

HOUSE BILL No. 2993

By Committee on Federal and State Affairs

4-1

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. 2-909, 32-951, 47-122a, 47-230, 47-239,
14 47-414, 47-414a, 47-416, 47-416a, 47-417, 47-418, 47-418a, 47-420,
15 47-422, 47-428, 47-429, 47-432, 47-433, 47-434, 47-435, 47-441, 47-
16 442, 47-446, 47-448, 47-605, 47-607, 47-607a, 47-607d, 47-608, 47-
17 610, 47-613, 47-616, 47-618, 47-619, 47-620, 47-622, 47-626, 47-627,
18 47-629, 47-629a, 47-629b, 47-629c, 47-631, 47-632, 47-632a, 47-633a,
19 47-634, 47-635, 47-646a, 47-650, 47-651, 47-653, 47-653a, 47-653b,
20 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-657,
21 47-658a, 47-658b, 47-660, 47-666, 47-667, 47-673, 47-1001, 47-1001d,
22 47-1001e, 47-1501, 47-1506, 47-1511, 47-1701, 47-1702, 47-1703, 47-
23 1704, 47-1712, 47-1713, 47-1715, 47-1719, 47-1720, 47-1723, 47-1725,
24 47-1727, 47-1731, 47-1735, 47-1804, 47-1808, 47-1832, 65-171i, 66-
25 1319, 75-1901 and 75-1903 and K.S.A. 2007 Supp. 2-907, 47-417a, 47-
26 437, 47-611, 47-612, 47-615, 47-624, 47-672, 47-674, 47-816, 47-1008,
27 47-1011a, 47-1201, 47-1218, 47-1302, 47-1303, 47-1304, 47-1307, 47-
28 1503, 47-1706, 47-1706a, 47-1707, 47-1709, 47-1721, 47-1805, 47-
29 1809, 47-1831, 47-2101, 48-3502, 65-5721 and 75-37,121 and repeal-
30 ing the existing sections; also repealing K.S.A. 74-4002 and 75-3142
31 and K.S.A. 2007 Supp. 74-4001, 74-4003 and 75-3141.
32

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

34 New Section 1. The Kansas animal health department established by
35 K.S.A. 75-1901 is hereby abolished.

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

42 (b) Except as otherwise provided by this order, all of the powers,
43 duties and functions of the existing Kansas animal health department and

1 the existing livestock commissioner of the Kansas animal health depart-
2 ment are hereby transferred to and imposed upon the Kansas department
3 of agriculture and the secretary of agriculture, respectively.

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

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

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

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

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

1 be deemed to apply to the secretary of agriculture.

2 New Sec. 6. On the effective date of this act, the balances of all funds
3 or accounts thereof appropriated or reappropriated for the Kansas animal
4 health department that relate to the powers, duties and functions of the
5 Kansas animal health department are hereby transferred within the state
6 treasury to the Kansas department of agriculture and shall be used only
7 for the purpose for which the appropriation was originally made.

8 New Sec. 7. (a) (1) All officers and employees of the Kansas animal
9 health department who, immediately prior to the effective date of this
10 act, are engaged in the exercise and performance of the powers, duties
11 and functions transferred to the secretary of agriculture by section 2, and
12 amendments thereto, are transferred to the Kansas department of agri-
13 culture on the effective date of this act or on a later date or dates deter-
14 mined by the secretary of agriculture.

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

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

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

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

41 (d) When any conflict arises as to the disposition of any property,
42 power, duty or function or the unexpended balance of any appropriation
43 as a result of any abolition or transfer made by or under the authority of

1 this act, such conflict shall be resolved by the governor, whose decision
2 shall be final.

3 New Sec. 8. (a) No suit, action, or other proceeding, judicial or ad-
4 ministrative, that is lawfully commenced or that could have been lawfully
5 commenced, by or against any state agency or program mentioned in this
6 act, or by or against any officer of the state in such officer's official capacity
7 or in relation to the discharge of such officer's official duties, shall abate
8 by reason of the governmental reorganization effected under the provi-
9 sions of this act. The court may allow any such suit, action or other pro-
10 ceeding to be maintained by or against the successor of any such state
11 agency or any officer affected.

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

14 Sec. 9. K.S.A. 2007 Supp. 2-907 is hereby amended to read as fol-
15 lows: 2-907. The Kansas poultry improvement association of Manhattan,
16 Kan., whose articles of incorporation are recorded in the office of the
17 secretary of state, is hereby designated and declared to be the official
18 state agency for the state of Kansas, for the purpose of carrying out the
19 national poultry improvement plan. The Kansas poultry improvement as-
20 sociation shall cooperate with the United States department of agricul-
21 ture, Kansas state university of agriculture and applied science, *and the*
22 ~~Kansas department of agriculture and the Kansas livestock commissioner~~
23 for the purpose of promoting the poultry industry and its allied branches
24 and shall supervise and administer the national improvement plan in this
25 state.

26 Sec. 10. K.S.A. 2-909 is hereby amended to read as follows: 2-909.
27 As used in the poultry disease control act, except where the context clearly
28 requires a different meaning, the following words and phrases shall have
29 the meaning ascribed thereto.

30 (a) ~~“Commissioner” means the livestock commissioner of the state of~~
31 ~~Kansas.~~

32 ~~(b)~~ “Fowl typhoid” means a disease of poultry caused by salmonella
33 gallinarum.

34 ~~(b)~~ “Hatchery” means a premises with equipment which is op-
35 erated or controlled by a person for the production of baby poultry.

36 ~~(c)~~ “Person” means any individual, partnership, firm or
37 corporation.

38 ~~(d)~~ “Plan” means the national poultry improvement plan con-
39 tained in sections 145.1 to 145.54, inclusive, of title 9 of the code of
40 federal regulations and the auxiliary provisions thereto which are con-
41 tained in sections 147.1 to 147.48, inclusive, of title 9 of the code of
42 federal regulations and any amendments or supplements to such plan or
43 provisions.

- 1 ~~(f)~~ (e) “Poultry” means any domesticated birds which are bred for the
2 primary purpose of producing eggs or meat or of being exhibited and
3 which may include chickens, turkeys, waterfowl and game birds, but
4 which shall not include doves or pigeons.
- 5 ~~(g)~~ (f) “Pullorum” means a disease of poultry caused by salmonella
6 pullorum.
- 7 (g) “Secretary” means the secretary of the department of agriculture.
- 8 Sec. 11. K.S.A. 47-122a is hereby amended to read as follows: 47-
9 122a. (a) Whenever the owner or the owner’s authorized agent allows any
10 livestock to run at large, in violation of K.S.A. 47-122, and amendments
11 thereto, and such livestock remains on the property of another person,
12 the sheriff of the county in which such livestock are running at large, at
13 the request of such person upon whose property the livestock are running
14 at large, may take such livestock into custody and retain them in a secure
15 holding area.
- 16 (b) The county sheriff shall give notice to the owner or the owner’s
17 authorized agent within 24 hours after taking such livestock into custody
18 that the owner or the owner’s authorized agent has 10 days within which
19 to claim such livestock and to pay all actual costs for taking up, keeping
20 and feeding of such livestock.
- 21 (c) If the owner or the owner’s authorized agent fails to claim the
22 livestock and to pay all actual costs within the ten-day period, the county
23 sheriff shall cause the livestock to be delivered to a public livestock market
24 or to a secure holding area approved by the ~~livestock commissioner~~ *sec-*
25 *retary of agriculture*. If the livestock is delivered to the market, the county
26 sheriff shall cause such livestock to be sold at such market to the highest
27 bidder for cash. Livestock held in a secure holding area other than a
28 livestock market shall be advertised by the county sheriff in the official
29 county newspaper and sold to the highest bidder for cash.
- 30 (d) The county sheriff shall pay out of the proceeds from the sale of
31 such livestock, all actual costs for taking up, keeping and feeding of such
32 livestock. Any proceeds remaining in the hands of the sheriff after pay-
33 ment of all actual costs, shall be paid to the owner of the livestock or the
34 owner’s authorized agent. If the owner or the owner’s authorized agent
35 is not known or cannot be located, the proceeds remaining after the pay-
36 ment of actual costs shall be paid to the county treasurer of the county
37 in which the livestock were running at large. Such funds shall be depos-
38 ited by the county treasurer in the county’s special stray fund provided
39 for in K.S.A. 47-239, and amendments thereto.
- 40 (e) In counties having a consolidated law enforcement department,
41 the provisions of this section relating to sheriffs shall be deemed to refer
42 to such department.
- 43 Sec. 12. K.S.A. 47-230 is hereby amended to read as follows: 47-230.

1 Any person may take up any stray found upon ~~his~~ *such person's* premises,
2 or upon any public thoroughfare adjoining thereto, and ~~he~~ *such person*
3 shall report such taking up to the sheriff of the county in which the stray
4 is taken up within ~~twenty-four (24)~~ 24 hours after the taking up of such
5 stray. In giving such notice, the taker-up shall describe ~~said~~ *such* stray to
6 the sheriff by stating the kind of animal, color, weight, size, sex and age,
7 the marks, brands or other distinguishing features of the animal, if any
8 there may be, the place where the animal is kept and the address of the
9 taker-up. The sheriff upon being given such notice shall notify the ~~state~~
10 ~~livestock commissioner~~ *secretary of agriculture* and the owners of all reg-
11 istered brands found on ~~said~~ *such* animal. If the sheriff and the ~~livestock~~
12 ~~commissioner~~ *secretary of agriculture* or ~~his~~ *the secretary's* duly author-
13 ized representatives find and establish the ownership of ~~said~~ *such* animal,
14 a record to that effect shall be kept, and ~~said~~ *such* animal shall be then
15 released to the established owner. ~~Provided, That said, except that such~~
16 owner has paid all costs accrued in ~~said~~ *such* stray proceeding and has
17 paid to the taker-up reasonable compensation for keeping and feeding
18 ~~said~~ *such* stray, as determined and agreed to by both the sheriff and the
19 ~~state livestock commissioner~~ *secretary of agriculture* or ~~his~~ *the secretary's*
20 authorized representative, together with the cost for any damage which
21 ~~said~~ *such* stray may have caused.

22 Sec. 13. K.S.A. 2007 Supp. 32-951 is hereby amended to read as
23 follows: 32-951. (a) Except as provided further, a game breeder permit
24 is required to engage in the business of raising and selling game birds,
25 game animals, furbearing animals or such other wildlife as required by
26 rules and regulations adopted by the secretary in accordance with K.S.A.
27 32-805, and amendments thereto.

28 (b) Any person who desires to engage in the business described in
29 subsection (a) may apply to the secretary for a game breeder permit. The
30 application shall give the name and residence of the applicant, the de-
31 scription of the premises, the number and kind of birds or animals which
32 it is proposed to propagate and any other information required by the
33 secretary. The fee prescribed pursuant to K.S.A. 32-988, and amend-
34 ments thereto shall accompany the application.

35 (c) If the secretary determines that the application is made in good
36 faith and that the premises are suitable for engaging in the business de-
37 scribed in subsection (a), the secretary may issue such permit. The permit
38 shall expire on June 30 of each year.

39 (d) Game breeders shall make such reports of their activities to the
40 secretary as required by rules and regulations adopted by the secretary
41 in accordance with K.S.A. 32-805, and amendments thereto. In addition
42 to any other penalty prescribed by law, failure to make such reports or
43 to comply with the laws of the state of Kansas or rules and regulations of

1 the secretary shall be grounds for the secretary to refuse to issue, refuse
2 to renew, suspend or revoke such permit.

3 (e) The secretary shall adopt, in accordance with K.S.A. 32-805, and
4 amendments thereto, such rules and regulations as necessary to imple-
5 ment the provisions of this section.

6 (f) Any person who is engaged in the business of raising domesticated
7 deer shall not be required to have a game breeder permit as required by
8 this section. As used in this section, "domesticated deer" means any mem-
9 ber of the family cervidae which was legally obtained and is being sold or
10 raised in a confined area for breeding stock; for any carcass, skin or part
11 of such animal; for exhibition; or for companionship.

12 (g) The secretary, on a quarterly basis, shall transmit to the ~~livestock~~
13 ~~commissioner~~ *secretary of agriculture* a current list of persons issued a
14 game breeder permit issued pursuant to this section who are raising or
15 selling any member of the family cervidae.

16 (h) Any person holding a game breeder permit from the secretary is
17 hereby authorized to recapture any game bird that such game breeder is
18 permitted to raise or sell whenever any such game bird has escaped from
19 confinement for any reason. The authorized area for such recapture is
20 hereby limited to a one-quarter mile radius of the game breeder's oper-
21 ation from which the escape from confinement occurred, provided the
22 game breeder has the prior approval of the owner of the land upon which
23 the recapture will occur and has notified the department prior to the
24 recapture.

25 Sec. 14. K.S.A. 47-239 is hereby amended to read as follows: 47-239.
26 The notice for the sale of the stray shall be published for one ~~(1)~~ issue in
27 a publication or publications having general circulation in the area where
28 ~~said~~ *such* stray was taken up, which notice shall describe the stray animal
29 by stating the kind, sex, age, and brands. The notice shall not contain any
30 statement as to the color of the stray animal, or as to any marks or other
31 distinguishing features, and it shall not contain the name or address of
32 the taker-up of such animal. Out of the proceeds from the sale of ~~said~~
33 *such* stray animal, the sheriff shall pay the taker-up of such animal, rea-
34 sonable compensation for his keeping and feeding of the same, and the
35 sheriff shall pay all costs of the stray proceedings. ~~Any~~ *The balance of any*
36 ~~proceeds remaining in the hands of~~ *retained by* the sheriff after payment
37 of feeding and sale costs, shall be paid by ~~him~~ *such sheriff* to the treasurer
38 of the county in which the stray animal was taken up. Such funds shall
39 be placed by the county treasurer in a special stray fund.

40 At any time prior to the expiration to six ~~(6)~~ months following the date
41 of such deposit with the county treasurer, a claimant may appear before
42 the sheriff and submit evidence of ownership of ~~said~~ *such* stray animal.
43 If such evidence is acceptable and satisfactory to the sheriff and to the

1 ~~state livestock commissioner~~ *secretary of agriculture* or ~~his~~ *such secre-*
 2 *tary's* authorized representative, for purpose of establishing ownership of
 3 ~~said such~~ stray animal, the sheriff shall direct the county treasurer to
 4 disburse the remainder of the proceeds from the sale of ~~said such~~ stray
 5 animal to ~~said such~~ claimant.

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

12 Sec. 15. K.S.A. 47-414 is hereby amended to read as follows: 47-414.
 13 As used in this act, except where the context clearly indicates a different
 14 meaning:

15 (a) "Person" means every natural person, firm, copartnership, asso-
 16 ciation or corporation;

17 (b) "livestock" means cattle, sheep, horses, mules or asses;

18 (c) "brand" means any permanent identifying mark upon the surface
 19 of any livestock, except upon horns and hoofs, made by any acid, chemical,
 20 a hot iron or cryogenic branding; and, also in the case of sheep shall
 21 include the identifying marks made by paint or tar;

22 ~~(d) "commissioner" means the livestock commissioner~~ "secretary"
 23 *means the secretary of the department of agriculture;*

24 (e) "board" means the animal health board, created in K.S.A. 74-
 25 4001, and amendments thereto;

26 (f) "cryogenic branding" means a brand produced by application of
 27 extreme cold temperature.

28 Sec. 16. K.S.A. 47-414a is hereby amended to read as follows: 47-
 29 414a. ~~(a)~~ Whenever in any statutes of this state the terms "livestock brand
 30 commissioner" or "brand commissioner" are used, or the term "commis-
 31 sioner" is used to refer to the livestock brand commissioner, such terms
 32 shall be construed to mean the livestock commissioner appointed by the
 33 ~~Kansas animal health board~~ *secretary of agriculture* pursuant to K.S.A.
 34 75-1901, *and amendments thereto*.

35 ~~(b) Whenever the term "board" is used in the acts contained in K.S.A.~~
 36 ~~47-414 to 47-433, inclusive, and any acts amendatory thereof, such term~~
 37 ~~shall be construed to mean the Kansas animal health board created in~~
 38 ~~K.S.A. 74-4001.~~

39 Sec. 17. K.S.A. 47-416 is hereby amended to read as follows: 47-416.
 40 It shall be the duty of the ~~livestock commissioner~~ *secretary of agriculture*
 41 to keep all books and records and to record all brands used for the brand-
 42 ing or marking of livestock in Kansas. The ~~commissioner~~ *secretary of*
 43 *agriculture* shall receive applications for the recording of any and all

1 brands and the ~~commissioner~~ *secretary of agriculture* shall decide on the
2 availability and desirability of any brand or brands sent in for recording.

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

9 Sec. 18. K.S.A. 47-416a is hereby amended to read as follows: 47-
10 416a. Each special investigator, appointed by the ~~livestock commissioner~~
11 *secretary of agriculture*, pursuant to K.S.A. 47-416 and amendments
12 thereto shall have the authority to make arrests, conduct searches and
13 seizures and carry firearms while investigating violations of the provisions
14 of article 4 of chapter 47 of the Kansas Statutes Annotated and acts amen-
15 datory of the provisions thereof and supplemental thereto and while in-
16 vestigating livestock theft. The ~~director as defined in K.S.A. 74-5602 and~~
17 ~~amendments thereto~~ *secretary of agriculture* is authorized to offer and
18 carry out a special course of instruction for special investigators perform-
19 ing law enforcement duties under authority of this section. Such special
20 investigators shall not carry firearms without having first successfully com-
21 pleted such special law enforcement training course.

22 Sec. 19. K.S.A. 47-417 is hereby amended to read as follows: 47-417.

23 (a) Any person may adopt a brand for the purpose of branding livestock
24 in accordance with authorized rules and regulations of the ~~livestock com-~~
25 ~~missioner of the Kansas animal health department~~ *secretary of agricul-*
26 *ture*. Such person shall have the exclusive right to use such brand in this
27 state, after registering such brand with the ~~livestock commissioner~~ *sec-*
28 *retary of agriculture*.

29 (b) Any person desiring to register a livestock brand shall forward to
30 the ~~commissioner~~ *secretary of agriculture* a facsimile of such brand and
31 shall accompany the same with the registration fee in the amount pro-
32 vided under this section. Each person making application for the regis-
33 tering of a livestock brand which is available shall be issued a certificate
34 of brand title which shall be valid for a period ending four years subse-
35 quent to the next April 1, following date of issuance.

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

43 (d) The livestock brand of any person whose registration expires and

1 who fails to pay such renewal fee within a grace period of 60 days after
2 expiration of the registration period shall be placed in a delinquency
3 status. The use of a delinquent brand shall be unlawful. If the owner of
4 any delinquent registered brand the registration of which has expired fails
5 to renew registration of such brand within 120 days after such brand
6 became delinquent, such failure shall constitute an abandonment of all
7 claim to any property right in such brand.

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

15 (f) The ~~livestock commissioner~~ *secretary of agriculture* shall deter-
16 mine annually the amount of funds which will be required for the pur-
17 poses for which the brand registration and renewal fees are charged and
18 collected and shall fix and adjust from time to time each such fee in such
19 reasonable amount as may be necessary for such purposes, except that in
20 no case shall either the brand registration fee or the renewal fee exceed
21 \$55. The amounts of the brand registration fee and the renewal fee in
22 effect on the day preceding the effective date of this act shall continue
23 in effect until the ~~livestock commissioner~~ *secretary of agriculture* fixes
24 different amounts for such fees under this section.

25 Sec. 20. K.S.A. 2007 Supp. 47-417a is hereby amended to read as
26 follows: 47-417a. (a) The ~~livestock commissioner~~ *secretary of agriculture*
27 may, when brand inspectors or examiners are available, provide brand
28 inspection. When brand inspection is requested and provided, the ~~live-~~
29 ~~stock commissioner~~ *secretary of agriculture* shall charge and collect from
30 the person making the request, a brand inspection fee of not to exceed
31 \$.75 per head on cattle and \$.05 per head on sheep and other livestock.
32 No inspection charge shall be made or collected at any licensed livestock
33 market where brand inspection is otherwise available.

34 (b) The ~~livestock commissioner~~ *secretary of agriculture* shall remit
35 all moneys received under the statutes contained in article 4 of chapter
36 47 of the Kansas Statutes Annotated, and amendments thereto, except
37 K.S.A. 47-434 through 47-445, and amendments thereto, to the state trea-
38 surer in accordance with the provisions of K.S.A. 75-4215, and amend-
39 ments thereto. Upon receipt of each such remittance, the state treasurer
40 shall deposit the entire amount in the state treasury to the credit of the
41 livestock brand fee fund. All expenditures from such fund shall be made
42 in accordance with appropriation acts upon warrants of the director of
43 accounts and reports issued pursuant to vouchers approved by the ~~live-~~

1 ~~stock commissioner~~ *secretary of agriculture* or by a person or persons
2 designated by the ~~commissioner~~ *secretary*.

3 Sec. 21. K.S.A. 47-418 is hereby amended to read as follows: 47-418.
4 Livestock may be branded in any way, or on any part of the animal,
5 according to rules and regulations adopted by the ~~commissioner~~ *secretary*
6 *of agriculture*, but livestock shall be branded so that they may be readily
7 distinguished should they become intermixed with other herds. Livestock
8 brands for identification of cattle to control diseases may be placed on
9 the head or tailhead of the cattle. The letter "T" shall be used on the left
10 jaw, by hot iron, to identify tuberculosis reactors; the letter "V" may be
11 used on the left jaw, by hot iron, to identify brucellosis vaccinated cattle;
12 the letter "S" may be used on the left jaw or the tailhead, by hot iron, to
13 identify brucellosis exposed or untested test eligible animals; the letter
14 "F" may be used on the left jaw or the left tailhead, by hot iron, to
15 designate heifers from B and C states as listed by the United States de-
16 partment of agriculture. No applications for livestock brands for owner
17 identification shall be issued for head, neck or tailhead locations, and the
18 head and tailhead locations for livestock brands shall be reserved for
19 brands for disease control purposes, except that head, neck and tailhead
20 brands presently effective may have registration renewal upon term ex-
21 pirations. No evidence of ownership of brands shall be recorded except
22 as provided in this act.

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

32 Sec. 23. K.S.A. 47-420 is hereby amended to read as follows: 47-420.
33 (a) It shall be unlawful for any person to use any brand for branding any
34 livestock unless such brand has been duly registered in the office of the
35 ~~livestock commissioner~~ *secretary of agriculture* at Topeka, except: (1) The
36 use of a single numeral digit (0 to 9) in conjunction with the registered
37 brand of the owner may be used, for the purpose of determining the age
38 of the branded animal, such number to be applied at least six inches from
39 such registered brand; (2) the use of serial numbers in conjunction with
40 the registered brand of the owner may be used for the purpose of iden-
41 tifying individual animals, such numbers to be applied at least six inches
42 from the registered brand; (3) the use of numbers in conjunction with
43 the registered brand of the owner may be used for the purpose of iden-

1 tifying herds of the same owner for feeding or experimental purposes,
2 such numbers to be applied at least six inches from the registered brand;
3 and (4) the use of a digital system of branding livestock may be used for
4 the purpose of identifying animals in a licensed feedlot. Such feedlot
5 brand may be used in conjunction with the registered brand of the owner,
6 such brand to be applied at least six inches from such registered brand
7 or may be used on animals which are not branded with a registered brand
8 of the owner, subject to conditions, limitations and requirements appli-
9 cable to the use of a feedlot brand as prescribed in K.S.A. 47-446, and
10 amendments thereto. The age, serial, herd or feedlot brand shall not be
11 construed as a part of the registered brand, and the use of such numeral
12 or numerals in conjunction with a registered brand shall not be unlawful.
13 Before any person uses any such serial or herd brand in conjunction with
14 a registered brand, such person shall first obtain a permit from the ~~live-~~
15 ~~stock commissioner~~ *secretary of agriculture* authorizing such use.

16 (b) The ~~livestock commissioner~~ *secretary of agriculture* is authorized
17 to receive applications for permits for such serial or herd brands and issue
18 permits thereon. All applications for such permits shall be accompanied
19 by a permit fee of \$1.50. No such fee shall be required if the application
20 for such permit is submitted in conjunction with an original application
21 for the registered brand or in conjunction with a request for renewal of
22 registration of a registered brand.

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

39 Sec. 25. K.S.A. 47-428 is hereby amended to read as follows: 47-428.
40 The ~~livestock commissioner~~ *secretary of agriculture* and the ~~commis-~~
41 ~~sioner's~~ *secretary's* deputies or assistants are hereby authorized to enter
42 upon any private lands to make any inspections necessary for the purpose
43 of carrying out the provisions of this act or any of the provisions of article

1 4 of chapter 47 of the Kansas Statutes Annotated or any amendments
2 thereto. The ~~commissioner~~ *secretary of agriculture* and the ~~commis-~~
3 ~~sioner's secretary's~~ deputies or assistants may accept proof of ownership
4 of livestock from any person in possession of animals bearing the recorded
5 brands of another party as sufficient to exclude and exempt such animals
6 from being classified as stray animals under the provisions of this act.

7 Sec. 26. K.S.A. 47-429 is hereby amended to read as follows: 47-429.
8 All moneys received from the sale of branded stray livestock shall be paid
9 to the ~~state livestock commissioner~~ *secretary of agriculture*, regardless of
10 the provisions of article 2 of chapter 47 of the Kansas Statutes Annotated
11 and acts amendatory thereto, or any other provision of law relating to the
12 disposition of the moneys received from the sale of branded stray animals.
13 The ~~commissioner~~ *secretary of agriculture* or the ~~commissioner's secre-~~
14 ~~tary's~~ deputies are hereby authorized and directed to receive and receipt
15 for all moneys received from the sale of branded stray livestock and shall
16 pay the same to the state treasurer, and the state treasurer shall credit
17 the amount so paid to the livestock brand fee fund.

18 Sec. 27. K.S.A. 47-432 is hereby amended to read as follows: 47-432.
19 There is hereby created a livestock brand emergency revolving fund for
20 the use of the ~~state livestock commissioner~~ *secretary of agriculture* for
21 the purpose of paying expenses and costs of establishing the ownership
22 of livestock which are mingled as a result of sudden or extreme storm
23 conditions or other unforeseen occurrences.

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

1 deemed necessary. A settlement, based on an approved accounting for
 2 any advance payments, shall be completed prior to the certification to the
 3 director of accounts and reports for payment of any compensation earned.
 4 ~~The assistant commissioner~~ *Employees of the department of agriculture*
 5 *responsible for carrying out the provisions of this section* shall comply
 6 with supplemental procedures as the ~~controller~~ *secretary of agriculture*
 7 may require, but payments for services, subsistence and travel from the
 8 livestock brand emergency revolving fund shall be made by voucher
 9 method, showing periods of time worked.

10 Sec. 29. K.S.A. 47-434 is hereby amended to read as follows: 47-434.
 11 As used in this act:

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

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

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

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

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

25 Sec. 30. K.S.A. 47-435 is hereby amended to read as follows: 47-435.

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

40 (b) Any and all counties which have been so designated as a brand
 41 inspection area, and which are adjacent to and contiguous with other
 42 counties so designated, shall be and constitute a part of a basic brand
 43 inspection area. From and after the effective date of this act, the counties

1 of Hamilton, Kearny and Wichita shall be and are hereby designated and
2 declared to be a part of a basic brand inspection area. Such basic brand
3 inspection area shall be subject to enlargement by the addition of other
4 contiguous counties.

5 (c) Whenever a petition is submitted to the board of county com-
6 missioners, signed by not less than 51% of the resident owners of cattle,
7 as determined by an enumeration taken and verified for this purpose by
8 a qualified elector of the county, requesting that the county no longer be
9 designated a brand inspection area and that its status as a brand inspection
10 area be terminated, it shall be the duty of the board of county commis-
11 sioners, within 10 days after receipt of such petition, to make a deter-
12 mination as to the sufficiency of the qualifications and numbers of signers.
13 If such petition is found sufficient the board shall adopt a resolution
14 declaring that the county is no longer a brand inspection area, and shall
15 immediately file a certified copy of such resolution with the ~~livestock~~
16 ~~commissioner~~ *secretary of agriculture*. Thereupon the county shall be
17 terminated as a brand inspection area, but the termination as a brand
18 inspection area by a county within a basic brand inspection area shall not
19 affect the existence of such basic brand inspection area as to the remain-
20 ing counties therein.

21 Sec. 31. K.S.A. 2007 Supp. 47-437 is hereby amended to read as
22 follows: 47-437. (a) The ~~livestock commissioner~~ *secretary of agriculture*
23 shall charge and collect a fee of not to exceed \$.75 per head on all cattle
24 and not to exceed \$.05 per head on all sheep inspected in brand inspection
25 areas of the state. In addition to the per head fee, the ~~livestock commis-~~
26 ~~sioner~~ *secretary of agriculture* may charge and collect an on-site inspec-
27 tion fee and a mileage fee for each mile necessarily and actually traveled
28 in going to and returning from the place of inspection. The ~~livestock~~
29 ~~commissioner~~ *secretary of agriculture*, when brand inspectors are avail-
30 able, may provide brand inspection in other areas where brand inspection
31 is requested and the ~~commissioner~~ *secretary* shall charge and collect in-
32 spection fees in the same manner as prescribed for the collection of such
33 fees in brand inspection areas. The owner or seller of cattle or sheep
34 inspected shall be responsible for the payment of the inspection fees and
35 such fees shall be collected in such manner as the ~~livestock commissioner~~
36 *secretary of agriculture* shall prescribe or authorize by rule or regulation.

37 (b) When the ~~livestock commissioner~~ *secretary of agriculture* deter-
38 mines that the fees collected under this section are yielding more than is
39 required for the purposes for which such fees are collected, the ~~commis-~~
40 ~~sioner~~ *secretary* may reduce such fees for such period as the ~~commis-~~
41 ~~sioner~~ *secretary* deems justified. In the event the ~~livestock commissioner~~
42 *secretary of agriculture*, after reducing such fees, finds that sufficient
43 revenues are not being produced by the reduced fees to properly admin-

1 ister and enforce this act and acts of which this section is amendatory or
2 supplemental, the ~~commissioner~~ *secretary* may increase such fees to such
3 rate as will, in the ~~commissioner's~~ *secretary's* judgment, produce suffi-
4 cient revenue for the purposes provided in this section, but not exceeding
5 \$.75 per head on cattle and not to exceed \$.05 per head on sheep.

6 (c) The ~~livestock commissioner~~ *secretary of agriculture* shall remit all
7 moneys received under K.S.A. 47-434 through 47-445, and amendments
8 thereto, to the state treasurer in accordance with the provisions of K.S.A.
9 75-4215, and amendments thereto. Upon receipt of each such remittance,
10 the state treasurer shall deposit the entire amount in the state treasury
11 to the credit of the county option brand fee fund, except any amounts
12 received for brand inspection services of livestock outside of a county
13 option area. All expenditures from such fund shall be made in accordance
14 with appropriation acts upon warrants of the director of accounts and
15 reports issued pursuant to vouchers approved by the ~~livestock commis-~~
16 ~~sioner~~ *secretary of agriculture* or by a person or persons designated by
17 the ~~commissioner~~ *secretary*. All amounts received for inspection of live-
18 stock outside of a county option area shall be deposited to the credit of
19 the livestock brand fee fund.

20 Sec. 32. K.S.A. 47-441 is hereby amended to read as follows: 47-441.
21 It shall be unlawful for any person in any brand inspection area, including
22 the owner of cattle, the shipper, motor carrier, railroad company, other
23 carrier or corporation, or the agent or servant of any such person, carrier
24 or corporation, to move, drive, ship or transport, in any manner, any cattle
25 from any point in a brand inspection area, to any point outside such area
26 other than another brand inspection area, unless such cattle shall have
27 first been inspected for brands by the ~~state livestock commissioner~~ *sec-*
28 *retary of agriculture*, the ~~commissioner's~~ *secretary's* inspectors or exam-
29 iners, or some person deputized by the ~~commissioner~~ *secretary* to per-
30 form such inspection, unless such cattle are accompanied by a brand
31 inspection certificate. The ~~livestock commissioner~~ *secretary of agriculture*
32 and the ~~commissioner's~~ *secretary's* inspectors and deputies may give per-
33 mission for such movement of cattle without inspection when: (1) There
34 is no change of ownership involved; or (2) shipment of such cattle is to a
35 market where Kansas brand inspection is maintained. No such inspection
36 shall be required in any case where any such cattle are being moved from
37 a feedlot the operator of which has been licensed pursuant to K.S.A. 47-
38 1503 and amendments thereto. It shall be unlawful for any motor carrier,
39 railroad company or other carrier transporting any cattle from any brand
40 inspection area to any market to permit the owner, the shipper or the
41 party in charge of cattle to change the billing from consignment point to
42 a point other than to a market where Kansas brand inspection is main-
43 tained, unless such carrier has or first secures an authorized brand in-

1 spection certificate for such cattle.

2 Sec. 33. K.S.A. 47-442 is hereby amended to read as follows: 47-442.
3 It shall be unlawful for any person in any brand inspection area to move
4 any cattle within such area unless such cattle have been first inspected
5 for brands by the ~~livestock commissioner~~ *secretary of agriculture* or the
6 ~~commissioner's~~ *secretary's* inspectors or deputies except that cattle may
7 be moved without such inspection when: (1) cattle are moved to a market
8 where Kansas brand inspection is maintained; or (2) cattle are moved
9 from a feedlot the operator of which has been licensed pursuant to K.S.A.
10 47-1503 and amendments thereto, except that when any such cattle are
11 moved to any such feedlot the same shall be inspected at the time they
12 enter such feedlot. The ~~livestock commissioner~~ *secretary of agriculture*
13 shall have the authority in any case where as a result of a natural or man-
14 made disaster cattle have strayed or have become mixed to conduct a one
15 time brand inspection of the cattle in any such feedlot. Any person who
16 purchases cattle from within a brand inspection area without receiving a
17 bill of sale and a brand inspection certificate shall be deemed as coun-
18 seling, aiding and abetting the seller in the unlawful sale of such livestock.

19 Sec. 34. K.S.A. 47-446 is hereby amended to read as follows: 47-446.
20 Feedlot brands may be lawfully applied to livestock which livestock are
21 not branded with a registered brand of the owner and which are in the
22 custody of, and upon the premises of, a feedlot operator licensed under
23 the provisions of article 15 of chapter 47 of the Kansas Statutes Annotated
24 and acts amendatory thereof or supplemental thereto, subject to the fol-
25 lowing conditions, limitations and requirements: (1) such feedlot brand
26 shall not be construed as evidence of ownership identification; (2) live-
27 stock which are branded with a feedlot brand shall be held by the licensed
28 feedlot operator under quarantine upon ~~said~~ *such* feed lot premises until
29 (a) released by ~~said~~ *such* feedlot operator for movement to slaughter or
30 (b) released by the ~~livestock commissioner~~ *secretary of agriculture*, or ~~his~~
31 *the secretary's* authorized representative, by issuance of a permit author-
32 izing such livestock to be moved from the feedlot premises for grazing
33 purposes; any such permit, if issued, shall be subject to the requirement
34 that such livestock, before release from licensed feedlot premises, shall
35 be branded with a registered brand of the owner of the livestock.

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

43 The ~~livestock commissioner~~ *secretary of agriculture* may set and charge

1 fees for brand inspection of animals subject to any reciprocity agreement,
2 and such fees shall not be limited by or subject to the provisions of K.S.A.
3 47-417a or 47-437, *and amendments thereto*, or any other law prescribing
4 fees for brand inspection.

5 Sec. 36. K.S.A. 47-605 is hereby amended to read as follows: 47-605.
6 For the purpose of this act, the ~~livestock commissioner~~ *secretary of ag-*
7 *riculture or the secretary's designee* is hereby authorized and empowered
8 to administer oaths and affirmations.

9 Sec. 37. K.S.A. 47-607 is hereby amended to read as follows: 47-607.
10 (a) It shall be unlawful for any person or persons to bring, drive or trans-
11 port any cattle, calves, sheep, swine, horses, mules, goats, domesticated
12 deer, as defined in K.S.A. 47-1001, and amendments thereto, any creature
13 of the ratite family that is not indigenous to this state, including but not
14 limited to ostriches, emus and rheas, or any other animal that may be
15 used in the preparation of meat or meat products into the state of Kansas,
16 without first having caused such animal or animals to be inspected and
17 passed under certificate of health as required by the ~~livestock commis-~~
18 ~~sioner~~ *secretary of agriculture* of this state.

19 (b) All shipments and movements of livestock into the state of Kansas
20 upon a public highway shall be accompanied by any such certificates of
21 health or permits required by the ~~livestock commissioner~~ *secretary of*
22 *agriculture*. The ~~livestock commissioner~~ *secretary of agriculture* shall pre-
23 scribe, by rules and regulations, procedure whereby certificates of health
24 and other required statements and declarations may be submitted to the
25 ~~commissioner~~ *secretary* at the time of shipment.

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

38 Sec. 38. K.S.A. 47-607a is hereby amended to read as follows: 47-
39 607a. When the ~~livestock commissioner~~ *secretary of agriculture* of this
40 state determines that a special permit is required to move any or all kinds
41 or species of livestock into or through the state of Kansas, the ~~livestock~~
42 ~~commissioner~~ *secretary of agriculture* may declare that no person or per-
43 sons, firm, corporation, railway, aerial or motor transportation company,

1 or individual owner of a truck, or the agents thereof, shall ship, trail,
2 permit to cross the state line or in any manner transport any class of
3 livestock into the state of Kansas from any other area, state or states
4 designated by the ~~livestock commissioner~~ *secretary of agriculture*, with-
5 out first obtaining a special permit, by wire, letter or telephone, from the
6 ~~livestock commissioner~~ *secretary of agriculture* at Topeka, Kansas. Such
7 special permit or the authorized permit number of such special permit
8 shall accompany such shipment of livestock into the state of Kansas.

9 Sec. 39. K.S.A. 47-607d is hereby amended to read as follows: 47-
10 607d. The ~~livestock commissioner~~ *secretary of agriculture* may adopt such
11 rules and regulations as necessary to carry out the purposes of this act.

12 Sec. 40. K.S.A. 47-608 is hereby amended to read as follows: 47-608.
13 The ~~livestock commissioner~~ *secretary of agriculture* is hereby authorized
14 and directed to cooperate with the secretary of agriculture of the United
15 States, or any officer or authority of the general government, in the sup-
16 pression and extirpation of contagious diseases among domestic animals
17 and in the enforcement and execution of all acts of congress to prevent
18 the importation and exportation of diseased animals and the spread of
19 infectious or contagious diseases among domestic animals.

20 Sec. 41. K.S.A. 47-610 is hereby amended to read as follows: 47-610.
21 The ~~state livestock commissioner~~ *secretary of agriculture* is hereby di-
22 rected to protect the health of domestic animals of the state from all
23 contagious or infectious diseases and for this purpose is hereby authorized
24 and empowered to establish, maintain and enforce such quarantine, sani-
25 tary and other regulations as necessary. If the ~~livestock commissioner~~
26 *secretary of agriculture* requires the assistance of technical knowledge,
27 experience or skill to carry out the duties of the ~~livestock commissioner~~
28 *secretary of agriculture*, the ~~livestock commissioner~~ *secretary of agricul-*
29 *ture* may command the services of any competent veterinarian or may
30 call upon the dean of the college of veterinary medicine, Kansas state
31 university at Manhattan, Kansas, for that purpose. In case the dean of the
32 college of veterinary medicine, Kansas state university is called, the dean
33 shall receive actual and necessary expenses in the performance of such
34 duties as full compensation for such services. If any other veterinarian is
35 employed, such veterinarian shall receive such actual and necessary ex-
36 penses and reasonable compensation for such services.

37 Sec. 42. K.S.A. 2007 Supp. 47-611 is hereby amended to read as
38 follows: 47-611. (a) When the ~~commissioner~~ *secretary of agriculture* de-
39 termines that a quarantine and other regulations are necessary to prevent
40 the spread among domestic animals of any contagious or infectious dis-
41 ease, the ~~commissioner~~ *secretary* shall notify the governor of such deter-
42 mination, and the governor shall issue a proclamation announcing the
43 boundary of such quarantine and the orders and rules and regulations

1 prescribed by the ~~commissioner~~ *secretary*, which proclamation shall be
2 published in the Kansas register, except that the ~~commissioner~~ *secretary*,
3 if the area affected by the quarantine is limited in extent, may dispense
4 with the proclamation of the governor and give such notice as the ~~com-~~
5 ~~missioner~~ *secretary* shall deem sufficient to make the quarantine
6 effective.

7 (b) Upon a determination by the governor that a quarantine or other
8 regulations are necessary to prevent the spread among domestic animals
9 of any contagious or infectious disease, the governor shall direct the ~~com-~~
10 ~~missioner~~ *secretary* to establish a quarantine pursuant to this section.

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

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

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

24 Sec. 43. K.S.A. 2007 Supp. 47-612 is hereby amended to read as
25 follows: 47-612. Whenever the ~~livestock commissioner~~ *secretary of agri-*
26 *culture* determines that certain animals within the state are capable of
27 communicating infectious or contagious disease, the ~~commissioner~~ *sec-*
28 *retary of agriculture* may issue an order to the sheriff of the county or to
29 any agent, inspector or authorized representative of the ~~livestock com-~~
30 ~~missioner~~ *secretary of agriculture* in which such animals are found, com-
31 manding such individuals to take into custody and keep such animals
32 subject to such quarantine regulations as the ~~livestock commissioner~~ *sec-*
33 *retary of agriculture* may prescribe, until such time as the ~~commissioner~~
34 *secretary* directs such person to deliver such animals to their owner or
35 owners or to the agent of the owner or owners. Before any animals are
36 delivered, there shall be paid by the owner of such animals to the ~~livestock~~
37 ~~commissioner~~ *secretary of agriculture* all the fees, costs and expenses of
38 taking, detaining and holding and caring for the animals. In case such
39 fees, costs and expenses are not paid at the time fixed by the ~~livestock~~
40 ~~commissioner~~ *secretary of agriculture*, the officer having custody of such
41 animals shall advertise, in the same manner as provided by law in case of
42 sale of personal property on execution, that the officer will sell such an-
43 imals or such portion of such animals as may be necessary to pay such

1 fees, costs and expenses, together with the costs and expenses of such
2 sale. At the time and place advertised the officer shall sell as many of the
3 animals as may be necessary to pay for such fees, costs and expenses and
4 the costs and expenses of such sale. Upon such sale the officer shall with-
5 out delay pay to the owner any amount received in excess of the fees,
6 costs and expenses, including, but not limited to, legal fees of such officer.
7 Any officer performing any of the duties directed in this section or any
8 other section of this act shall receive the same compensation for such
9 services as is prescribed by law for similar services. In case such fees,
10 costs and expenses cannot be collected by sale of such animals, such fees,
11 costs and expenses shall be paid by the state of Kansas unless payment
12 or indemnity for the costs of taking into custody, keeping and selling such
13 animals may be obtained from the United States government.

14 Sec. 44. K.S.A. 47-613 is hereby amended to read as follows: 47-613.
15 The sheriff to whom the existence of any contagious or infectious disease
16 of domestic animals is reported shall proceed without delay to the place
17 where such domestic animal or animals are and examine the same, and
18 shall report immediately the result of such examination to the ~~livestock~~
19 ~~commissioner~~ *secretary of agriculture*. The sheriff shall enforce such tem-
20 porary quarantine regulations as the ~~livestock commissioner~~ *secretary of*
21 *agriculture* may direct to prevent the spread of such disease, until the
22 ~~livestock commissioner~~ *secretary of agriculture* provides and orders suit-
23 able permanent quarantine rules and regulations. No sheriff who takes
24 or detains such animals under the provisions of this act shall be liable to
25 the owner or owners of such animals for any damages by reason of such
26 taking or detention or by reason of the performance of any other duties
27 directed by law.

28 Sec. 45. K.S.A. 2007 Supp. 47-615 is hereby amended to read as
29 follows: 47-615. Whenever the ~~commissioner~~ *secretary of agriculture* di-
30 rects the killing or disposition of any domestic animal or animals, except
31 dogs, it shall be the duty of the ~~commissioner~~ *secretary* and the owner of
32 the condemned animals, to appraise the animal or animals to be killed or
33 disposed. The ~~commissioner~~ *secretary* shall make an inventory of the
34 animal or animals condemned, and in fixing the value of such animal or
35 animals, the ~~commissioner~~ *secretary* shall be governed by the value of
36 such animal or animals at the time of the first appearance of the disease.
37 The state of Kansas shall pay to the owner the amount to which the owner
38 is entitled as determined by the ~~commissioner~~ *secretary* as provided by
39 this section unless payment or indemnity for such domestic animal may
40 be obtained from the United States government.

41 Sec. 46. K.S.A. 47-616 is hereby amended to read as follows: 47-616.
42 When any animal or animals are killed under the provisions of this act by
43 order of the ~~commissioner~~ *secretary of agriculture*, the owner of such

1 animal or animals shall be paid for such animal or animals such proportion
2 of the appraised value as fixed by the appraisement as provided by law.
3 The right of indemnity on account of animals killed by order of the ~~com-~~
4 ~~missioner~~ *secretary of agriculture* under the provisions of this act shall
5 not extend: (a) To animals killed on account of rabies; (b) to the owner
6 of animals which have been brought into the state in a diseased condition,
7 or from a state, country, territory or district in which the disease with
8 which the animal is infected or to which it has been exposed exists; (c) to
9 any animal which has been brought into the state in violation of any law
10 or quarantine regulations thereof, or the owner of which has violated any
11 of the provisions of this act or disregarded any rule and regulation or
12 order of the ~~livestock commissioner~~ *secretary of agriculture*; (d) to any
13 animal which came into the possession of the claimant with the claimant's
14 knowledge that such animal was diseased or was suspected of being dis-
15 eased or of having been exposed to any contagious or infectious disease;
16 nor (e) to any animal belonging to the United States.

17 Sec. 47. K.S.A. 47-618 is hereby amended to read as follows: 47-618.
18 The ~~commissioner~~ *secretary of agriculture* shall have power to call upon
19 any sheriff, undersheriff or deputy sheriff to execute his orders, and such
20 officers shall obey the orders of ~~said commissioner~~ *such secretary*, and
21 for performing such services shall receive mileage and fees as is now
22 provided for service in process in civil actions; and in addition thereto
23 shall receive for killing and disposing of diseased animals, in accordance
24 with the rules prescribed by the ~~livestock commissioner~~ *secretary of ag-*
25 *riculture*, the following fees: For the first animal, not to exceed ~~five dollars~~
26 ~~(\$5)~~ \$5; for each additional animal, not to exceed ~~two dollars (\$2)~~ \$2; but
27 in no case shall the amount exceed the actual cost of doing such work;
28 and such fees shall be paid by the board of county commissioners of the
29 county in which the services are rendered. Any such officer may arrest
30 on view and take before any judge of a court of competent jurisdiction
31 of the county any person found violating the provisions of this act, and
32 such officer shall immediately notify the county or district attorney of
33 such arrest, and he shall prosecute the person so offending according to
34 law.

35 Sec. 48. K.S.A. 47-619 is hereby amended to read as follows: 47-619.
36 The owner or owners of any stockyards doing business in this state, when
37 requested by the ~~livestock commissioner~~ *secretary of agriculture*, shall
38 keep constantly in their employ a competent inspector of livestock ap-
39 pointed by the ~~commissioner~~ *secretary of agriculture* whose compensa-
40 tion shall be fixed and duties prescribed by the ~~livestock commissioner~~
41 *secretary of agriculture*. The ~~livestock commissioner~~ *secretary of agri-*
42 *culture* shall prescribe that portion of the compensation which shall be
43 paid by the owner or owners of the stockyards. It shall be the duty of

1 such inspector to work in conjunction with the United States government
2 authorities to prohibit and prevent any stock affected with any contagious
3 or infectious disease to be driven or shipped out of any such stockyards
4 except to some licensed rendering establishment.

5 Sec. 49. K.S.A. 47-620 is hereby amended to read as follows: 47-620.
6 Whenever the ~~state livestock commissioner~~ *secretary of agriculture* has
7 good reason to believe that any contagious or infectious disease has be-
8 come epidemic in certain localities in other states, territories or countries,
9 or that there are conditions which render domestic animals from such
10 infected districts liable to convey such disease, the ~~livestock commissioner~~
11 *secretary of agriculture* shall publish an order prohibiting the entrance of
12 any livestock of the kind diseased into the state from such infected district.

13 Sec. 50. K.S.A. 47-622 is hereby amended to read as follows: 47-622.
14 It shall be the duty of the owner or person in charge of any domestic
15 animal or animals who discovers, or has reason to believe that any do-
16 mestic animal owned by such person or in such person's charge or keeping
17 is affected with any contagious or infectious disease, to immediately re-
18 port such fact or belief to the ~~livestock commissioner~~ *secretary of agri-*
19 *culture*. It shall be the duty of any person who discovers the existence of
20 any such contagious or infectious disease among the domestic animals of
21 any person to report this information at once to the ~~livestock commis-~~
22 ~~sioner~~ *secretary of agriculture*.

23 Sec. 51. K.S.A. 2007 Supp. 47-624 is hereby amended to read as
24 follows: 47-624. (a) In addition to any other penalty provided by law, any
25 person who has in such person's possession any domestic animal affected
26 with any contagious or infectious disease, knowing such animal to be so
27 affected, who permits such animal to run at large; or who keeps such
28 animal where other domestic animals, not affected with or previously
29 exposed to such disease, may be exposed to such contagious or infectious
30 disease; or who sells, ships, drives, trades or gives away such diseased and
31 infected animal or animals which have been exposed to such infection or
32 contagion, except by sale, trade or gift to a regularly licensed disposal
33 plant; or who moves or drives any domestic animal in violation of the
34 rules and regulations, directions or orders establishing and regulating
35 quarantine may incur a civil penalty imposed under subsection (b) in the
36 amount of not less than \$250 nor more than \$1,000 for each such violation
37 and, in the case of a continuing violation, every day such violation contin-
38 ues shall be deemed a separate violation. Any owner of any domestic
39 animal which has been affected with or exposed to any contagious or
40 infectious disease may dispose of the same after such owner obtains from
41 the ~~livestock commissioner~~ *secretary of agriculture* a bill of health for
42 such animal.

43 (b) Any duly authorized agent of the ~~commissioner~~ *secretary of ag-*

1 *riculture*, upon a finding that any person, or agent or employee thereof,
2 has violated any of the provisions stated above, may impose a civil penalty
3 upon such person as provided in this section.

4 (c) No civil penalty shall be imposed pursuant to this section except
5 upon the written order of the duly authorized agent of the ~~commissioner~~
6 *secretary of agriculture* to the person who committed the violation. Such
7 order shall state the violation, the penalty to be imposed and the right of
8 the person to appeal to the ~~commissioner~~ *secretary of agriculture*. Any
9 such person, within 20 days after notification, may make written request
10 to the ~~commissioner~~ *secretary of agriculture* for a hearing in accordance
11 with the provisions of the Kansas administrative procedure act. The ~~com-~~
12 ~~missioner~~ *secretary of agriculture* shall affirm, reverse or modify the order
13 and shall specify the reasons therefor.

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

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

23 Sec. 52. K.S.A. 47-626 is hereby amended to read as follows: 47-626.
24 The ~~state livestock commissioner~~ *secretary of agriculture* may employ
25 such persons and purchase such supplies, appliances and materials as may
26 be necessary to carry into full effect all the orders given by the ~~livestock~~
27 ~~commissioner~~ *secretary of agriculture* as provided by law. No labor shall
28 be employed and no material or supplies purchased by the ~~livestock com-~~
29 ~~missioner~~ *secretary of agriculture* except such additional labor, material
30 and supplies as may be necessary to carry into effect the quarantine and
31 other regulations prescribed by the ~~commissioner~~ *secretary of agricul-*
32 *ture*. The director of accounts and reports shall draw warrants upon the
33 treasurer of state for the necessary amount upon vouchers properly ver-
34 ified by the person performing such labor or furnishing such material and
35 approved by the ~~livestock commissioner~~ *secretary of agriculture*.

36 Sec. 53. K.S.A. 47-627 is hereby amended to read as follows: 47-627.
37 If the ~~livestock commissioner~~ *secretary of agriculture* finds the disease
38 known as the itch or mange existing among domestic animals, the ~~live-~~
39 ~~stock commissioner~~ *secretary of agriculture* shall order all animals so af-
40 fected to be properly treated as the ~~commissioner~~ *secretary of agriculture*
41 deems necessary.

42 Sec. 54. K.S.A. 47-629 is hereby amended to read as follows: 47-629.
43 It shall be unlawful for any person to inject any virulent hog-cholera virus

1 into any hog, in the state of Kansas, unless such person first obtains a
2 permit from the ~~livestock commissioner~~ *secretary of agriculture* author-
3 izing such injection. A permit to inject virulent hog-cholera virus may be
4 issued by the ~~livestock commissioner~~ *secretary of agriculture* upon ap-
5 plication to the ~~livestock commissioner~~ *secretary of agriculture* upon a
6 form provided by the ~~livestock commissioner~~ *secretary of agriculture*.
7 Such permit shall be issued only to persons who are sufficiently informed
8 as to qualify to safely handle and use such virus, and such permit shall
9 state such conditions, limitations and regulations as the ~~livestock com-~~
10 ~~missioner~~ *secretary of agriculture* deems necessary for the protection of
11 the health of the domestic animals of this state from infectious or con-
12 tagious diseases. Such permit shall be issued for a definite period which
13 duration shall be fixed by the ~~livestock commissioner~~ *secretary of agri-*
14 *culture* as the ~~livestock commissioner~~ *secretary of agriculture* deems nec-
15 essary to prevent the spread of infectious or contagious diseases. The
16 permit holder shall comply with the requirements of such permit.

17 Sec. 55. K.S.A. 47-629a is hereby amended to read as follows: 47-
18 629a. It shall be unlawful for any person to sell or offer for sale virulent
19 hog-cholera virus to another unless the vendor is: (1) A manufacturer
20 thereof; or (2) a distributor of veterinarian supplies, authorized by the
21 ~~livestock commissioner~~ *secretary of agriculture* to handle and sell such
22 virus; or (3) a veterinarian licensed under the Kansas veterinary practice
23 act.

24 Sec. 56. K.S.A. 47-629b is hereby amended to read as follows: 47-
25 629b. It shall be unlawful for any person to sell, or offer for sale, any
26 virulent hog-cholera virus to another unless the purchaser is: (1) A holder
27 of a permit from the ~~livestock commissioner~~ *secretary of agriculture*, cur-
28 rently in effect, authorizing such person to inject virulent hog-cholera
29 virus; or (2) a distributor of veterinarian supplies authorized by the ~~live-~~
30 ~~stock commissioner~~ *secretary of agriculture* to handle and sell such virus.

31 Sec. 57. K.S.A. 47-629c is hereby amended to read as follows: 47-
32 629c. Any person who violates any provision of this act, or any provision
33 of a permit to inject virulent hog-cholera virus issued by the ~~livestock~~
34 ~~commissioner~~ *secretary of agriculture*, and any person who fails to comply
35 with any provision of this act or any provision of such a permit, shall be
36 guilty of a *nonperson* misdemeanor and upon conviction shall be fined in
37 a sum of not less than \$25 or more than \$500 or shall be imprisoned in
38 the county jail for not more than six months, or both.

39 Sec. 58. K.S.A. 47-631 is hereby amended to read as follows: 47-631.
40 (a) The ~~livestock commissioner~~ *secretary of agriculture*, whenever the
41 ~~livestock commissioner~~ *secretary of agriculture* deems it necessary, shall
42 formulate and announce the rules under which the tuberculin test for
43 tuberculosis in domestic animals shall be applied and for all proceedings

1 subsequent to such application:

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

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

7 (3) all charts giving the temperature and conditions existing at the
8 time the animal was tested, accompanied by a history and description of
9 the animal, shall be submitted, immediately after the test is made, to the
10 ~~state livestock commissioner~~ *secretary of agriculture*, who shall thereupon
11 render an opinion thereon, which decision shall be final and shall be
12 recorded in the office of the ~~livestock commissioner~~ *secretary of*
13 *agriculture*.

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

17 Sec. 59. K.S.A. 47-632 is hereby amended to read as follows: 47-632.
18 Whenever the ~~livestock commissioner~~ *secretary of agriculture* shall have
19 decided that any domestic animal is affected with tuberculosis he or she
20 shall at once condemn ~~said~~ *such* animal and quarantine the herd wherein
21 it is found. Whereupon, the owner shall sell such diseased animal for
22 immediate slaughter under state or federal inspection, subject to a post-
23 mortem examination under the direction of the ~~livestock commissioner~~
24 *secretary of agriculture*. ~~Said~~ *Such* owner shall be indemnified by the
25 ~~state livestock commissioner~~ *secretary of agriculture*, from funds appro-
26 priated therefor, in an amount equal to ~~one hundred dollars (\$100)~~ *\$100*
27 for each condemned grade bovine animal and ~~two hundred dollars (\$200)~~
28 *\$200* for each registered bovine animal.

29 Sec. 60. K.S.A. 47-632a is hereby amended to read as follows: 47-
30 632a. The ~~livestock commissioner~~ *secretary of agriculture* shall not be
31 required to examine the records in the county where condemned animals
32 are situated to determine names and rights of lien claimants or
33 mortgagees.

34 Sec. 61. K.S.A. 47-633a is hereby amended to read as follows: 47-
35 633a. The ~~livestock commissioner~~ *secretary of agriculture* may order the
36 condemnation of an entire herd of domestic animals when tuberculosis
37 of any animal within such herd has been diagnosed. In such event, the
38 ~~livestock commissioner~~ *secretary of agriculture* shall indemnify the owner
39 of such herd in an amount not to exceed ~~fifty percent (50%)~~ *50%* of the
40 difference between the salvage value and the appraised value of the ani-
41 mals in the condemned herd. Such payment by the ~~commissioner~~ *sec-*
42 *retary of agriculture* shall be from funds appropriated therefor, but in no
43 event shall such payment exceed the sum of ~~four hundred dollars (\$400)~~

1 \$400 per head for registered bovine animals, the sum of ~~two hundred~~
2 ~~dollars (\$200)~~ \$200 per head for grade bovine animals. Such compensa-
3 tion shall not be paid, and the premises from which the herd was taken
4 shall not be restocked, until such premises have been cleaned and dis-
5 infected and, subsequent thereto, have been inspected and approved by
6 the ~~livestock commissioner~~ *secretary of agriculture*, or ~~his or her~~ *the sec-*
7 *retary's* authorized representative. Appraisals of animals condemned shall
8 be made by the ~~livestock commissioner~~ *secretary of agriculture*, or ~~his or~~
9 ~~her~~ *such secretary's* authorized representative, and by the owner. If ~~said~~
10 *such* appraisers cannot agree, a disinterested third party, who has knowl-
11 edge of livestock values in such locality, shall be selected as an arbitrator
12 by the ~~commissioner~~ *secretary of agriculture* and the owner, at the ex-
13 pense of the owner. The determination of values by ~~said such~~ *such* arbitrator
14 shall be final.

15 Sec. 62. K.S.A. 47-634 is hereby amended to read as follows: 47-634.
16 The disinfection of the premises where a diseased animal or animals com-
17 ing within the provisions of this act have been kept shall be under the
18 supervision of the ~~livestock commissioner~~ *secretary of agriculture*, or the
19 designee of the ~~livestock commissioner~~ *secretary of agriculture*. The ~~live-~~
20 ~~stock commissioner~~ *secretary of agriculture*, in addition, shall designate
21 the materials to be used and the method of their application. The cost of
22 such material together with the necessary labor of disinfecting shall be
23 paid by the owner of such animals. Except for disinfection, the premises
24 shall be kept in quarantine until such time as the ~~livestock commissioner~~
25 *secretary of agriculture* may determine.

26 Sec. 63. K.S.A. 47-635 is hereby amended to read as follows: 47-635.
27 The provisions of this act shall be construed to include all contagious or
28 infectious diseases among all kinds of domestic animals including but not
29 limited to horses, mules, asses, cattle, sheep, goats, llamas, swine, dogs,
30 cats, poultry, birds, nonhuman primates, ferrets, domesticated deer, as
31 defined in K.S.A. 47-1001, and amendments thereto, all creatures of the
32 ratite family including but not limited to ostriches, emus and rheas and
33 exotic animals as defined by rules and regulations in 9 C.F.R. 1.1, pur-
34 suant to 7 U.S.C. §2131 et seq. The ~~state livestock commissioner~~ *secretary*
35 *of agriculture* is given the same power over any domestic animal afflicted
36 with rabies as is conferred upon the ~~livestock commissioner~~ *secretary of*
37 *agriculture* in relation to other diseases of domestic animals.

38 Sec. 64. K.S.A. 47-646a is hereby amended to read as follows: 47-
39 646a. It shall be lawful for any authorized representative of the ~~livestock~~
40 ~~commissioner~~ *secretary of agriculture*, any sheriff, any city marshal or any
41 law enforcement officer at any time to kill any dog which may be found
42 unconfined in violation of any rabies quarantine or other quarantine order
43 issued by the ~~state livestock commissioner~~ *secretary of agriculture* or is-

1 sued by the secretary of health and environment.

2 Sec. 65. K.S.A. 47-650 is hereby amended to read as follows: 47-650.
3 Upon the presentation to the ~~state livestock commissioner~~ *secretary of*
4 *agriculture* of a petition signed by 50 farmers who are resident taxpayers
5 of any county in this state asking that they be permitted to establish a
6 county hog-cholera-control organization in their county, such ~~commis-~~
7 ~~sioner~~ *secretary* shall notify in writing the president of Kansas state uni-
8 versity, and the inspector in charge of the office of the United States
9 department of agriculture, animal plant health inspection service, veteri-
10 nary services, that a meeting will be held at the county seat of the county
11 at a certain date and hour to perfect the organization prayed for in the
12 petition. All persons attending such meeting shall proceed to perfect the
13 establishment of the _____ county hog-cholera-control organization
14 by choosing a president, vice-president, secretary and treasurer and one
15 farmer from each township in the county, who shall, in connection with
16 such officers, constitute the executive board of the _____ county
17 hog-cholera-control organization.

18 Sec. 66. K.S.A. 47-651 is hereby amended to read as follows: 47-651.
19 Upon the completion of the establishment of such organization, the ~~state~~
20 ~~livestock commissioner~~ *secretary of agriculture* shall, ~~upon the recom-~~
21 ~~mendation of the executive board,~~ appoint a competent person as deputy
22 state livestock commissioner for the county. Such county deputy livestock
23 commissioner shall perform all services and discharge all duties in the
24 county hog cholera control work in exact conformity with the rules and
25 regulations promulgated by the ~~livestock commissioner~~ *secretary of*
26 *agriculture*.

27 Sec. 67. K.S.A. 47-653 is hereby amended to read as follows: 47-653.
28 The county deputy livestock commissioner shall receive a reasonable
29 compensation, to be determined by the ~~state livestock commissioner~~ *sec-*
30 *retary of agriculture*, in an amount not to exceed \$100 per month and
31 necessary travel expenses while absent from home in the discharge of the
32 duties of such position.

33 Sec. 68. K.S.A. 47-653a is hereby amended to read as follows: 47-
34 653a. It shall be unlawful for any person to sell or to use hog cholera
35 vaccines in the state of Kansas unless the hog cholera vaccine is first
36 approved by the ~~state livestock commissioner~~ *secretary of agriculture*.

37 Sec. 69. K.S.A. 47-653b is hereby amended to read as follows: 47-
38 653b. The ~~state livestock commissioner~~ *secretary of agriculture* is hereby
39 authorized and empowered to adopt rules and regulations designating
40 which hog cholera vaccines may be sold or used in this state.

41 Sec. 70. K.S.A. 47-653d is hereby amended to read as follows: 47-
42 653d. In order to prevent the spread of hog cholera, and to reduce the
43 danger of the spread thereof, the ~~livestock commissioner~~ *secretary of*

1 *agriculture*, or the authorized representative of the ~~livestock commis-~~
2 ~~sioner~~ *secretary of agriculture*, may destroy or require the destruction of
3 any swine which the ~~livestock commissioner~~ *secretary of agriculture* has
4 determined to be affected with or exposed to hog cholera. Prior to such
5 destruction there shall be an appraisal of the value of any swine, which
6 shall be made jointly by the owner of such swine and the ~~livestock com-~~
7 ~~missioner~~ *secretary of agriculture*, or the authorized representative of the
8 ~~livestock commissioner~~ *secretary of agriculture*. If the appraisers cannot
9 agree, a disinterested third party who has knowledge of livestock values
10 in such locality shall be selected by the ~~commissioner~~ *secretary of agri-*
11 *culture* and the owner, at the expense of the owner, as an arbitrator. The
12 arbitrator's determination of the value of such swine shall be final.

13 Sec. 71. K.S.A. 47-653e is hereby amended to read as follows: 47-
14 653e. The owner or custodian of such swine, immediately after the de-
15 termination of its appraised value, shall cause such swine to be disposed
16 of in the manner directed by the ~~livestock commissioner~~ *secretary of*
17 *agriculture* or the authorized representative of the ~~livestock commissioner~~
18 *secretary of agriculture*. Any owner or custodian of swine who fails to
19 dispose of swine as directed by the ~~livestock commissioner~~ *secretary of*
20 *agriculture*, upon conviction, shall be guilty of a misdemeanor and shall
21 be punished in the manner provided in K.S.A. 47-607c and amendments
22 thereto.

23 Sec. 72. K.S.A. 47-653f is hereby amended to read as follows: 47-
24 653f. On presentation to the ~~livestock commissioner~~ *secretary of agri-*
25 *culture* of acceptable evidence that disposition of such swine has been
26 made in the prescribed manner, the owner of such swine shall be entitled
27 to indemnity, to be paid by the state, in an amount equal to the amount
28 of indemnity paid by the federal government for such destruction of
29 swine. Such indemnification by the state shall not exceed \$40 per head
30 for grade swine and shall not exceed \$60 per head for purebred swine.
31 Indemnities shall not be paid on swine which have been brought or moved
32 into Kansas in violation of the import regulations of this state, and indem-
33 nity shall not be paid on any swine which have been allowed to mingle
34 with swine so brought or moved into Kansas.

35 Indemnification payments shall be made from legislative appropria-
36 tions for such purpose to the ~~livestock commissioner~~ *secretary of agri-*
37 *culture*. The director of accounts and reports is hereby authorized and
38 directed to draw warrants upon the state treasurer for the amounts and
39 for the purposes provided herein upon duly executed vouchers approved
40 by the ~~livestock commissioner~~ *secretary of agriculture*.

41 Sec. 73. K.S.A. 47-653g is hereby amended to read as follows: 47-
42 653g. The ~~livestock commissioner~~ *secretary of agriculture* is hereby au-
43 thorized to cooperate with any department, agency or officer of the fed-

1 eral government in the control and eradication of hog cholera, including
2 the sharing in the payment of indemnities for swine destroyed pursuant
3 to this act.

4 Sec. 74. K.S.A. 47-653h is hereby amended to read as follows: 47-
5 653h. Any motor vehicle used in the hauling or transporting of swine
6 from the premises where diseased or exposed swine have been under hog
7 cholera quarantine to a destination where such swine are to be slaugh-
8 tered, including a licensed disposal plant, shall be thoroughly cleaned and
9 disinfected after unloading such swine. Such cleaning and disinfection
10 shall be made under the supervision of the ~~livestock commissioner~~ *sec-*
11 *retary of agriculture*, or the authorized representative of the ~~livestock~~
12 ~~commissioner~~ *secretary of agriculture*, and with a disinfectant which has
13 been approved by the ~~livestock commissioner~~ *secretary of agriculture*.

14 Sec. 75. K.S.A. 47-654 is hereby amended to read as follows: 47-654.
15 It shall be unlawful for any person to ship into Kansas or offer for sale in
16 Kansas any food for livestock contained in sacks which have not been first
17 thoroughly disinfected or fumigated in accordance with the requirements
18 of the ~~livestock commissioner~~ *secretary of agriculture*. It shall be unlawful
19 for any person to offer for sale in Kansas any food for livestock manufac-
20 tured within the state that is contained in sacks which have not been first
21 thoroughly disinfected or fumigated in accordance with the requirements
22 of the ~~livestock commissioner~~ *secretary of agriculture*.

23 Sec. 76. K.S.A. 47-655 is hereby amended to read as follows: 47-655.
24 It shall be unlawful for any person to sell or offer for sale any old or
25 secondhand sacks until the same have been thoroughly disinfected or
26 fumigated as required by the ~~livestock commissioner~~ *secretary of*
27 *agriculture*.

28 Sec. 77. K.S.A. 47-657 is hereby amended to read as follows: 47-657.
29 (a) The ~~state livestock commissioner~~ *secretary of agriculture*, whenever
30 the ~~commissioner~~ *secretary of agriculture* deems it necessary, shall for-
31 mulate and announce the rules under which approved test for brucellosis
32 in cattle shall be applied and for all proceedings subsequent to such
33 application:

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

37 (2) all charts showing result of test and conditions existing at the time
38 of test, together with a history and description of cattle, shall be submitted
39 to the ~~livestock commissioner~~ *secretary of agriculture* immediately upon
40 completion of test and the ~~livestock commissioner~~ *secretary of agriculture*
41 shall render an opinion thereon, which decision shall be final, and shall
42 be recorded in the office of the ~~livestock commissioner~~ *secretary of*
43 *agriculture*.

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

4 Sec. 78. K.S.A. 47-658a is hereby amended to read as follows: 47-
5 658a. Whenever the ~~state livestock commissioner~~ *secretary of agriculture*
6 shall have decided that any domestic animal is affected with brucellosis,
7 ~~he or his~~ *the secretary's* authorized representatives, may proceed at once
8 to identify such reactor animal by causing ~~said~~ *such* reactor animal to be
9 branded with the letter "B" on the left jaw by hot iron. ~~Provided.~~. The
10 ~~livestock commissioner~~ *secretary of agriculture* may approve the use of
11 other methods for the identification of brucellosis reactors.

12 Sec. 79. K.S.A. 47-658b is hereby amended to read as follows: 47-
13 658b. Any animal determined to be a reactor animal to brucellosis shall
14 be sold for slaughter within ~~fifteen (15)~~ 15 days after being properly iden-
15 tified. Such animal being shipped to be sold for slaughter shall be accom-
16 panied by an official shipping permit issued by the ~~livestock commissioner~~
17 *secretary of agriculture* or ~~his~~ *the secretary's* representative.
18 Under unusual circumstances, the ~~livestock commissioner~~ *secretary of*
19 *agriculture* may extend the period for sale for slaughter up to a maximum
20 of an additional ~~thirty (30)~~ 30 days following the proper identification of
21 such reactor.

22 Sec. 80. K.S.A. 47-660 is hereby amended to read as follows: 47-660.
23 The secretary of agriculture of the United States, authorized officers of
24 the bureau of animal industry of such department, the ~~state livestock~~
25 ~~commissioner~~ *secretary of agriculture* of Kansas and the authorized dep-
26 uties of such officials shall have free access to enter upon the premises
27 of any and all persons who own or are in possession of domestic animals
28 and free access to inspect and examine all such domestic animals:

29 (a) Which are affected with any infectious or contagious disease; or
30 (b) which are suspected or reported to be affected with any infectious
31 or contagious disease; or

32 (c) which are located within any area which has been designated as
33 a tuberculosis modified accredited area or brucellosis modified accredited
34 area by the secretary of agriculture of the United States, or by an officer
35 or authority under the United States department of agriculture, animal
36 plant health inspection service, veterinary services or by the ~~state livestock~~
37 ~~commissioner~~ *secretary of agriculture*; or

38 (d) which are within a herd that has been designated as accredited
39 tuberculosis free or accredited brucellosis free; or

40 (e) which are located upon the premises of an owner who has a herd
41 of domestic animals which has been accredited as tuberculosis free or
42 brucellosis free.

43 Sec. 81. K.S.A. 47-666 is hereby amended to read as follows: 47-666.

1 Whenever the ~~livestock commissioner~~ *secretary of agriculture* has de-
2 cided that any swine is affected with vesicular exanthema and that it is
3 necessary to order the animals killed in order to prevent the spread of
4 such disease in Kansas, the ~~livestock commissioner~~ *secretary of agricul-*
5 *ture* shall proceed with the appraisal, condemnation and killing of
6 the same as authorized under K.S.A. 47-614 and 47-615 and amendments
7 ~~to such sections thereto~~. The owner of such diseased animals which have
8 been so killed and disposed of shall be entitled to receive from the state
9 of Kansas $\frac{1}{3}$ of the difference between the appraised value of the animals
10 and the salvage proceeds, if any, received by the owner from the destruc-
11 tion and disposal of such animals.

12 The ~~livestock commissioner~~ *secretary of agriculture* shall draw a
13 voucher upon the director of accounts and reports of the state of Kansas
14 in favor of the owner of such diseased animals for the amount of indem-
15 nity for which such owner is entitled, and the director of accounts and
16 reports is hereby authorized and directed to accept such vouchers so
17 drawn by the ~~state livestock commissioner~~ *secretary of agriculture*, such
18 amounts to be paid for out of the funds appropriated for such purposes.

19 Sec. 82. K.S.A. 47-667 is hereby amended to read as follows: 47-667.
20 As used in this act, unless the context otherwise requires: (a) “~~Commis-~~
21 ~~sioner~~” means the ~~livestock commissioner appointed by the Kansas animal~~
22 ~~health board pursuant to K.S.A. 75-1901~~ “*Secretary*” means the *secretary*
23 *of agriculture of the state of Kansas*.

24 (b) “~~SPF~~” ~~swine~~ “*SPF swine*” means specific pathogen free swine,
25 which conform to the regulations and health standards prescribed by the
26 ~~commissioner~~ *secretary of agriculture*.

27 (c) “Person” means any individual, partnership, firm, association or
28 corporation.

29 Sec. 83. K.S.A. 2007 Supp. 47-672 is hereby amended to read as
30 follows: 47-672. (a) The ~~livestock commissioner of the Kansas animal~~
31 ~~health department~~ *secretary of agriculture* is hereby authorized to su-
32 pervise the operation of cattle and other animal dipping equipment which
33 is used in the control and eradication of scabies in cattle and other animals
34 and which is made available by the federal government for use by live-
35 stock producers and others under the supervision of the ~~livestock com-~~
36 ~~missioner~~ *secretary of agriculture*. The ~~livestock commissioner~~ *secretary*
37 *of agriculture* is hereby authorized to fix, charge and collect a fee from
38 the owner of such cattle and other animals which are dipped as provided
39 in this section, in an amount of not more than \$5 per head, to recover all
40 or part of the costs of operating and maintaining such cattle and other
41 animal dipping equipment.

42 (b) All moneys received by the ~~livestock commissioner~~ *secretary of*
43 *agriculture* for fees under this section shall be remitted to the state trea-

1 surer in accordance with the provisions of K.S.A. 75-4215, and amend-
2 ments thereto. Upon receipt of each such remittance, the state treasurer
3 shall deposit the entire amount in the state treasury to the credit of the
4 animal disease control fund, which is hereby created. All expenditures
5 from the animal disease control fund shall be made in accordance with
6 appropriations acts upon warrants of the director of accounts and reports
7 issued pursuant to vouchers approved by the ~~livestock commissioner sec-~~
8 ~~retary of agriculture~~ or by a person or persons designated by the ~~livestock~~
9 ~~commissioner secretary of agriculture~~.

10 Sec. 84. K.S.A. 47-673 is hereby amended to read as follows: 47-673.

11 (a) The ~~livestock commissioner secretary~~ is hereby authorized to take
12 control of any pseudorabies infected herd of swine from the owner. A
13 pseudorabies infected herd of swine is a herd that has been determined
14 to be infected with pseudorabies virus by official pseudorabies testing
15 procedures conducted at approved veterinary diagnostic laboratories from
16 adequate samples collected from the herd by an accredited veterinarian.

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

24 (c) Whenever any swine are depopulated under provisions of this act
25 by order of the ~~livestock commissioner secretary~~, the owner of such swine
26 shall be paid for such swine in an amount determined by the ~~livestock~~
27 ~~commissioner secretary~~ from funds appropriated for such purpose by the
28 legislature.

29 (d) The ~~livestock commissioner secretary~~ may adopt rules and regu-
30 lations as necessary to carry out the purposes of this act.

31 Sec. 85. K.S.A. 2007 Supp. 47-674 is hereby amended to read as
32 follows: 47-674. (a) The ~~livestock commissioner secretary of agriculture~~
33 is authorized to cooperate with the United States department of agricul-
34 ture, other state governmental officials, tribal officials and representatives
35 of private industry, and subject to the provisions of subsection (d), to
36 promulgate rules and regulations, to define premises where animals are
37 located and to develop and implement a voluntary premises registration
38 and animal identification and tracking system for Kansas.

39 (b) In the development of such system, the ~~livestock commissioner~~
40 ~~secretary of agriculture~~ shall ensure that:

41 (1) The requirements are consistent with the federal program and
42 with the United States animal identification plan;

43 (2) the costs and paperwork requirements are minimized for the reg-

1 istrant and the state; and

2 (3) the program is not duplicative of or in conflict with proposed
3 federal requirements.

4 (c) The ~~livestock commissioner~~ *secretary of agriculture* is authorized
5 to prepare for the implementation of a premises registration program for
6 Kansas prior to implementation of a national animal identification or
7 premises registration system. Such acts in preparation shall include, but
8 not be limited to, public hearings, educational meetings, development of
9 proposed rules and regulations and cooperative development with the
10 department of agriculture of a proposal regarding infrastructure necessary
11 for such implementation.

12 (d) If, the United States department of agriculture issues proposed
13 or final uniform methods and rules or regulations for the implementation
14 of a voluntary national animal identification and tracking system or prem-
15 ises registration system, or the congress of the United States enacts
16 requirements for a voluntary national animal identification and tracking
17 system or premises registration system, the ~~livestock commissioner~~ *sec-*
18 *retary of agriculture* is authorized to promulgate such rules and regula-
19 tions as may be reasonably necessary to implement voluntary premises
20 registration and the national animal identification and tracking system to
21 the extent authorized by federal requirements.

22 (e) Subject to appropriations therefor, the ~~livestock commissioner~~
23 *secretary of agriculture* is authorized to hire, in accordance with the civil
24 service act, not more than two employees for the purpose of carrying out
25 the provisions of this section.

26 (f) The ~~livestock commissioner~~ *secretary of agriculture* is authorized
27 to enter into agreements with federal agencies or officials, other state
28 agencies or officials, tribal officials or the owner of animals or such
29 owner's authorized agent to coordinate efforts and share records and data
30 systems pursuant to law to maximize the efficiency and effectiveness of
31 this section.

32 (g) Any data or records provided or obtained pursuant to this section
33 to an official of the animal health ~~department~~ *division of the department*
34 *of agriculture* shall be considered confidential by the animal health ~~de-~~
35 ~~partment~~ *division* and shall not be disclosed to the public. The provisions
36 of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not
37 apply to the provisions of this subsection.

38 (h) Any federal financial aid or assistance, grants, gifts, bequests,
39 money or aid of any kind for premises registration or animal identification
40 and tracking in Kansas, shall be remitted to the state treasurer in accord-
41 ance with the provisions of K.S.A. 75-4215, and amendments thereto.
42 Upon receipt of each such remittance the state treasurer shall deposit the
43 entire amount in the state treasury to the credit of the premises registra-

1 tion and animal identification fund, which fund is hereby created. All
2 expenditures from such fund shall be made in accordance with appro-
3 priations acts upon warrants of the director of accounts and reports issued
4 pursuant to vouchers approved by the ~~livestock commissioner~~ *secretary*
5 *of agriculture* or by a person designated by the ~~livestock commissioner~~
6 *secretary* and shall be used solely for the administration of the voluntary
7 premises registration or animal identification and tracking system.

8 (i) The ~~livestock commissioner~~ *secretary of agriculture* shall form
9 study groups representing the various animal species to be affected by
10 the provisions of this section. Each such study group shall include rep-
11 resentatives for each such specie selected by the ~~livestock commissioner~~
12 *secretary of agriculture* and shall include assistance from the ~~secretary of~~
13 ~~agriculture or the~~ secretary's designees. Each such study group shall make
14 recommendations to the ~~livestock commissioner~~ *secretary of agriculture*
15 regarding the development of premises registration, animal identification
16 and tracking for purposes of such systems, appropriations and fees nec-
17 essary in administration of the program, enforcement provisions neces-
18 sary in administration of the program and other issues related to the
19 administration of the program.

20 (j) The ~~livestock commissioner~~ *secretary of agriculture* shall prepare
21 a report and present such report to the legislature by February 1, ~~2006~~
22 ~~2009~~, on the status of the state and federal voluntary premises registration
23 and animal identification and tracking systems. Such report shall include
24 the recommendations of the ~~livestock commissioner~~ *secretary of agricul-*
25 *ture*, appropriations and fees necessary in administration of the system,
26 enforcement provisions necessary in administration of the system and any
27 other recommendation deemed necessary by the ~~livestock commissioner~~
28 *secretary of agriculture* to carry out the provisions of this section.

29 Sec. 86. K.S.A. 2007 Supp. 47-816 is hereby amended to read as
30 follows: 47-816. As used in the Kansas veterinary practice act:

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

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

34 (c) "Companion animal" means any dog, cat or other domesticated
35 animal possessed by a person for purposes of companionship, security,
36 hunting, herding or providing assistance in relation to a physical disability
37 but shall exclude any animal raised on a farm or ranch and used or in-
38 tended for use as food.

39 (d) "Clock hour of continuing education" means 60 minutes of par-
40 ticipation in a continuing education program or activity which meets the
41 minimum standards for continuing education according to rules and reg-
42 ulations adopted by the board.

43 (e) "Direct supervision" means the supervising licensed veterinarian:

- 1 (1) Is on the veterinary premises or in the same general area in a field
2 setting;
- 3 (2) is quickly and easily available;
- 4 (3) examines the animal prior to delegating any veterinary practice
5 activity to the supervisee and performs any additional examination of the
6 animal required by good veterinary practice; and
- 7 (4) delegates only those veterinary practice activities which are con-
8 sistent with rules and regulations of the board regarding employee
9 supervision.
- 10 (f) “Licensed veterinarian” means a veterinarian who is validly and
11 currently licensed to practice veterinary medicine in this state.
- 12 (g) “Indirect supervision” means that the supervising licensed
13 veterinarian:
- 14 (1) Is not on the veterinary premises or in the same general area in
15 a field setting, but has examined the animal and provided either written
16 or documented oral instructions or a written protocol for treatment of
17 the animal patient, except that in an emergency, the supervising licensed
18 veterinarian may provide oral instructions prior to examining the animal
19 and subsequently examine the animal and document the instruction in
20 writing;
- 21 (2) delegates only those veterinary practice tasks which are consistent
22 with the rules and regulations of the board regarding employee supervi-
23 sion; and
- 24 (3) the animal being treated is not anesthetized as defined in rules
25 and regulations.
- 26 (h) “Practice of veterinary medicine” means any of the following:
- 27 (1) To diagnose, treat, correct, change, relieve, or prevent animal
28 disease, deformity, defect, injury or other physical or mental condition;
29 including the prescription or administration of any drug, medicine, bio-
30 logic, apparatus, application, anesthesia or other therapeutic or diagnostic
31 substance or technique on any animal including but not limited to acu-
32 puncture, surgical or dental operations, animal psychology, animal chi-
33 ropractic, theriogenology, surgery, including cosmetic surgery, any man-
34 ual, mechanical, biological or chemical procedure for testing for
35 pregnancy or for correcting sterility or infertility or to render service or
36 recommendations with regard to any of the above and all other branches
37 of veterinary medicine.
- 38 (2) To represent, directly or indirectly, publicly or privately, an ability
39 and willingness to do any act described in paragraph (1).
- 40 (3) To use any title, words, abbreviation or letters in a manner or
41 under circumstances which induce the belief that the person using them
42 is qualified to do any act described in paragraph (1). Such use shall be
43 prima facie evidence of the intention to represent oneself as engaged in

1 the practice of veterinary medicine.

2 (4) To collect blood or other samples for the purpose of diagnosing
3 disease or conditions. This shall not apply to unlicensed personnel em-
4 ployed by the United States department of agriculture, ~~the Kansas animal~~
5 ~~health department~~ or the Kansas department of agriculture *division of*
6 *animal health* who are engaged in such personnel's official duties.

7 (5) To apply principles of environmental sanitation, food inspection,
8 environmental pollution control, animal nutrition, zoonotic disease con-
9 trol and disaster medicine in the promotion and protection of public
10 health in the performance of any veterinary service or procedure.

11 (i) "School of veterinary medicine" means any veterinary college or
12 division of a university or college that offers the degree of doctor of vet-
13 erinary medicine or its equivalent, which conforms to the standards re-
14 quired for accreditation by the American veterinary medical association
15 and which is recognized and approved by the board.

16 (j) "Veterinarian" means a person who has received a doctor of vet-
17 erinary medicine degree or the equivalent from a school of veterinary
18 medicine.

19 (k) "Veterinary premises" means any premises or facility where the
20 practice of veterinary medicine occurs, including but not limited to, a
21 mobile clinic, outpatient clinic, satellite clinic or veterinary hospital or
22 clinic, but shall not include the premises of a veterinary client, research
23 facility, a federal military base, Kansas state university college of veteri-
24 nary medicine or any premises wherein the practice of veterinary medi-
25 cine occurs no more than three times per year as a public service outreach
26 of a registered veterinary premises.

27 (l) "Graduate veterinary technician" means a person who has grad-
28 uated from an American veterinary medical association accredited school
29 approved by the board.

30 (m) "Registered veterinary technician" means a person who is a grad-
31 uate veterinary technician, has passed the examinations required by the
32 board for registration and is registered by the board.

33 (n) "Veterinary-client-patient relationship" means:

34 (1) The veterinarian has assumed the responsibility for making med-
35 ical judgments regarding the health of the animal or animals and the need
36 for medical treatment, and the client, owner or other caretaker has agreed
37 to follow the instruction of the veterinarian;

38 (2) there is sufficient knowledge of the animal or animals by the vet-
39 erinarian to initiate at least a general or preliminary diagnosis of the med-
40 ical condition of the animal or animals. This means that the veterinarian
41 has recently seen or is personally acquainted with the keeping and care
42 of the animal or animals by virtue of an examination of the animal or
43 animals, or by medically appropriate and timely visits to the premises

- 1 where the animal or animals are kept, or both; and
- 2 (3) the practicing veterinarian is readily available for followup in case
- 3 of adverse reactions or failure of the regimen of therapy.
- 4 (o) "Veterinary prescription drugs" means such prescription items as
- 5 defined by 21 U.S.C. Sec. 353, as in effect on July 1, 2001.
- 6 (p) "Veterinary corporation" means a professional corporation of li-
- 7 censed veterinarians incorporated under the professional corporation act
- 8 of Kansas, cited at K.S.A. 17-2706 et seq., and amendments thereto.
- 9 (q) "Veterinary partnership" means a partnership pursuant to the
- 10 Kansas uniform partnership act, cited at K.S.A. 56a-101 et seq., and
- 11 amendments thereto, formed by licensed veterinarians engaged in the
- 12 practice of veterinary medicine.
- 13 (r) "Person" means any individual, corporation, partnership, associ-
- 14 ation or other entity.
- 15 Sec. 87. K.S.A. 47-1001 is hereby amended to read as follows: 47-
- 16 1001. As used in this act, except where the context clearly indicates a
- 17 different meaning:
- 18 (a) ~~"Commissioner" means the livestock commissioner~~ "Secretary"
- 19 *means the secretary of agriculture* of the state of Kansas.
- 20 (b) "Livestock" means and includes cattle, swine, sheep, goats,
- 21 horses, mules, domesticated deer, all creatures of the ratite family that
- 22 are not indigenous to this state, including but not limited to ostriches,
- 23 emus and rheas, and any other animal as deemed necessary by the ~~com-~~
- 24 ~~missioner~~ *secretary of agriculture* established through rules and
- 25 regulations.
- 26 (c) "Person" means and includes any individual, partnership, corpo-
- 27 ration or association.
- 28 (d) "Producer" means any person engaged in the business of breed-
- 29 ing, grazing or feeding livestock.
- 30 (e) "Consignor" means any person who ships or delivers to any public
- 31 livestock market livestock for handling, sale or resale at a public livestock
- 32 market.
- 33 (f) "Public livestock market" means any place, establishment or fa-
- 34 cility commonly known as a "livestock market," "livestock auction mar-
- 35 ket," "sales ring," "stockyard," "community sale" as such term is used in
- 36 article 10 of chapter 47 of the Kansas Statutes Annotated, *and amend-*
- 37 *ments thereto*, which includes any business conducted or operated for
- 38 compensation or profit as a public market for livestock, consisting of pens,
- 39 or other enclosures, and their appurtenances, in which livestock are re-
- 40 ceived, held, sold or kept for sale or shipment except that this term shall
- 41 not apply to any livestock market where federal veterinary inspection is
- 42 regularly maintained.
- 43 (g) "Public livestock market operator" means any person who, in this

1 state, receives on consignment, or solicits from the producer or consignor
2 thereof, or holds in trust or custody for another, any livestock for sale or
3 exchange, on behalf of such producer or consignor at a public livestock
4 market, or sells, or offer for sale, at a public livestock market, for the
5 account of the producer or consignor thereof, any livestock or directly or
6 indirectly owns, conducts or operates a public livestock market. The term
7 “public livestock market operator” shall not be construed to include any
8 packer or agent of a packer who receives or purchases livestock for
9 prompt slaughter.

10 (h) “Packer” means any person engaged in the business of buying
11 livestock for purposes of slaughter, or of manufacturing or preparing
12 meats or meat food products for sale or shipment, or of manufacturing
13 or preparing livestock products for sale or shipment, or of marketing
14 meats, meat food products, livestock products, dairy products, poultry or
15 poultry products.

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

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

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

28 ~~(l) (k) “Occasional livestock sale” means livestock auctions or sales,~~
29 ~~that receive on consignment, or solicits from the producer or consignor~~
30 ~~thereof, or holds in trust or custody for another, any livestock for sale or~~
31 ~~exchange, on behalf of such producer or consignor at such auction or sale,~~
32 ~~or sells, or offers for sale, at such auction or sale, for the account of the~~
33 ~~producer or consignor thereof, any livestock or directly or indirectly owns,~~
34 ~~conducts or operates such auction or sale and such auctions or sales are~~
35 ~~held 12 or less times per year.~~

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

39 Sec. 88. K.S.A. 47-1001d is hereby amended to read as follows: 47-
40 1001d. (a) The ~~livestock commissioner~~ *secretary of agriculture*, through
41 rules and regulations, may exempt occasional livestock sales or issue a
42 license for such occasional livestock sales at a fee of not more than \$100
43 without a hearing.

1 (b) All livestock consigned and delivered on the premises of any li-
2 censed occasional livestock sale, before being offered for sale, shall be
3 inspected by a licensed veterinarian who shall visually examine each ani-
4 mal consigned to such sale, for the purpose of determining its condition
5 of health and freedom of clinical signs of infectious or contagious animal
6 diseases that are determined to be reportable by the ~~livestock commis-~~
7 ~~sioner~~ *secretary of agriculture*. Such veterinarian may issue certificates of
8 inspections, on a form to be approved by the ~~commissioner~~ *secretary*.

9 (c) Licensed occasional livestock sales shall not: (1) Collect a fee per
10 head pursuant to K.S.A. 47-1011, and amendments thereto; (2) collect an
11 inspection fee per head pursuant to K.S.A. 47-1008, and amendments
12 thereto; or (3) be required to furnish a bond in the manner required by
13 K.S.A. 47-1002, and amendments thereto.

14 Sec. 89. K.S.A. 47-1001e is hereby amended to read as follows: 47-
15 1001e. (a) Each livestock market operator shall pay annually, on or before
16 June 30, a renewal market license fee in an amount set by the ~~Kansas~~
17 ~~animal health board~~ *secretary of agriculture* and adopted by rules and
18 regulations of the ~~commissioner~~ *secretary of agriculture* of not more than
19 \$40 to the ~~commissioner~~ *secretary of agriculture* for each public livestock
20 market operated by such operator, which payment shall constitute a re-
21 newal until June 30 of the following year. The renewal market license fee
22 established by this section on the day preceding the effective date of this
23 act shall continue in effect until a different renewal market license fee is
24 set as provided under this section.

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

35 Sec. 90. K.S.A. 2007 Supp. 47-1008 is hereby amended to read as
36 follows: 47-1008. (a) Livestock shall not be offered for sale or sold at any
37 licensed public livestock market if such livestock:

- 38 (1) Is infected with a disease that permanently renders the livestock
39 unfit for human consumption;
40 (2) has severe neoplasia;
41 (3) has severe actinomycosis;
42 (4) is unable to rise to its feet by itself; or
43 (5) has an obviously fractured long bone or other fractures or dislo-

1 cation of a joint that renders the livestock unable to bear weight on the
2 affected limb without that limb collapsing.

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

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

1 Payments for veterinary services rendered under a contract as provided
2 in this section shall be paid from the veterinary inspection fee fund, and
3 for such services rendered prior to the end of a fiscal year, payment may
4 be made within 90 days after the end of the fiscal year.

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

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

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

29 Sec. 91. K.S.A. 2007 Supp. 47-1011a is hereby amended to read as
30 follows: 47-1011a. (a) The public livestock market operator shall collect
31 from the consignor of cattle sold at a public livestock market, where brand
32 inspection of such cattle is requested, by the public livestock market op-
33 erator, as a brand inspection fee, in addition to amounts specified in
34 K.S.A. 47-1011, and amendments thereto, a sum of not more than \$.40
35 per head on all such cattle. Such amount shall be determined by the
36 ~~livestock commissioner~~ *secretary of agriculture*. If a public livestock mar-
37 ket operator requests brand inspection at a public livestock market pur-
38 suant to this section, the public livestock market operator shall contract
39 with the ~~livestock commissioner~~ *secretary of agriculture* to perform such
40 brand inspection services.

41 (b) Where cattle consigned to, or sold at, such public livestock market
42 originate in, and have brand inspection clearance from a county option
43 brand inspection area, operating under K.S.A. 47-434 through 47-445,

1 and amendments thereto, such livestock brand inspection fee under this
2 section shall not be required.

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

6 (d) The ~~livestock commissioner~~ *secretary of agriculture* shall remit
7 all amounts received under this section to the state treasurer in accord-
8 ance with the provisions of K.S.A. 75-4215, and amendments thereto.
9 Upon receipt of each such remittance, the state treasurer shall deposit
10 the entire amount in the state treasury to the credit of the livestock market
11 brand inspection 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. 92. K.S.A. 2007 Supp. 47-1201 is hereby amended to read as
17 follows: 47-1201. As used in this act, except where the context clearly
18 indicates a different meaning:

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

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

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

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

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

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

38 Sec. 93. K.S.A. 2007 Supp. 47-1218 is hereby amended to read as
39 follows: 47-1218. ~~(a)~~ All moneys received by the ~~livestock commissioner~~
40 *secretary* under article 12 of chapter 47 of Kansas Statutes Annotated,
41 and amendments thereto, shall be remitted to the state treasurer in ac-
42 cordance with the provisions of K.S.A. 75-4215, and amendments thereto.
43 Upon receipt of each such remittance, the state treasurer shall deposit

1 the entire amount in the state treasury to the credit of the animal disease
2 control fund.

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

8 Sec. 94. K.S.A. 2007 Supp. 47-1302 is hereby amended to read as
9 follows: 47-1302. (a) Except as provided in subsection (b) or (c), it shall
10 be unlawful for any person, firm, partnership or corporation to feed gar-
11 bage to animals.

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

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

21 Sec. 95. K.S.A. 2007 Supp. 47-1303 is hereby amended to read as
22 follows: 47-1303. (a) It shall be unlawful for the governing body of any
23 city, or any official or employee of a city, to enter into any contract or
24 agreement for the collection or disposal of garbage unless such contract
25 or agreement requires a disposal of garbage in accordance with rules and
26 regulations of the ~~state livestock commissioner~~ *secretary of agriculture*,
27 when disposed of by other means.

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

31 Sec. 96. K.S.A. 2007 Supp. 47-1304 is hereby amended to read as
32 follows: 47-1304. The ~~state livestock commissioner~~ *secretary of agricul-*
33 *ture* is hereby authorized to promulgate and enforce all rules and regu-
34 lations deemed necessary to carry out the provisions of K.S.A. 47-1301
35 through 47-1307, and amendments thereto.

36 Sec. 97. K.S.A. 2007 Supp. 47-1307 is hereby amended to read as
37 follows: 47-1307. (a) Except as provided in subsection (g), no person, firm,
38 partnership or corporation shall be allowed to register as a garbage feed-
39 ing operator.

40 (b) It shall be unlawful for any person, firm, partnership or corpo-
41 ration to feed cooked garbage to animals, other than dogs, as permitted
42 under K.S.A. 47-1302, and amendments thereto, unless the operator of
43 such garbage feeding establishment shall have first registered as a garbage

1 feeding operator with the ~~livestock commissioner~~ *secretary of agriculture*
2 and shall have paid the annual registration fee under this section for each
3 place where garbage is to be fed.

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

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

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

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

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

43 (2) The provision of subsections (b) through (f) shall apply only to

1 those validly registered garbage feeding operators through October 31,
2 2001.

3 Sec. 98. K.S.A. 47-1501 is hereby amended to read as follows: 47-
4 1501. (a) "Feedlot" means: (1) A livestock feedlot, or feed yard, having
5 more than 1,000 head of livestock at one time during the licensed year;
6 or (2) any other livestock feedlot whose operator elects to come under
7 this act.

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

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

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

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

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

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

19 Sec. 99. K.S.A. 2007 Supp. 47-1503 is hereby amended to read as
20 follows: 47-1503. (a) It shall be unlawful for any person to operate a
21 feedlot within the state of Kansas without having first obtained a license
22 from the ~~livestock commissioner~~ *secretary of agriculture* authorizing and
23 permitting such operation.

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

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

42 (d) Feedlot licenses shall be issued for the term of one year, to expire
43 on June 30 following the date of issuance. Feedlot licenses may be con-

1 tinued in force by annual renewal or extension of such license with the
2 payment of an annual license fee, and with continued compliance by the
3 operator with the provisions of this act, and acts amendatory of the pro-
4 visions thereof and supplemental thereto, and rules and regulations
5 adopted hereunder.

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

<i>Feedlot capacity</i>	<i>Maximum fee</i>
12 Under 1,000 head	\$75
13 1,000 to 2,999 head	\$150
14 3,000 to 9,999 head	\$300
15 10,000 to 17,999 head	\$450
16 18,000 head and over	\$750

17
18 The fees established by this subsection on the day preceding the effective
19 date of this act shall continue in effect until different fees are set as
20 provided under this subsection.

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

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

38 Sec. 100. K.S.A. 47-1506 is hereby amended to read as follows: 47-
39 1506. The ~~commissioner~~ *secretary of agriculture* shall have the power to:
40 (1) Receive applications for feedlot licenses; (2) issue licenses to quali-
41 fying applicants; (3) make and enforce reasonable regulations pertaining
42 to the operation of feedlots, within the framework of the standards set
43 forth in this act, and acts amendatory and supplemental thereto; (4) make

1 rules of procedure for the administration and enforcement of this act;
2 and (5) determine adequateness of the compliance with the requirements
3 fixed in standards prescribed in this act.

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

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

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

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

38 Sec. 101. K.S.A. 47-1511 is hereby amended to read as follows: 47-
39 1511. Upon request of the ~~livestock commissioner~~ *secretary of agricul-*
40 *ture*, the secretary of health and environment shall make staff engineers
41 available to assist (1) an operator of any feedlot in the state of Kansas,
42 and (2) any person who has applied for a license to operate a feedlot in
43 the state of Kansas, in the development of plans and in the design for the

1 construction of facilities for a feedlot in order to control pollution of
2 streams and lakes. Nothing in this act shall be construed as limiting the
3 authority of the secretary of health and environment in matters of stream
4 and lake pollution as provided for in K.S.A. 65-161 to 65-171h, inclusive,
5 and amendments thereto.

6 Sec. 102. K.S.A. 47-1701 is hereby amended to read as follows: 47-
7 1701. As used in the Kansas pet animal act, unless the context otherwise
8 requires:

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

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

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

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

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

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

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

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

38 (h) "Cat" means an animal which is wholly or in part of the species
39 *Felis domesticus*.

40 (i) ~~"Commissioner" means the livestock commissioner appointed by~~
41 ~~the Kansas animal health board~~ "Secretary" means the secretary of ag-
42 riculture of the state of Kansas.

43 (j) "Dog" means any animal which is wholly or in part of the species

- 1 *Canis familiaris* but does not include any greyhound, as defined by K.S.A.
2 74-8802 and amendments thereto.
- 3 (k) “Animal control officer” means any person employed by, con-
4 tracted with or appointed by the state, or any political subdivision thereof,
5 for the purpose of aiding in the enforcement of this law, or any other law
6 or ordinance relating to the licensing or permitting of animals, control of
7 animals or seizure and impoundment of animals, and includes any state,
8 county or municipal law enforcement officer, dog warden, constable or
9 other employee, whose duties in whole or in part include assignments
10 which involve the seizure or taking into custody of any animal.
- 11 (l) “Euthanasia” means the humane destruction of an animal, which
12 may be accomplished by any of those methods provided for in K.S.A. 47-
13 1718 and amendments thereto.
- 14 (m) “Hobby breeder premises” means any premises where all or part
15 of 3, 4 or 5 litters of dogs or cats, or both, are produced for sale or sold,
16 offered or maintained for sale. This provision applies only if the total
17 number of dogs or cats, or both, sold, offered or maintained for sale is
18 less than 30 individual animals.
- 19 (n) “Hobby breeder” means any person who operates a hobby
20 breeder premises.
- 21 (o) “Housing facility” means any room, building or area used to con-
22 tain a primary enclosure or enclosures.
- 23 (p) “Kennel operator” means any person who operates an establish-
24 ment where four or more dogs or cats, or both, are maintained in any
25 one week for boarding, training or similar purposes for a fee or compen-
26 sation.
- 27 (q) “Kennel operator premises” means the facility of a kennel oper-
28 ator.
- 29 (r) “License year” or “permit year” means the 12-month period end-
30 ing on June 30.
- 31 (s) “Person” means any individual, association, partnership, corpo-
32 ration or other entity.
- 33 (t) (1) “Pet shop” means any premises where there are sold, or of-
34 fered or maintained for sale, at retail and not for resale to another:
- 35 (A) Any dogs or cats, or both; or (B) any other animals except those
36 which are produced and raised on such premises and are sold, or offered
37 or maintained for sale, by a person who resides on such premises.
- 38 (2) Pet shop does not include: (A) Any pound or animal shelter; (B)
39 any premises where only fish are sold, or offered or maintained for sale;
40 or (C) any animal distributor premises, hobby breeder premises, retail
41 breeder premises or animal breeder premises.
- 42 (3) Nothing in this section prohibits inspection of those premises
43 which sell only fish to verify that only fish are being sold.

- 1 (u) "Pet shop operator" means any person who operates a pet shop.
- 2 (v) "Primary enclosure" means any structure used or designed for
3 use to restrict any animal to a limited amount of space, such as a room,
4 pen, cage, compartment or hutch.
- 5 (w) "Research facility" means any place, laboratory or institution, ex-
6 cept an elementary school, secondary school, college or university, at
7 which any scientific test, experiment or investigation involving the use of
8 any living animal is carried out, conducted or attempted.
- 9 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.
10 Maintaining animals for sale is presumed whenever 20 or more dogs or
11 cats, or both, are maintained by any person.
- 12 (y) "Sanitize" means to make physically clean and to remove and de-
13 stroy, to a practical minimum, agents injurious to health, at such intervals
14 as necessary.
- 15 (z) "Animal distributor" means any person who operates an animal
16 distributor premises.
- 17 (aa) "Animal distributor premises" means the premises of any person
18 engaged in the business of buying for resale dogs or cats, or both, as a
19 principal or agent, or who holds such distributor's self out to be so en-
20 gaged.
- 21 (bb) "Out-of-state distributor" means any person residing in a state
22 other than Kansas, who is engaged in the business of buying for resale
23 dogs or cats, or both, within the state of Kansas, as a principal or agent.
- 24 (cc) "Food animals" means rodents, rabbits, reptiles, fish or amphib-
25 ians that are sold or offered or maintained for sale for the sole purpose
26 of being consumed as food by other animals.
- 27 (dd) (1) "Adequate veterinary medical care" means:
- 28 (A) A documented program of disease control and prevention, eu-
29 thanasia and routine veterinary care shall be established and maintained
30 under the supervision of a licensed veterinarian, on a form provided by
31 the ~~commissioner~~ *secretary*, and shall include a documented on-site visit
32 to the premises by the veterinarian at least once a year; and
- 33 (B) that diseased, ill, injured, lame or blind animals shall be provided
34 with veterinary care as is needed for the health and well-being of the
35 animal.
- 36 (2) As used in the Kansas pet animal act, "adequate veterinary med-
37 ical care" shall not apply to United States department of agriculture li-
38 censed animal breeders or animal distributors.
- 39 (ee) "Ratites" means all creatures of the ratite family that are not
40 indigenous to this state, including, but not limited to, ostriches, emus and
41 rheas.
- 42 (ff) "Retail breeder" means any person who operates a retail breeder
43 premises.

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

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

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

9 Sec. 103. K.S.A. 47-1702 is hereby amended to read as follows: 47-
10 1702. It shall be unlawful for any person to act as or be an animal dis-
11 tributor unless such person has obtained from the ~~commissioner~~ *secretary*
12 an animal distributor license for each animal distributor premises oper-
13 ated by such person. Application for such license shall be made in writing
14 on a form provided by the ~~commissioner~~ *secretary*. The license period
15 shall be for the license year ending on June 30 following the issuance
16 date.

17 Sec. 104. K.S.A. 47-1703 is hereby amended to read as follows: 47-
18 1703. It shall be unlawful for any person to act as or be a pet shop operator
19 unless such person has obtained from the ~~commissioner~~ *secretary* a pet
20 shop operator license for each pet shop operated by such person. Appli-
21 cation for each such license shall be made in writing on a form provided
22 by the ~~commissioner~~ *secretary*. The license period shall be for the license
23 year ending on June 30 following the issuance date.

24 Sec. 105. K.S.A. 47-1704 is hereby amended to read as follows: 47-
25 1704. It shall be unlawful for any person to operate a pound or animal
26 shelter, except a licensed veterinarian who operates such pound or animal
27 shelter from such licensed veterinarian’s clinic, unless a license for such
28 pound or shelter has been obtained from the ~~commissioner~~ *secretary*.
29 Application for such license shall be made on a form provided by the
30 ~~commissioner~~ *secretary*. The license period shall be for the license year
31 ending on June 30 following the issuance date.

32 Sec. 106. K.S.A. 2007 Supp. 47-1706 is hereby amended to read as
33 follows: 47-1706. (a) The ~~commissioner~~ *secretary of agriculture* may re-
34 fuse to issue or renew or may suspend or revoke any license or permit
35 required under K.S.A. 47-1701 et seq., and amendments thereto, for any
36 one or more of the following reasons:

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

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

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

1 an unlicensed or unpermitted person or transferred to unlicensed or un-
2 permitted premises;

3 (4) the conviction of any crime relating to the theft of animals or a
4 first conviction of cruelty to animals;

5 (5) substantial misrepresentation;

6 (6) misrepresentation or false promise, made through advertising, sa-
7 lespersons, agents or otherwise, in connection with the operation of busi-
8 ness of the licensee or permittee;

9 (7) fraudulent bill of sale;

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

11 (9) the feeding, watering, sanitizing and housing practices at the li-
12 censee's or permittee's premises are not consistent with the Kansas pet
13 animal act or the rules and regulations adopted hereunder.

14 (b) The ~~commissioner~~ *secretary of agriculture* shall refuse to issue or
15 renew and shall suspend or revoke any license or permit required under
16 K.S.A. 47-1701 et seq., and amendments thereto, for the second or sub-
17 sequent conviction of cruelty to animals, K.S.A. 21-4310, and amend-
18 ments thereto.

19 (c) Any refusal to issue or renew a license or permit, and any sus-
20 pension or revocation of a license or permit, under this section shall be
21 in accordance with the provisions of the Kansas administrative procedure
22 act and shall be subject to review in accordance with the act for judicial
23 review and civil enforcement of agency actions.

24 (d) Whenever the ~~commissioner~~ *secretary of agriculture* denies, sus-
25 pends or revokes a license or permit under this section, the ~~commissioner~~
26 *secretary* or the ~~commissioner's~~ *secretary's* authorized, trained represen-
27 tatives shall seize and impound any animals in the possession, custody or
28 care of the person whose license or permit is denied, suspended or re-
29 voked if there are reasonable grounds to believe that the animals' health,
30 safety or welfare is endangered. Except as provided by K.S.A. 21-4311,
31 and amendments thereto, such animals may be returned to the person
32 owning them if there is satisfactory evidence that the animals will receive
33 adequate care by that person or such animals may be sold, placed or
34 euthanized, at the discretion of the ~~commissioner~~ *secretary of agriculture*.
35 Costs of care and services for such animals while seized and impounded
36 shall be paid by the person from whom the animals were seized and
37 impounded, if that person's license or permit is denied, suspended or
38 revoked. Such funds shall be paid to the ~~commissioner~~ *secretary* for re-
39 imbursement of care and services provided during seizure and impound-
40 ment. If such person's license or permit is not denied, suspended or
41 revoked, the ~~commissioner~~ *secretary* shall pay the costs of care and serv-
42 ices provided during seizure and impoundment.

43 Sec. 107. K.S.A. 2007 Supp. 47-1706a is hereby amended to read as

1 follows: 47-1706a. (a) When an animal is seized or impounded pursuant
2 to K.S.A. 47-1706, 47-1707 or 47-1715, and amendments thereto, the
3 owner or person who was in possession of the animal at the time such
4 animal was seized or impounded may post a cash or security bond as
5 provided in this section which shall prevent the sale, placement or eu-
6 thanasia of the animal. Such cash or security bond shall be in an amount
7 sufficient to pay for the animal's care and keeping for a period of at least
8 30 days, commencing on the date which the animal was seized or im-
9 pounded. Any such security bond or any security bond as provided in
10 subsection (b) shall be approved by the ~~Kansas animal health department~~
11 *secretary of agriculture*.

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

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

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

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

32 Sec. 108. K.S.A. 2007 Supp. 46-1707 is hereby amended to read as
33 follows: 46-1707. (a) In addition to or in lieu of any other civil or criminal
34 penalty provided by law, the ~~commissioner~~ *secretary of agriculture*, upon
35 a finding that a person has violated or failed to comply with any provision
36 of the Kansas pet animal act or any rule and regulation adopted here-
37 under, may impose on such person a civil fine not exceeding \$1,000 for
38 each violation or requirement to attend an educational course regarding
39 animals and their care and treatment. If the ~~commissioner~~ *secretary* im-
40 poses the educational course, such person may choose either the fine or
41 the educational course. If such person chooses the fine, the ~~commissioner~~
42 *secretary* shall establish the amount pursuant to the fine provisions of this
43 section. The educational course shall be administered by the ~~commis-~~

1 ~~sioner~~ *secretary* in consultation with Kansas state university college of
2 veterinary medicine.

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

7 (c) Whenever the ~~commissioner~~ *secretary of agriculture* has reason-
8 able grounds to believe that a person or premises required to be licensed
9 or permitted under the Kansas pet animal act has failed to comply with
10 or has violated any provision of the Kansas pet animal act or any rule and
11 regulation adopted hereunder and that the health, safety or welfare of
12 animals in such person's possession, custody or care is endangered
13 thereby, the ~~commissioner~~ *secretary* shall seize and impound such ani-
14 mals using emergency adjudicative proceedings in accordance with the
15 Kansas administrative procedure act. Except as provided by K.S.A. 21-
16 4311, and amendments thereto, such animals may be returned to the
17 person owning them if there is satisfactory evidence that the animals will
18 receive adequate care by that person or such animals may be sold, placed
19 or euthanized, at the discretion of the ~~commissioner~~ *secretary*. Costs of
20 care and services for such animals while seized and impounded shall be
21 paid by the person from whom the animals were seized and impounded,
22 if that person is found to be in violation of the Kansas pet animal act or
23 any rules and regulations adopted hereunder. Such funds shall be paid to
24 the ~~commissioner~~ *secretary* for reimbursement of care and services pro-
25 vided during seizure and impoundment. If such person is not found to
26 be in violation of the Kansas pet animal act or any rules and regulations
27 adopted hereunder, the ~~commissioner~~ *secretary* shall pay the costs of care
28 and services provided during seizure and impoundment.

29 Sec. 109. K.S.A. 2007 Supp. 47-1709 is hereby amended to read as
30 follows: 47-1709. (a) The ~~commissioner~~ *secretary of agriculture* or the
31 ~~commissioner's~~ *secretary's* authorized, trained representatives shall make
32 an inspection of the premises for which an application for an original
33 license or permit is made under K.S.A. 47-1701 et seq., and amendments
34 thereto, before issuance of such license or permit. The application for a
35 license shall conclusively be deemed to be the consent of the applicant
36 to the right of entry and inspection of the premises sought to be licensed
37 or permitted by the ~~commissioner~~ *secretary of agriculture* or the ~~com-~~
38 ~~missioner's~~ *secretary's* authorized, trained representatives at reasonable
39 times with the owner or owner's representative present. Refusal of such
40 entry and inspection shall be grounds for denial of the license or permit.
41 Notice need not be given to any person prior to inspection.

42 (b) The ~~commissioner~~ *secretary of agriculture* or the ~~commissioner's~~
43 *secretary's* authorized, trained representatives may make an inspection of

1 each premises for which a license or permit has been issued under K.S.A.
2 47-1701 et seq., and amendments thereto. If such premises are premises
3 of a person licensed or permitted under public law 91-579 (7 U.S.C. §
4 2131 et seq.), such premises may be inspected at least once each year.
5 Otherwise, the premises may be inspected at least twice each year. The
6 acceptance of a license or permit shall conclusively be deemed to be the
7 consent of the licensee or permittee to the right of entry and inspection
8 of the licensed or permitted premises by the ~~commissioner~~ *secretary of*
9 *agriculture* or the ~~commissioner's~~ *secretary's* authorized, trained repre-
10 sentatives at reasonable times with the owner or owner's representative
11 present. Refusal of such entry and inspection shall be grounds for sus-
12 pension or revocation of the license or permit. Notice need not be given
13 to any person prior to inspection.

14 (c) The ~~commissioner~~ *secretary of agriculture* or the ~~commissioner's~~
15 *secretary's* authorized, trained representatives shall make inspections of
16 the premises of a person required to be licensed or permitted under
17 K.S.A. 47-1701 et seq., and amendments thereto, upon a determination
18 by the ~~commissioner~~ *secretary* that there are reasonable grounds to be-
19 lieve that the person is violating the provisions of K.S.A. 47-1701 et seq.,
20 and amendments thereto, or rules and regulations adopted thereunder
21 or that there are grounds for suspension or revocation of such person's
22 license or permit.

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

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

29 (f) The ~~commissioner~~ *secretary of agriculture* may request a licensed
30 veterinarian to assist in any inspection or investigation made by the ~~com-~~
31 ~~missioner~~ *secretary* or the ~~commissioner's~~ *secretary's* authorized repre-
32 sentative under this section.

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

39 (h) No person shall act as the ~~commissioner's~~ *secretary's* authorized
40 representative for the purposes of making inspections and conducting
41 investigations under this section if such person has a beneficial interest
42 in a person required to be licensed or permitted pursuant to K.S.A. 47-
43 1701 et seq., and amendments thereto.

1 (i) Records of inspections pursuant to this section shall be maintained
2 in the office of the Kansas animal health department. Records of a defi-
3 ciency or violation shall not be maintained for longer than three years
4 after the deficiency or violation is remedied.

5 (j) The ~~commissioner~~ *secretary of agriculture* shall, in consultation
6 with Kansas state university college of veterinary medicine: (1) Continue
7 procedures to provide for pet animal training or updated training for
8 authorized trained representatives who inspect premises under the pet
9 animal act and to allow the owners of such facilities licensed or permitted
10 under the pet animal act to attend and participate at the training work-
11 shops for the authorized trained representatives; and (2) make available
12 to such owners and other interested persons an inspection handbook de-
13 scribing the duties and responsibilities of such authorized trained repre-
14 sentatives.

15 Sec. 110. K.S.A. 47-1712 is hereby amended to read as follows: 47-
16 1712. (a) The ~~commissioner~~ *secretary* is hereby authorized to adopt rules
17 and regulations for licensees and permittees. Such rules and regulations
18 shall include, but not be limited to, provisions relating to: (1) Reasonable
19 treatment of animals in the possession, custody or care of a licensee or
20 permittee or being transported to or from licensed or permitted premises;
21 (2) a requirement that each licensee and permittee file with the ~~com-
22 missioner~~ *secretary* evidence that animals entering or leaving the state
23 are free from any visible symptoms of communicable disease; (3) iden-
24 tification of animals handled; (4) primary enclosures; (5) housing facilities;
25 (6) sanitation; (7) euthanasia; (8) ambient temperatures; (9) feeding; (10)
26 watering; (11) adequate veterinary medical care; (12) inspections of li-
27 censed or permitted premises, investigations of complaints and training
28 of persons conducting such inspections and investigations; and (13) a re-
29 quirement that each licensee or permittee keep and maintain, for in-
30 spection by the ~~commission~~ *secretary*, such records as necessary to ad-
31 minister and enforce the provisions of the Kansas pet animal act.

32 (b) The ~~commissioner~~ *secretary* shall only adopt as rules and regu-
33 lations for United States department of agriculture licensed animal dis-
34 tributors and animal breeders, and animal distributor and animal breeder
35 premises the rules and regulations promulgated by the secretary of the
36 United States department of agriculture, cited at 9 C.F.R. 3.1 through
37 3.12, pursuant to the provisions of the United States public law 91-579
38 (7 U.S.C. §2131 et seq.), commonly known as the animal welfare act.

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

1 Sec. 111. K.S.A. 47-1713 is hereby amended to read as follows: 47-
2 1713. The ~~commissioner~~ *secretary* may prohibit the sale or gift of animals
3 which constitute a hazard to human health or safety or to animal health
4 or safety.

5 Sec. 112. K.S.A. 47-1715 is hereby amended to read as follows: 47-
6 1715. (a) Any violation of or failure to comply with any provision of the
7 Kansas pet animal act, or any rule and regulation adopted hereunder,
8 shall constitute a class A nonperson misdemeanor. Continued operation,
9 after a conviction, shall constitute a separate offense for each day of op-
10 eration.

11 (b) Upon a conviction of a person for any violation of the Kansas pet
12 animal act, or any rule and regulation adopted hereunder, the court shall
13 order the ~~commissioner~~ *secretary* to seize and impound any animals in
14 the convicted person's possession, custody or care if there are reasonable
15 grounds to believe that the animals' health, safety or welfare is endan-
16 gered. Except as provided by K.S.A. 21-4311, and amendments thereto,
17 such animals may be returned to the person owning them if there is
18 satisfactory evidence that the animals will receive adequate care by that
19 person or such animals may be sold, placed or euthanized, at the discre-
20 tion of the ~~commissioner~~ *secretary*. Costs of care and services for such
21 animals while seized and impounded shall be paid by the convicted per-
22 son. Such funds shall be paid to the ~~commissioner~~ *secretary* for reim-
23 bursement of care and services provided during seizure and impound-
24 ment. If the person is not convicted, the ~~commissioner~~ *secretary* shall
25 pay the costs of care and services provided during seizure and impound-
26 ment.

27 Sec. 113. K.S.A. 47-1719 is hereby amended to read as follows: 47-
28 1719. (a) It shall be unlawful for any person to act as or be a hobby
29 breeder unless such person has obtained from the ~~commissioner~~ *secretary*
30 a hobby breeder license. Application for such license shall be made in
31 writing on a form provided by the ~~commissioner~~ *secretary*. The license
32 period shall be for the license year ending on June 30 following the is-
33 suance date.

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

36 Sec. 114. K.S.A. 47-1720 is hereby amended to read as follows: 47-
37 1720. (a) It shall be unlawful for any person to operate a research facility
38 unless such person has obtained from the ~~commissioner~~ *secretary* a re-
39 search facility license. Application for such license shall be made in writ-
40 ing on a form provided by the ~~commissioner~~ *secretary*. The license period
41 shall be for the license year ending on June 30 following the issuance
42 date.

43 (b) This section shall be part of and supplemental to K.S.A. 47-1701

1 et seq. and amendments thereto.

2 Sec. 115. K.S.A. 2007 Supp. 47-1721 is hereby amended to read as
3 follows: 47-1721. (a) Each application for issuance or renewal of a license
4 or permit required under K.S.A. 47-1701 et seq., and amendments
5 thereto, shall be accompanied by the fee prescribed by the ~~commissioner~~
6 *secretary of agriculture* under this section. Such fees shall be as follows:

7 (1) Except as provided in paragraph (5) or (6), for a license for prem-
8 ises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et
9 seq.), an amount not to exceed \$200;

10 (2) except as provided in paragraph (5) or (6), for a license for any
11 other premises, an amount not to exceed \$405;

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

13 (4) for an out-of-state distributor permit, an amount not to exceed
14 \$675;

15 (5) for a hobby breeder license or a kennel operator license an
16 amount not to exceed \$95;

17 (6) for a license for an animal shelter or a pound, an amount not to
18 exceed \$300; and

19 (7) a late fee of \$70 shall be assessed to any person whose permit or
20 license renewal is more than 45 days' late.

21 (b) The ~~commissioner~~ *secretary* shall determine annually the amount
22 necessary to carry out and enforce K.S.A. 47-1701 et seq., and amend-
23 ments thereto, for the next ensuing fiscal year and shall fix by rules and
24 regulations the license and permit fees for such year at the amount nec-
25 essary for that purpose, subject to the limitations of this section. In fixing
26 such fees, the ~~commissioner~~ *secretary* may establish categories of licenses
27 and permits, based upon the type of license or permit, size of the licensed
28 or permitted business or activity and the premises where such business
29 or activity is conducted, and may establish different fees for each such
30 category. The fees in effect immediately prior to the effective date of this
31 act shall continue in effect until different fees are fixed by the ~~commis-~~
32 ~~sioner~~ *secretary* as provided by this subsection.

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

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

40 (e) The ~~commissioner~~ *secretary* shall remit all moneys received by or
41 for the ~~commissioner~~ *secretary* under this section to the state treasurer
42 in accordance with the provisions of K.S.A. 75-4215, and amendments
43 thereto. Upon receipt of each such remittance, the state treasurer shall

1 deposit the entire amount in the state treasury to the credit of the animal
2 dealers fee fund, which is hereby created in the state treasury. Moneys
3 in the animal dealers fee fund may be expended only to administer and
4 enforce K.S.A. 47-1701 et seq., and amendments thereto. All expendi-
5 tures from the animal dealers fee fund shall be made in accordance with
6 appropriation acts upon warrants of the director of accounts and reports
7 issued pursuant to vouchers approved by the ~~Kansas livestock commis-~~
8 ~~sioner~~ *secretary of agriculture* or the ~~commissioner's~~ *secretary's* designee.

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

14 (g) Except as provided further, when a premises required to be li-
15 censed or permitted under the Kansas pet animal act applies for an initial
16 license or permit, the ~~commissioner~~ *secretary* shall prorate to the nearest
17 whole month the license or permit fee established in subsection (a). The
18 ~~commissioner~~ *secretary* shall have discretion to determine whether the
19 application is an initial application or an application for a premises which
20 has been doing business but is not licensed or permitted. If the ~~commis-~~
21 ~~sioner~~ *secretary* determines the premises has been doing business without
22 a license or permit, the ~~commissioner~~ *secretary* is not required to prorate
23 the fee.

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

26 Sec. 116. K.S.A. 47-1723 is hereby amended to read as follows: 47-
27 1723. (a) It shall be unlawful for any person, except a licensed veterinar-
28 ian, to act as or be a kennel operator unless such person has obtained
29 from the ~~commissioner~~ *secretary* a kennel operator license for each prem-
30 ises operated by such person. Application for such license shall be made
31 in writing on a form provided by the ~~commissioner~~ *secretary*. The license
32 period shall be for the license year ending on June 30 following the is-
33 suance date.

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

36 Sec. 117. K.S.A. 47-1725 is hereby amended to read as follows: 47-
37 1725. (a) There is hereby created the Kansas pet animal advisory board,
38 consisting of 10 members. Members shall be appointed by the governor
39 as follows:

- 40 (1) One member shall be a representative of a licensed animal shelter
41 or pound;
- 42 (2) one member shall be an employee of a licensed research facility;
- 43 (3) one member shall be a licensed animal breeder;

- 1 (4) one member shall be a licensed retail breeder;
- 2 (5) one member shall be a licensed pet shop operator;
- 3 (6) one member shall be a licensed veterinarian and shall be selected
- 4 from a list of three names presented to the governor by the Kansas vet-
- 5 erinary medical association;
- 6 (7) one member shall be a private citizen with no link to the industry;
- 7 (8) one member shall be a licensed animal distributor;
- 8 (9) one member shall be a licensed hobby breeder; and
- 9 (10) one member shall be a licensed kennel operator.
- 10 (b) Of the members first appointed to the board, the governor shall
- 11 designate three whose terms shall expire June 30, 1992; three whose
- 12 terms shall expire June 30, 1993; and three whose terms shall expire June
- 13 30, 1994. After the expiration of such terms, each member shall be ap-
- 14 pointed for a term of three years and until a successor is appointed and
- 15 qualified.
- 16 (c) A vacancy on the board of a member shall be filled for the unex-
- 17 pired term by appointment by the governor.
- 18 (d) The board shall meet at least once every calendar quarter regu-
- 19 larly or at such other times as the chairperson or a majority of the board
- 20 members determine. A majority of the members shall constitute a quo-
- 21 rum for conducting board business.
- 22 (e) The members of the board shall annually elect a chairperson.
- 23 (f) The board shall have the following duties, authorities and powers:
- 24 (1) To advise the ~~Kansas livestock commissioner~~ *secretary of agri-*
- 25 *culture* on hiring a director to implement the Kansas pet animal act;
- 26 (2) to review the status of the Kansas pet animal act;
- 27 (3) to make recommendations on changes to the Kansas pet animal
- 28 act; and
- 29 (4) to make recommendations concerning the rules and regulations
- 30 for the Kansas pet animal act.
- 31 (g) Board members who are required to be licensed except retail
- 32 breeders shall be affiliated with or a member of an organized pet animal
- 33 association which is representative of the position such person will hold
- 34 on the board.
- 35 (h) Upon the effective date of this act, the governor shall appoint a
- 36 licensed kennel operator. When the current board members' terms ex-
- 37 pire, the governor shall appoint persons or representatives in accordance
- 38 with this section.
- 39 Sec. 118. K.S.A. 47-1731 is hereby amended to read as follows: 47-
- 40 1731. (a) No dog or cat may be transferred to the permanent custody of
- 41 a prospective owner by a pound or animal shelter, as defined by K.S.A.
- 42 47-1701 and amendments thereto, or by a humane society, unless:
- 43 (1) Such dog or cat has been surgically spayed or neutered before the

1 physical transfer of the animal occurs; or

2 (2) the prospective owner signs an agreement to have the dog or cat
3 spayed or neutered and deposits with the pound or animal shelter funds
4 not less than the lowest nor more than the highest cost of spaying or
5 neutering in the community. Any funds deposited pursuant to such an
6 agreement shall be refunded to such person upon presentation of a writ-
7 ten statement signed by a licensed veterinarian that the dog or cat has
8 been spayed or neutered. If such person does not reclaim the deposit
9 within six months after receiving custody of the animal, the pound or
10 animal shelter shall keep the deposit and may reclaim the unspayed or
11 unneutered animal.

12 (b) No person shall spay or neuter any dog or cat for or on behalf of
13 a pound or animal shelter unless such person is a licensed veterinarian
14 or a student currently enrolled in the college of veterinary medicine,
15 Kansas state university, who has completed at least two years of study in
16 the veterinary medical curriculum and is participating in a spay or neuter
17 program as part of the curriculum under the direct supervision of a li-
18 censed veterinarian who is a faculty member at the Kansas state university
19 veterinary medical center. The spay or neuter program shall only be con-
20 ducted at the surgery clinic at the Kansas state university medical center
21 in Manhattan, Kansas. No pound or animal shelter shall designate the
22 veterinarian which a person must use, or a list from which a person must
23 select a veterinarian, to spay or neuter a dog or cat transferred by such
24 person from such pound or animal shelter. Any premises located in the
25 state of Kansas where the spaying, neutering or any other practice of
26 veterinary medicine occurs shall register such premises with the board of
27 veterinary examiners.

28 (c) With the written approval of the ~~livestock commissioner~~ *secretary*
29 *of agriculture*, any pound or shelter may use an innovative spay or neuter
30 program not precisely meeting the requirements of subsection (a)(2), if
31 the pound or shelter can prove to the ~~commissioner~~ *secretary* that it is
32 actively enforcing the spaying and neutering requirements set forth in
33 this statute.

34 (d) Nothing in this section shall be construed to require sterilization
35 of a dog or cat which is being held by a pound or animal shelter and which
36 may be claimed by its rightful owner within the holding period established
37 in K.S.A. 47-1710, and amendments thereto.

38 (e) The ~~livestock commissioner~~ *secretary of agriculture* shall prom-
39 ulgate rules and regulations as may be necessary to carry out the provi-
40 sions of this section.

41 Sec. 119. K.S.A. 47-1727 is hereby amended to read as follows: 47-
42 1727. Notwithstanding the existence or pursuit of any other remedy,
43 when it appears to the ~~commissioner~~ *secretary*, as head of the licensing

1 and permitting agency, that any person is violating any provisions of the
2 Kansas pet animal act, the ~~commissioner~~ *secretary* may in that capacity
3 bring an action in a court of competent jurisdiction or other process
4 against such person to enjoin, restrain or prevent such person from con-
5 tinuing operation in violation of the Kansas pet animal act without regard
6 to whether administrative proceedings have been or may be instituted or
7 whether criminal proceedings may be or have been instituted.

8 Sec. 120. K.S.A. 47-1735 is hereby amended to read as follows: 47-
9 1735. (a) A licensee, permittee or applicant for a license or permit shall
10 not interfere with, hinder, threaten or abuse, including verbal abuse, any
11 representative or employee of the ~~animal health department~~ *Kansas de-*
12 *partment of agriculture* who is carrying out such representative's or em-
13 ployee's duties under the provisions of the Kansas pet animal act.

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

16 Sec. 121. K.S.A. 47-1804 is hereby amended to read as follows: 47-
17 1804. As used in this act, unless the context otherwise requires:

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

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

23 (c) "Livestock dealer" means any person engaged in the business of
24 buying or selling livestock in commerce, either on that person's own ac-
25 count or as the employee or agent of the seller or purchaser, or any person
26 engaged in the business of buying or selling livestock in commerce on a
27 commission basis and shall include any person who buys or sells livestock
28 with the use of a video. "Livestock dealer" does not include any person
29 who buys or sells livestock as part of that person's own breeding, feeding
30 or dairy operation, nor any person who receives livestock exclusively for
31 immediate slaughter.

32 (d) "Person" means any individual, partnership, corporation, com-
33 pany, firm or association. "Person" does not include any public livestock
34 market operator licensed under K.S.A. 47-1001 et seq., and amendments
35 thereto, or any feedlot operator licensed under K.S.A. 47-1501 et seq.,
36 and amendments thereto.

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

41 Sec. 122. K.S.A. 2007 Supp. 47-1805 is hereby amended to read as
42 follows: 47-1805. (a) Any person operating as a livestock dealer in Kansas
43 shall register with the ~~Kansas animal health department~~ *Kansas depart-*

1 *ment of agriculture.* Registration shall be made on an application form
2 approved by the ~~livestock commissioner~~ *secretary*. The application shall
3 be accompanied by the livestock dealer registration fee or renewal fee
4 fixed by the ~~commissioner~~ *secretary* under subsection (b). If an applica-
5 tion for registration or renewal of registration is denied by the ~~commis-~~
6 ~~sioner~~ *secretary* or withdrawn by the applicant, the fee shall not be re-
7 funded. Unless renewed under this section, each registration shall expire
8 on the June 30 following the date of issuance.

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

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

22 Sec. 123. K.S.A. 47-1808 is hereby amended to read as follows: 47-
23 1808. (a) Except if bonded under the packers and stockyards act, 1921,
24 as amended and supplemented, 7 U.S.C. 181 et seq., every livestock
25 dealer required to be registered pursuant to K.S.A. 47-1805, and amend-
26 ments thereto, upon notification by the ~~livestock commissioner~~ *secretary*
27 of the amount of bond required, shall file with the ~~livestock commissioner~~
28 *secretary* a bond with good corporate surety qualified under the laws of
29 the state of Kansas in a sum computed by dividing the dollar value of
30 livestock sold during the preceding business year, or the substantial part
31 of that business year, in which the livestock dealer did business, by the
32 actual number of days on which livestock was sold. The divisor, the num-
33 ber of days on which livestock was sold, shall not exceed 130. The amount
34 of bond coverage must be the next multiple of \$5,000 above the amount
35 so determined. When the computation exceeds \$75,000, the amount of
36 bond coverage need not exceed \$75,000 plus 10% of the excess over
37 \$75,000, raised to the next \$5,000 multiple. In cases where a business
38 operation is being commenced, an estimated amount of business to be
39 transacted during the next 12 months may be used subject to adjustment
40 later, if indicated. In no event shall the bond be for an amount less than
41 \$10,000.

42 (b) The bond shall be in favor of the state of Kansas for the benefit
43 of all persons interested, their legal representatives, attorneys or assigns

1 and shall be conditioned on the faithful performance of all the registrant's
2 duties as a livestock dealer. Any person injured by the breach of any
3 obligation of the livestock dealer may commence suit on the bond in any
4 court of competent jurisdiction to recover damages that the person has
5 sustained, but any suit commenced shall either be a class action or shall
6 join as parties plaintiff or parties defendant or other persons who may be
7 affected by such suit on the bond. No bond shall be canceled by the surety
8 on less than 30 days' notice by mail to the ~~livestock commissioner~~ *secretary*
9 and the principal except that no such notice shall be required for
10 cancellation of any bond by reason of nonpayment of the premium
11 thereon. The liability of the surety on the bond may continue for each
12 successive registration period the bond covers. The total liability of the
13 surety shall be limited to the amount stated on the current bond or on
14 an appropriate rider or endorsement to the current bond. It is the intent
15 of this statute that the bonds be nonaccumulative, that stacking of bonds
16 not occur in excess of the face value of the current bond.

17 (c) Whenever the ~~livestock commissioner~~ *secretary* determines that
18 any bond given by any livestock dealer is inadequate and insufficient se-
19 curity against any loss that might arise under the terms of the bond, the
20 ~~livestock commissioner~~ *secretary* shall require any additional bond that
21 the ~~livestock commissioner~~ *secretary* considers necessary to provide ad-
22 equate security. If the ~~livestock commissioner~~ *secretary* considers the
23 financial condition of the surety upon any livestock dealer and the live-
24 stock dealer's bond to be impaired, the ~~livestock commissioner~~ *secretary*
25 shall require any substituted or additional bond that the ~~livestock com-~~
26 ~~missioner~~ *secretary* considers necessary except this act shall not apply to
27 those who buy livestock for others incidentally to their own farming op-
28 eration.

29 (d) In all actions hereafter commenced in which judgment is ren-
30 dered against any surety company on any surety bond furnished under
31 the provisions of this section, if it appears from the evidence that the
32 surety company has refused without just cause to pay the loss upon de-
33 mand, the court shall allow the plaintiff a reasonable sum as attorney fees
34 to be recovered and collected as a part of the costs. When a tender is
35 made by the surety company before the commencement of the action in
36 which judgment is rendered and the amount recovered is not in excess
37 of the tender, no such costs shall be allowed.

38 (e) Any person violating or failing to comply with the provisions of
39 this section shall be deemed guilty of a class A *nonperson* misdemeanor.

40 (f) This section shall be part of and supplemental to article 18 of
41 chapter 47 of the Kansas Statutes Annotated.

42 Sec. 124. K.S.A. 2007 Supp. 47-1809 is hereby amended to read as
43 follows: 47-1809. (a) As used in this section, "feral swine" means any

- 1 untamed or undomesticated hog, boar or pig; swine whose reversion from
2 the domesticated state to the wild state is apparent; or an otherwise freely
3 roaming swine having no visible tags, markings or characteristics indicat-
4 ing that such swine is from a domestic herd, and reasonable inquiry within
5 the area does not identify an owner.
- 6 (b) No person shall import, transport or possess live feral swine in
7 this state.
- 8 (c) No person shall intentionally or knowingly release any hog, boar,
9 pig or swine to live in a wild or feral state upon public or private land.
- 10 (d) No person shall engage in, sponsor, instigate, assist or profit from
11 the release, killing, wounding or attempted killing or wounding of feral
12 swine for the purpose of sport, pleasure, amusement or production of a
13 trophy.
- 14 (e) Violation of subsection (b) or (c) may result in a civil penalty in
15 the amount of not less than \$1,000 nor more than \$5,000 for each such
16 violation. In the case of a continuing violation, every day such violation
17 continues shall be deemed a separate violation.
- 18 (f) Violation of subsection (d) may result in a civil penalty of not less
19 than \$250 nor more than \$2,500 for each such violation.
- 20 (g) Any duly authorized agent of the ~~livestock commissioner~~ *secretary*
21 *of agriculture*, upon a finding that any person, or agent or employee
22 thereof, has violated any of the provisions stated above, may impose a
23 civil penalty upon such person as provided in this section.
- 24 (h) No civil penalty shall be imposed pursuant to this section except
25 upon the written order of the duly authorized agent of the ~~livestock com-~~
26 ~~missioner~~ *secretary of agriculture* to the person who committed the vio-
27 lation. Such order shall state the violation, the penalty to be imposed and
28 the right of the person to appeal to the ~~commissioner~~ *secretary*. Any such
29 person, within 20 days after notification, may make written request to the
30 ~~commissioner~~ *secretary* for a hearing in accordance with the provisions
31 of the Kansas administrative procedure act. The ~~commissioner~~ *secretary*
32 shall affirm, reverse or modify the order and shall specify the reasons
33 therefor.
- 34 (i) Any person aggrieved by an order of the ~~commissioner~~ *secretary*
35 made under this section may appeal such order to the district court in
36 the manner provided by the act for judicial review and civil enforcement
37 of agency actions.
- 38 (j) 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 (k) The ~~livestock commissioner~~ *secretary of agriculture*, or the au-

1 thORIZED representative of the ~~livestock commissioner~~ *secretary*, may de-
2 stroy or require the destruction of any feral swine upon discovery of such
3 swine.

4 (l) The provisions of this section shall not be construed to prevent
5 owners or legal occupants of land, the employees of such owners or legal
6 occupants or persons designated by such owners or legal occupants from
7 killing any feral swine when found on their premises or when destroying
8 property. Such designees shall have a permit issued by the ~~livestock com-
9 missioner~~ *secretary of agriculture* in their possession at the time of the
10 killing of the feral swine.

11 (m) The ~~livestock commissioner~~ *secretary* may adopt rules and reg-
12 ulations to carry out the provisions of this section.

13 Sec. 125. K.S.A. 2007 Supp. 47-1831 is hereby amended to read as
14 follows: 47-1831. (a) The ~~livestock commissioner~~ *secretary of agriculture*
15 is hereby authorized to:

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

18 (2) provide official calthood vaccination tags. Such tags shall not ex-
19 ceed \$.25 for each tag.

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

22 (c) The ~~commissioner~~ *secretary of agriculture* shall remit all moneys
23 received by or for the ~~commissioner~~ *secretary of agriculture* under this
24 section to the state treasurer in accordance with the provisions of K.S.A.
25 75-4215, and amendments thereto. Upon receipt of each such remittance,
26 the state treasurer shall deposit the entire amount in the state treasury
27 to the credit of the animal disease control fund.

28 Sec. 126. K.S.A. 47-1832 is hereby amended to read as follows: 47-
29 1832. The ~~livestock commissioner~~ *secretary of agriculture* is hereby au-
30 thORIZED to establish rules and regulations on disease control programs
31 for and on the sale and importation into Kansas of farm animals and exotic
32 animals. As used in this section “farm animals” and “exotic animal” means
33 the definitions given by rules and regulations in 9 C.F.R. 1.1, pursuant
34 to 7 U.S.C. § 2131 et seq.

35 Sec. 127. K.S.A. 2007 Supp. 47-2101 is hereby amended to read as
36 follows: 47-2101. (a) It shall be unlawful for any person to engage in the
37 business of raising domesticated deer unless such person has obtained
38 from the ~~livestock commissioner~~ *secretary of agriculture* a domesticated
39 deer permit. Application for such permit shall be made in writing on a
40 form provided by the ~~commissioner~~ *secretary of agriculture*. The permit
41 period shall be for the permit year ending on June 30 following the is-
42 suance date.

43 (b) Each application for issuance or renewal of a permit shall be ac-

- 1 accompanied by a fee of not more than \$100 as established by the ~~com-~~
2 ~~missioner~~ *secretary of agriculture* in rules and regulations.
- 3 (c) The ~~livestock commissioner~~ *secretary of agriculture* shall adopt
4 any rules and regulations necessary to enforce this section.
- 5 (d) Any person who fails to obtain a permit as prescribed in section
6 (a) shall be deemed guilty of a misdemeanor and upon conviction shall
7 be punished by a fine not exceeding \$100. Continued operation, after a
8 conviction, shall constitute a separate offense for each day of operation.
- 9 (e) The ~~commissioner~~ *secretary of agriculture* may refuse to issue or
10 renew or may suspend or revoke any permit for any one of the following
11 reasons:
- 12 (1) Material misstatement in the application for the original permit
13 or in the application for any renewal of a permit;
- 14 (2) the conviction of any crime, an essential element of which is mis-
15 statement, fraud or dishonesty, or relating to the theft of or cruelty to
16 animals;
- 17 (3) substantial misrepresentation;
- 18 (4) the person who is issued a permit is found to be adding to such
19 person's herd by poaching or illegally obtaining deer;
- 20 (5) willful disregard to any rule or regulation adopted under this sec-
21 tion.
- 22 (f) Any refusal to issue or renew a permit and any suspension or
23 revocation of a permit under this section shall be in accordance with the
24 provisions of the Kansas administrative procedure act and shall be subject
25 to review in accordance with the act for judicial review and civil enforce-
26 ment of agency actions.
- 27 (g) Domesticated deer shall be identified through implantation of
28 microchips, ear tags, ear tattoos, ear notches or any other permanent
29 identification on such deer as to identify such deer as domesticated deer.
30 Any person who receives a permit issued pursuant to subsection (a) shall
31 keep records of the deer herd pursuant to rules and regulations.
- 32 (h) The ~~livestock commissioner~~ *secretary of agriculture* shall inspect
33 any premises where a domesticated deer herd has been issued a permit
34 upon receipt of a written, signed complaint that such premises is not
35 being operated, managed or maintained in accordance with rules and
36 regulations.
- 37 (i) The ~~livestock commissioner~~ *secretary of agriculture*, on a quarterly
38 basis, shall transmit to the secretary of wildlife and parks a current list of
39 persons issued a permit pursuant to this section.
- 40 (j) All moneys received under this section shall be remitted to the
41 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
42 amendments thereto. Upon receipt of each such remittance, the state
43 treasurer shall deposit the entire amount in the state treasury to the credit

1 of the animal disease control fund.

2 (k) As used in this section:

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

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

8 Sec. 128. K.S.A. 2007 Supp. 48-3502 is hereby amended to read as
9 follows: 48-3502. (a) There is hereby established the Kansas national bio
10 and agro defense facility interagency working group.

11 (b) The working group shall consist of the following members ex of-
12 ficio: The secretary of health and environment, the secretary of commerce
13 or designee, the secretary of administration or designee, the secretary of
14 agriculture or designee, ~~the livestock commissioner or designee~~, the sec-
15 retary of revenue or designee, the attorney general or designee, the state
16 board of regents or designee, the mayor of the city of Manhattan or
17 designee, the chairperson of the Leavenworth county board of commis-
18 sioners or designee, the adjutant general (the state director of homeland
19 security) or designee and the superintendent of the Kansas highway patrol
20 or designee.

21 (c) The secretary of health and environment shall serve as chairper-
22 son of the working group, and the working group may elect a vice-chair-
23 person from among the members of the working group.

24 (d) All appointments of designees must be made and submitted to
25 the Kansas bioscience authority no more than 30 days after enactment of
26 this act.

27 Sec. 129. K.S.A. 65-171i is hereby amended to read as follows: 65-
28 171i. Nothing in this act shall be construed as limiting the authority of
29 the ~~state livestock commissioner~~ *secretary of agriculture* in matters con-
30 cerning the administration of the law concerning feedlots (K.S.A. 47-1501
31 et seq.).

32 Sec. 130. K.S.A. 2007 Supp. 65-5721 is hereby amended to read as
33 follows: 65-5721. (a) There is hereby established the commission on
34 emergency planning and response.

35 (b) The membership of the commission on emergency planning and
36 response shall consist of the agency head or secretary or a designated
37 person of authority from the following agencies:

38 (1) the fire marshal;

39 (2) the department of health and environment;

40 (3) the department of transportation;

41 (4) the Kansas highway patrol;

42 (5) the adjutant general;

43 (6) the department of commerce;

- 1 (7) the Kansas bureau of investigation; *and*
2 (8) the Kansas department of agriculture; ~~and~~
3 ~~(9) the Kansas animal health department.~~
- 4 (c) In addition, the membership of the commission on emergency
5 planning and response shall also consist of 18 members appointed by the
6 governor as follows:
- 7 (1) One individual shall be representative of counties;
8 (2) one individual selected to represent cities;
9 (3) three individuals selected to represent businesses and industries,
10 one of which represents broadcasting;
11 (4) one individual selected to represent agriculture, crop or livestock;
12 (5) one individual selected to represent transportation, trucking or
13 rail;
14 (6) one individual selected to represent energy;
15 (7) one individual selected to represent law enforcement officers;
16 (8) one individual selected to represent fire fighters;
17 (9) one individual selected to represent county emergency managers;
18 (10) one individual selected to represent emergency medical services;
19 (11) one individual selected to represent public works services;
20 (12) one individual selected to represent hospitals;
21 (13) one individual selected to represent public health;
22 (14) one individual selected to represent the tribes of Kansas;
23 (15) one individual selected to represent individuals with disabilities;
24 and
25 (16) one individual selected to represent the seven regional homeland
26 security councils.
- 27 (d) A designee of the adjutant general shall serve as the secretary of
28 the commission on emergency planning and response. The adjutant gen-
29 eral shall provide staff support for the commission on emergency planning
30 and response.
- 31 (e) Of the members first appointed to the commission on emergency
32 planning and response by the governor, one representative of cities, one
33 representative of counties, and one representative of business and indus-
34 try shall serve a term of two years, and the remainder of the members
35 appointed by the governor shall serve terms of three years. Thereafter,
36 members appointed pursuant to subsection (c) shall serve terms of four
37 years and until the successor has been appointed. Any vacancy in the
38 office of an appointed member shall be filled for the unexpired term by
39 appointment by the governor.
- 40 (f) A chairperson shall be elected annually by the members of the
41 commission. A vice-chairperson shall be designated by the chairperson to
42 serve in the absence of the chairperson.
- 43 (g) For attending meetings of such commission, or attending a sub-

1 committee meeting thereof authorized by such commission, those mem-
2 bers of the commission appointed by the governor shall be paid compen-
3 sation, subsistence allowances, mileage and other expenses as provided
4 in K.S.A. 75-3223, and amendments thereto.

5 Sec. 131. K.S.A. 66-1319 is hereby amended to read as follows: 66-
6 1319. (a) Members of the Kansas highway patrol shall exercise the power
7 and authority of the superintendent of the Kansas highway patrol in the
8 execution of the duties imposed upon the superintendent by this act to
9 the extent that the exercise of such power and authority is delegated to
10 such members by the superintendent or is prescribed by law. In enforcing
11 the laws referred to in K.S.A. 66-1318, and amendments thereto, mem-
12 bers of the highway patrol are authorized and empowered to inspect any
13 motor vehicle required by law to comply with any of such laws and rules
14 and regulations relating thereto. Except as otherwise provided in K.S.A.
15 8-1910, and amendments thereto, whenever any member of the highway
16 patrol shall determine that any vehicle is not properly registered under
17 or not in compliance with any of such laws, such member of the highway
18 patrol may require such vehicle to be driven to the nearest motor carrier
19 inspection station, if there is one within five miles, and if not, to another
20 suitable place, and remain there until the driver thereof has complied
21 with any or all of such laws. Any driver of a vehicle who fails or refuses
22 to drive such vehicle to the nearest inspection station or other suitable
23 place when so directed by a member of the highway patrol shall be
24 deemed guilty of a misdemeanor.

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

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

34 Sec. 132. K.S.A. 75-1901 is hereby amended to read as follows: 75-
35 1901. *On and after the effective date of this act*, a livestock commissioner
36 shall be appointed by the ~~Kansas animal health board~~ *secretary of agri-*
37 *culture* and shall serve as the ~~executive officer~~ *director of the Kansas*
38 ~~animal health department~~ *animal health of the Kansas department of ag-*
39 *riculture* which is hereby created. The person ~~so~~ appointed shall have
40 been actively engaged in one of the major phases of the livestock industry
41 for a period of not less than five ~~(5)~~ years immediately preceding ~~his or~~
42 ~~her~~ *such person's* appointment. Before entering upon the duties of ~~said~~
43 ~~such~~ office, such ~~commissioner~~ *livestock commissioner* shall take and sub-

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

6 Sec. 133. K.S.A. 75-1903 is hereby amended to read as follows: 75-
7 1903. ~~(a)~~ Whenever in any of the statutes of this state the term "livestock
8 sanitary commissioner" is used, or the term "commissioner" is used to
9 refer to the livestock sanitary commissioner, such terms shall be construed
10 to mean the livestock commissioner appointed by the ~~Kansas animal~~
11 ~~health board~~ *secretary of agriculture* pursuant to K.S.A. 75-1901, *and*
12 *amendments thereto.*

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

18 Sec. 134. K.S.A. 2007 Supp. 75-37,121 is hereby amended to read as
19 follows: 75-37,121. (a) There is created the office of administrative hear-
20 ings within the department of administration, to be headed by a director
21 appointed by the secretary of administration. The director shall be in the
22 unclassified service under the Kansas civil service act.

23 (b) The office may employ or contract with presiding officers, court
24 reporters and other support personnel as necessary to conduct proceed-
25 ings required by the Kansas administrative procedure act for adjudicative
26 proceedings of the state agencies, boards and commissions specified in
27 subsection (h). The office shall conduct adjudicative proceedings of any
28 state agency which is specified in subsection (h) when requested by such
29 agency. Only a person admitted to practice law in this state or a person
30 directly supervised by a person admitted to practice law in this state may
31 be employed as a presiding officer. The office may employ regular part-
32 time personnel. Persons employed by the office shall be under the clas-
33 sified civil service.

34 (c) If the office cannot furnish one of its presiding officers within 60
35 days in response to a requesting agency's request, the director shall des-
36 ignate in writing a full-time employee of an agency other than the re-
37 questing agency to serve as presiding officer for the proceeding, but only
38 with the consent of the employing agency. The designee must possess the
39 same qualifications required of presiding officers employed by the office.

40 (d) The director may furnish presiding officers on a contract basis to
41 any governmental entity to conduct any proceeding other than a pro-
42 ceeding as provided in subsection (h).

43 (e) The secretary of administration may adopt rules and regulations:

- 1 (1) To establish procedures for agencies to request and for the di-
2 rector to assign presiding officers. An agency may neither select nor reject
3 any individual presiding officer for any proceeding except in accordance
4 with the Kansas administrative procedure act;
- 5 (2) to establish procedures and adopt forms, consistent with the Kan-
6 sas administrative procedure act, the model rules of procedure, and other
7 provisions of law, to govern presiding officers; and
- 8 (3) to facilitate the performance of the responsibilities conferred
9 upon the office by the Kansas administrative procedure act.
- 10 (f) The director may implement the provisions of this section and
11 rules and regulations adopted under its authority.
- 12 (g) The secretary of administration may adopt rules and regulations
13 to establish fees to charge a state agency for the cost of using a presiding
14 officer.
- 15 (h) The following state agencies, boards and commissions shall utilize
16 the office of administrative hearings for conducting adjudicative hearings
17 under the Kansas administrative procedures act in which the presiding
18 officer is not the agency head or one or more members of the agency
19 head:
- 20 (1) On and after July 1, 2005: Department of social and rehabilitation
21 services, juvenile justice authority, department on aging, department of
22 health and environment, Kansas public employees retirement system,
23 Kansas water office, ~~Kansas animal health department~~ and Kansas insur-
24 ance department.
- 25 (2) On and after July 1, 2006: Emergency medical services board,
26 emergency medical services council, Kansas health policy authority and
27 Kansas human rights commission.
- 28 (3) On and after July 1, 2007: Kansas lottery, Kansas racing and gam-
29 ing commission, state treasurer, pooled money investment board, Kansas
30 department of wildlife and parks and state board of tax appeals.
- 31 (4) On and after July 1, 2008: Department of human resources, state
32 corporation commission, state conservation commission, agricultural la-
33 bor relations board, department of administration, department of reve-
34 nue, board of adult care home administrators, Kansas state grain inspec-
35 tion department, board of accountancy and Kansas wheat commission.
- 36 (5) On and after July 1, 2009, all other Kansas administrative proce-
37 dure act hearings not mentioned in subsections (1), (2), (3) and (4).
- 38 (i) (1) Effective July 1, 2005, any presiding officer in agencies spec-
39 ified in subsection (h)(1) which conduct hearings pursuant to the Kansas
40 administrative procedure act, except those exempted pursuant to K.S.A.
41 77-551, and amendments thereto, and support personnel for such presid-
42 ing officers, shall be transferred to and shall become employees of the
43 office of administrative hearings. Such personnel shall retain all rights

1 under the state personnel system and retirement benefits under the laws
2 of this state which had accrued to or vested in such personnel prior to
3 the effective date of this section. Such person's services shall be deemed
4 to have been continuous. All transfers of personnel positions in the clas-
5 sified service under the Kansas civil service act shall be in accordance
6 with civil service laws and any rules and regulations adopted thereunder.
7 This section shall not affect any matter pending before an administrative
8 hearing officer at the time of the effective date of the transfer, and such
9 matter shall proceed as though no transfer of employment had occurred.

10 (2) Effective July 1, 2006, any presiding officer in agencies specified
11 in subsection (h)(2) which conduct hearings pursuant to the Kansas ad-
12 ministrative procedure act, except those exempted pursuant to K.S.A. 77-
13 551, and amendments thereto, and support personnel for such presiding
14 officers, shall be transferred to and shall become employees of the office
15 of administrative hearings. Such personnel shall retain all rights under
16 the state personnel system and retirement benefits under the laws of this
17 state which had accrued to or vested in such personnel prior to the ef-
18 fective date of this section. Such person's services shall be deemed to
19 have been continuous. All transfers of personnel positions in the classified
20 service under the Kansas civil service act shall be in accordance with civil
21 service laws and any rules and regulations adopted thereunder. This sec-
22 tion shall not affect any matter pending before an administrative hearing
23 officer at the time of the effective date of the transfer, and such matter
24 shall proceed as though no transfer of employment had occurred.

25 (3) Effective July 1, 2007, any presiding officer in agencies specified
26 in subsection (h)(3) which conduct hearings pursuant to the Kansas ad-
27 ministrative procedure act, except those exempted pursuant to K.S.A. 77-
28 551, and amendments thereto, and support personnel for such presiding
29 officers, shall be transferred to and shall become employees of the office
30 of administrative hearings. Such personnel shall retain all rights under
31 the state personnel system and retirement benefits under the laws of this
32 state which had accrued to or vested in such personnel prior to the ef-
33 fective date of this section. Such person's services shall be deemed to
34 have been continuous. All transfers of personnel positions in the classified
35 service under the Kansas civil service act shall be in accordance with civil
36 service laws and any rules and regulations adopted thereunder. This sec-
37 tion shall not affect any matter pending before an administrative hearing
38 officer at the time of the effective date of the transfer, and such matter
39 shall proceed as though no transfer of employment had occurred.

40 (4) Effective July 1, 2008, any full-time presiding officer in agencies
41 specified in subsection (h)(4) which conduct hearings pursuant to the
42 Kansas administrative procedure act, except those exempted pursuant to
43 K.S.A. 77-551, and amendments thereto, and support personnel for such

1 presiding officers, shall be transferred to and shall become employees of
2 the office of administrative hearings. Such personnel shall retain all rights
3 under the state personnel system and retirement benefits under the laws
4 of this state which had accrued to or vested in such personnel prior to
5 the effective date of this section. Such person's services shall be deemed
6 to have been continuous. All transfers of personnel positions in the clas-
7 sified service under the Kansas civil service act shall be in accordance
8 with civil service laws and any rules and regulations adopted thereunder.
9 This section shall not affect any matter pending before an administrative
10 hearing officer at the time of the effective date of the transfer, and such
11 matter shall proceed as though no transfer of employment had occurred.

12 (5) Effective July 1, 2009, any full-time presiding officer in agencies
13 specified in subsection (h)(5) which conduct hearings pursuant to the
14 Kansas administrative procedure act, except those exempted pursuant to
15 K.S.A. 77-551, and amendments thereto, and support personnel for such
16 presiding officers, shall be transferred to and shall become employees of
17 the office of administrative hearings. Such personnel shall retain all rights
18 under the state personnel system and retirement benefits under the laws
19 of this state which had accrued to or vested in such personnel prior to
20 the effective date of this section. Such person's services shall be deemed
21 to have been continuous. All transfers of personnel positions in the clas-
22 sified service under the Kansas civil service act shall be in accordance
23 with civil service laws and any rules and regulations adopted thereunder.
24 This section shall not affect any matter pending before an administrative
25 hearing officer at the time of the effective date of the transfer, and such
26 matter shall proceed as though no transfer of employment occurred.

27 Sec. 135. K.S.A. 2-909, 32-951, 47-122a, 47-230, 47-239, 47-414, 47-
28 414a, 47-416, 47-416a, 47-417, 47-418, 47-418a, 47-420, 47-422, 47-428,
29 47-429, 47-432, 47-433, 47-434, 47-435, 47-441, 47-442, 47-446, 47-448,
30 47-605, 47-607, 47-607a, 47-607d, 47-608, 47-610, 47-613, 47-616, 47-
31 618, 47-619, 47-620, 47-622, 47-626, 47-627, 47-629, 47-629a, 47-629b,
32 47-629c, 47-631, 47-632, 47-632a, 47-633a, 47-634, 47-635, 47-646a, 47-
33 650, 47-651, 47-653, 47-653a, 47-653b, 47-653d, 47-653e, 47-653f, 47-
34 653g, 47-653h, 47-654, 47-655, 47-657, 47-658a, 47-658b, 47-660, 47-666,
35 47-667, 47-673, 47-1001, 47-1001d, 47-1001e, 47-1501, 47-1506, 47-
36 1511, 47-1701, 47-1702, 47-1703, 47-1704, 47-1712, 47-1713, 47-1715,
37 47-1719, 47-1720, 47-1723, 47-1725, 47-1727, 47-1731, 47-1735, 47-
38 1804, 47-1808, 47-1832, 65-171i, 66-1319, 74-4002, 75-1901, 75-1903 and
39 75-3142 and K.S.A. 2007 Supp. 2-907, 47-417a, 47-437, 47-611, 47-612,
40 47-615, 47-624, 47-672, 47-674, 47-816, 47-1008, 47-1011a, 47-1201, 47-
41 1218, 47-1302, 47-1303, 47-1304, 47-1307, 47-1503, 47-1706, 47-1706a,
42 47-1707, 47-1709, 47-1721, 47-1805, 47-1809, 47-1831, 47-2101, 48-
43 3502, 65-5721, 74-4001, 74-4003, 75-3141 and 75-37,121 are hereby re-

1 pealed.
2 Sec. 136. This act shall take effect and be in force from and after its
3 publication in the statute book.