

HOUSE BILL No. 2750

By Committee on Agriculture

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AN ACT concerning livestock; relating to disposition of certain animals; indemnity; amending K.S.A. 47-612 and 47-615 and K.S.A. 2001 Supp. 47-617 and repealing the existing sections.

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

Section 1. K.S.A. 47-612 is hereby amended to read as follows: 47-612. Whenever the livestock commissioner determines that certain animals within the state are capable of communicating infectious or contagious disease, the commissioner may issue an order to the sheriff of the county or to any agent, inspector or authorized representative of the livestock commissioner in which such animals are found, commanding such individuals to take into custody and keep such animals subject to such quarantine regulations as the livestock commissioner may prescribe, until such time as the commissioner directs such person to deliver such animals to their owner or owners or to the agent of the owner or owners. Before any animals are delivered, there shall be paid by the owner ~~thereof of such animals~~ to the livestock commissioner all the costs and expenses of taking, detaining and holding and caring for the animals. In case such costs and expenses are not paid at the time fixed by the livestock commissioner, the officer having custody of such animals shall advertise, in the same manner as provided by law in case of sale of personal property on execution, that the officer will sell such animals or such portion ~~thereof of such animals~~ as may be necessary to pay such costs and expenses, together with the costs and expenses of such sale, ~~and~~. At the time and place ~~so~~ advertised the officer shall ~~proceed to~~ sell as many of the animals as may be necessary to pay for such cost and expenses and the expenses of such sale. Upon such sale the officer shall without delay pay to the owner any amount ~~so~~ received in excess of the legal fees and expenses of such officer, ~~and~~. Any officer performing any of the duties directed in this section or any other section of this act shall receive the same compensation ~~therefor~~ *for such services* as is prescribed by law for similar services. In case such fees cannot be collected by sale of such ~~stock, they~~ *animals, such fees* shall be paid by the ~~county in which such stock was held~~ *state of Kansas unless payment or indemnity for such animals may be obtained from the United States government.*

1 Sec. 2. K.S.A. 47-615 is hereby amended to read as follows: 47-615.
2 Whenever the commissioner ~~shall direct~~ *directs* the killing or disposition
3 of any domestic animal or animals, except dogs, it shall be the duty of the
4 commissioner, ~~in conjunction with the chairman of the county board of~~
5 ~~county commissioners of the county in which the said animals are located,~~
6 and the owner of the condemned animals, to appraise the animal or animals
7 to be killed or disposed of, ~~and he~~. *The commissioner* shall make
8 an inventory of the animal or animals condemned, and in fixing the value
9 ~~thereof of such animal or animals,~~ the commissioner ~~and chairman~~ shall
10 be governed by the value of such animal or animals at the time of the
11 first appearance of the disease: *Provided*, that unless otherwise expressly
12 ~~provided only one-half of such appraised value of such animals shall be~~
13 ~~paid to the owner.~~

14 Sec. 3. K.S.A. 2001 Supp. 47-617 is hereby amended to read as fol-
15 lows: 47-617. When any domestic animal, other than dogs and animals
16 affected with foot-and-mouth disease, is killed by order of the commis-
17 sioner, the commissioner shall issue to the owner of the animal or animals
18 the certificate showing the number and kind of animals killed, and the
19 amount to which the holder is entitled. ~~Such certificate shall be reported~~
20 ~~to the board of county commissioners of the county in which the animal~~
21 ~~was located, and upon presentation of such certificate to the board of~~
22 ~~county commissioners, such board shall draw its warrant on the county~~
23 ~~treasurer for the amount therein stated.~~ *The state of Kansas shall pay to*
24 *the owner the amount to which the owner is entitled as determined by*
25 *the commissioner as provided by this section unless payment or indemnity*
26 *for such domestic animal may be obtained from the United States gov-*
27 *ernment.* In case of animals killed or disposed of that are exposed to or
28 afflicted with the foot-and-mouth disease, the appraisalment shall be con-
29 ducted in accordance with the applicable rules and regulations of an ap-
30 plicable livestock indemnity program of the United States government.
31 The state of Kansas shall pay all its expenses incurred in that behalf, and
32 shall pay all its employees necessarily employed therein.

33 Sec. 4. K.S.A. 47-612 and 47-615 and K.S.A. 2001 Supp. 47-617 are
34 hereby repealed.

35 Sec. 5. This act shall take effect and be in force from and after its
36 publication in the statute book.
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