is hereby amended to read
 15 as follows: 47-1721. (a) Each application for issuance or renewal of a
 16 license or permit required under K.S.A. 47-1701 et seq., and amendments
 17 thereto, shall be accompanied by the fee prescribed by the commissioner
 18 under this section. Such fees shall be as follows:

19 (1) Except as provided in ~~paragraph paragraphs (5) or (6), or (8)~~
 20 **through (9){(8)} and paragraph (11){(10)}** for a license for premises of a
 21 person licensed under public law 91-579-~~(, 7 U.S.C. § 2131 et seq.)~~, an
 22 amount not to exceed ~~\$200~~ *\$450*;

23 (2) except as provided in ~~paragraph paragraphs (5) or (6), or (8)~~
 24 **through (9){(8)} and paragraph (11){(10)}** for a license for any other
 25 premises, an amount not to exceed ~~\$405~~ *\$600*;

26 (3) for a temporary closing permit, an amount not to exceed \$95;

27 (4) for an out-of-state distributor permit, an amount not to exceed
 28 \$675;

29 (5) for a hobby breeder license or a kennel operator license an amount
 30 not to exceed ~~\$95~~ *\$250*;

31 (6) ~~for a license for an animal shelter or a pound, an amount not to~~
 32 ~~exceed \$300~~ *\$550*; and

33 (7) **for an animal shelter in a first-class city, as defined in K.S.A.**
 34 **13-101, and amendments thereto, not to exceed \$400;**

35 (7) **for an animal shelter in a second-class city, as defined in**
 36 **K.S.A. 14-101, and amendments thereto, not to exceed \$335;**

37 (8) **for an animal shelter in a third-class city, as defined in K.S.A.**
 38 **15-101, and amendments thereto, not to exceed \$285;**

39 (9) a late fee of \$70 shall be assessed to any person whose permit or
 40 license renewal is ~~more than 45 days late.~~ *not renewed prior to October 1;*
 41 *and*

42 (8) (10) *for any premises required to be licensed under the Kansas*
 43 *pet animal act under multiple license categories, payment for only the*

1 *most expensive license and a \$50 fee for each additional applicable*
2 *license. Such premises shall comply with the applicable laws and rules*
3 *and regulations pertaining to each license category.*

4 (b) The commissioner shall determine annually the amount necessary
5 to carry out and enforce K.S.A. 47-1701 et seq., and amendments thereto,
6 for the next ensuing fiscal year and shall fix by rules and regulations the
7 license and permit fees for such year at the amount necessary for that
8 purpose, subject to the limitations of this section. In fixing such fees, the
9 commissioner may establish categories of licenses and permits, based
10 upon the type of license or permit, size of the licensed or permitted
11 business or activity and the premises where such business or activity is
12 conducted, and may establish different fees for each such category. The
13 fees in effect immediately prior to the effective date of this act shall
14 continue in effect until different fees are fixed by the commissioner as
15 provided by this subsection.

16 (c) If a licensee, permittee or applicant for a license or permit
17 requests an inspection of the premises of such licensee, permittee or
18 applicant, the commissioner shall ~~assess the costs of such inspection, as~~
19 ~~established by rules and regulations of the commissioner, to such licensee,~~
20 ~~permittee or applicant~~ **charge a fee of \$200 to cover the costs of such**
21 **inspection.**

22 (d) **(1) Failure by the owner of a premises, a licensee or a**
23 **permittee, or their designated representative, to make a premises**
24 **available for inspection within 30 minutes of the arrival of the**
25 **inspector or the inspector's authorized representative, ~~when notice is~~**
26 **~~provided at least one business day prior to the inspection,~~ shall be**
27 **considered a no-contact inspection. Each no-contact inspection shall**
28 **result in a \$200 no-contact fee against the owner of the premises, the**
29 **licensee or the permittee. The commissioner or the commissioner's**
30 **authorized representative shall make a second or subsequent attempt**
31 **to inspect the premises ~~after providing additional notice at least one~~**
32 **~~business day prior to the second or subsequent attempt.~~**

33 **(2) If a premises fails an inspection, such owner, licensee or**
34 **permittee shall be required to pay a \$200 re-inspection fee for any**
35 **subsequent inspection. Such payment must be made in advance of the**
36 **re-inspection, and failure to do so shall result in the revocation of any**
37 **such licensee's or permittee's license or permit. The owner of the**
38 **premises shall be required to reapply for any licenses or permits that**
39 **were revoked pursuant to this subsection and shall be required to:**

- 40 **(A) Pay the fee for the new permit or license application;**
41 **(B) pass an initial inspection; and**
42 **(C) pay any past due fees before the new license or permit can be**
43 **issued.**

1 (e) No fee or assessment required pursuant to this section shall be
2 refundable.

3 ~~(e)~~ (f) The commissioner shall remit all moneys received by or for the
4 commissioner under this section to the state treasurer in accordance with
5 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
6 of each such remittance, the state treasurer shall deposit the entire amount
7 in the state treasury to the credit of the animal dealers fee fund, which is
8 hereby created in the state treasury. Moneys in the animal dealers fee fund
9 may be expended only to administer and enforce K.S.A. 47-1701 et seq.,
10 and amendments thereto. All expenditures from the animal dealers fee
11 fund shall be made in accordance with appropriation acts upon warrants of
12 the director of accounts and reports issued pursuant to vouchers approved
13 by the Kansas animal health commissioner or the commissioner's
14 designee.

15 ~~(f)~~ (g) Premises required to be licensed under the Kansas pet animal
16 act shall not be required to pay for more than one license. If more than one
17 operation is ongoing at the premises, each operation shall comply with the
18 applicable statutes and rules and regulations pertaining to such operation.

19 ~~(g)~~ Except as provided further, when a premises required to be
20 licensed or permitted under the Kansas pet animal act applies for an initial
21 license or permit, the commissioner shall prorate to the nearest whole
22 month the license or permit fee established in subsection (a). The
23 commissioner shall have discretion to determine whether the application is
24 an initial application or an application for a premises ~~which~~ that has been
25 doing business but is not licensed or permitted. If the commissioner
26 determines the premises has been doing business without a license or
27 permit, the commissioner is not required to prorate the fee.

28 ~~(h)~~ ~~(g)~~ (h) This section shall be part of and supplemental to K.S.A. 47-
29 1701 et seq., and amendments thereto.

30 Sec. ~~8-19.1~~ 8. K.S.A. 2017 Supp. 47-1723 is hereby amended to read
31 as follows: 47-1723. (a) It shall be unlawful for any person, except a
32 licensed veterinarian, to act as or be a boarding or training kennel operator
33 unless such person has obtained from the commissioner a boarding or
34 training kennel operator license for each premises operated by such
35 person. Application for such license shall be made in writing on a form
36 provided by the commissioner. The license period shall be for the license
37 year ending on ~~June~~ September 30 following the issuance date.

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

40 Sec. ~~9-10.1~~ 9. K.S.A. 47-1733 is hereby amended to read as follows:
41 47-1733. (a) It shall be unlawful for any person to act as or be an animal
42 breeder unless such person has obtained from the commissioner an animal
43 breeder license for each animal breeder premises operated by such person.

1 Application for each such license shall be made in writing on a form
2 provided by the commissioner. The license period shall be for the license
3 year ending on ~~June~~ *September* 30 following the issuance date.

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

6 ~~Sec. 10. 11.~~ **10.** K.S.A. 47-1734 is hereby amended to read as
7 follows: 47-1734. (a) It shall be unlawful for any person to act as or be an
8 out-of-state distributor of dogs or cats, or both, within the state of Kansas
9 unless such person has obtained from the commissioner an out-of-state
10 distributor permit. Application for each such permit shall be made in
11 writing on a form provided by the commissioner. The permit period shall
12 be for the permit year ending on ~~June~~ *September* 30 following the issuance
13 date.

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

16 ~~Sec. 11. 12.~~ **11.** K.S.A. 47-1736 is hereby amended to read as
17 follows: 47-1736. (a) It shall be unlawful for any person to act as or be a
18 retail breeder unless such person has obtained from the commissioner a
19 retail breeder license for each retail breeder premises operated by such
20 person. Application for each such license shall be made in writing on a
21 form provided by the commissioner. The license period shall be for the
22 license year ending on ~~June~~ *September* 30 following the issuance date.

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

25 ~~Sec. 12. 13.~~ **12.** K.S.A. 47-1702, 47-1703, 47-1704, 47-1719, 47-
26 1720, 47-1733, 47-1734 and 47-1736 and K.S.A. 2017 Supp. 47-1701,
27 ~~47-1709.~~ 47-1721 and 47-1723 are hereby repealed.

28 ~~Sec. 13. 14.~~ **13.** This act shall take effect and be in force from and
29 after its publication in the Kansas Register.