

Approved February 8, 1989  
Date

MINUTES OF THE Senate COMMITTEE ON Agriculture

The meeting was called to order by Senator Allen at  
Chairperson

10:10 a.m./~~XX~~ on February 3, 1989 in room 423-S of the Capitol.

All members were present except: Senator Doyen (excused)  
Senator Francisco (excused)  
Senator Harder (excused)

Committee staff present: Raney Gilliland, Legislative Research Department  
Jill Wolters, Revisor of Statutes Department

Conferees appearing before the committee: Dr. Allan Kimmell, Livestock Commissioner

Senator Allen called the committee to order; called attention to SB 22; requested staff to review the bill for the committee.

Staff explained that SB 22 mainly updates the terminology regarding the Livestock Commissioner and the Animal Health Department. For many years the Commissioner was called the Sanitary Livestock Commissioner and this bill updates the terms. This bill specifically came from the Rules and Regulations Committee as the result of some regulations filed by the Animal Health Department with regards to pseudorabies. With this proposed bill the Livestock Commissioner promulgates the rules and regulations and the Animal Health Department is an advisor for the rules and regulations. Some changes in the bill were also made because some of the statutes have been around for a long time and some update of terms needed to be made.

The Chairman called on Dr. Kimmell.

Dr. Kimmell gave copies of a balloon draft for SB 22 with amendments (attachment 1). Dr. Kimmell explained the amendments as shown and requested the committee recommend passage of SB 22.

The Chairman called for committee action.

Senator Karr made a motion the committee accept the amendments for SB 22. Seconded by Senator Lee. Motion carried.

Senator Montgomery made a motion the committee recommend SB 22 favorably for passage as amended. Seconded by Senator Daniels. Motion carried.

The Chairman called attention to committee minutes.

Senator Lee moved the committee minutes of February 2 be approved; Senator Daniels seconded the motion; motion carried.

Senator Alled adjourned the committee at 10:25 a.m.



**SENATE BILL No. 22**

By Joint Committee on Administrative Rules and Regulations

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AN ACT concerning the Kansas animal health department; relating to the livestock commissioner and the Kansas animal health board; amending K.S.A. 47-418a, 47-426, 47-428, 47-429, 47-432, 47-434, 47-436, 47-441, 47-442, 47-604, 47-605, 47-607a, 47-607d, 47-608, 47-610, 47-611, 47-612, 47-613, 47-616, 47-619, 47-620, 47-622, 47-624, 47-626, 47-627, 47-629, 47-629a, 47-629b, 47-629c, 47-631, 47-632a, 47-634, 47-635, 47-646a, 47-650, 47-651, 47-653, 47-653a, 47-653b, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-657, 47-660, 47-666, 47-1001, 47-1201, 47-1302, 47-1303, 47-1304, 47-1501, 47-1504, 47-1507, as amended by section 157 of chapter 356 of the 1988 Session Laws of Kansas, 47-1508, 47-1511, 47-1601, 47-1602, 65-171i and 75-3141 and K.S.A. 1988 Supp. 47-418 and repealing the existing sections.

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

Section 1. K.S.A. 1988 Supp. 47-418 is hereby amended to read as follows: 47-418. Livestock may be branded in any way, or on any part of the animal, according to rules and regulations adopted by the commissioner ~~and approved by the board~~, but livestock shall be branded so that they may be readily distinguished should they become intermixed with other herds. Livestock brands for identification of cattle to control diseases may be placed on the head or tailhead of the cattle. The letter "T" shall be used on the left jaw, by hot iron, to identify tuberculosis reactors; the letter "V" may be used on the left jaw, by hot iron, to identify Bang's vaccinated cattle; the letter "S" may be used on the left jaw or the tailhead, by hot iron, to identify brucellosis exposed or untested test eligible animals; the letter "F" may be used on the left jaw or the left tailhead, by hot iron, to designate heifers from B and C states as listed by the United States department of agriculture. No applications for livestock brands for owner identification shall be issued for head, neck or tailhead

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*attachment 1*

47 locations, and the head and tailhead locations for livestock brands  
48 shall be reserved for brands for disease control purposes, except that  
49 head, neck and tailhead brands presently effective may have reg-  
50 istration renewal upon term expirations. No evidence of ownership  
51 of brands shall be recorded except as provided in this act.

52 Sec. 2. K.S.A. 47-418a is hereby amended to read as follows:  
53 47-418a. Any person who ~~shall, after the effective date of this act,~~  
54 ~~willfully brand or cause willfully brands or causes~~ to be branded  
55 any cattle, in any manner other than as required or authorized by  
56 K.S.A. 47-418 ~~and amendments thereto~~ or as required by the laws  
57 of this state and the ~~rules and regulations of the state brand livestock~~  
58 ~~commissioner and the livestock sanitary commissioner~~, or any person  
59 who ~~shall falsely brand or cause falsely brands or causes~~ to be falsely  
60 branded any cattle in such a manner as to incorrectly designate the  
61 disease control identification or ownership of livestock, shall be  
62 deemed guilty of a class A misdemeanor, ~~and upon conviction shall~~  
63 ~~be punished as provided in section 21-112 of the General Statutes~~  
64 ~~of 1949.~~

65 Sec. 3. K.S.A. 47-426 is hereby amended to read as follows: 47-  
66 426. The commissioner ~~is hereby authorized and empowered, with~~  
67 ~~the consent of the board, to may~~ make all the necessary rules and  
68 regulations to carry out the provisions of this act, and may by such  
69 ~~rule and regulation~~ *rules and regulations* make and provide for ex-  
70 ceptions, in addition to those listed in K.S.A. 47-420 and ~~acts amen-~~  
71 ~~datory amendments~~ thereto, for the use of particular brands in  
72 conjunction with the recorded brand: ~~Provided, That.~~ Any such  
73 brands shall be at least six (6) inches from the recorded brand:  
74 ~~Provided, The commissioner or the board shall not make any rule~~  
75 ~~relating to the administration of this act contrary to statutory law.~~

76 Sec. 4. K.S.A. 47-428 is hereby amended to read as follows: 47-  
77 428. The ~~brand livestock commissioner, his and the commissioner's~~  
78 deputies or assistants are hereby authorized to enter upon any private  
79 lands ~~and shall be authorized~~ to make any inspections necessary for  
80 the purpose of carrying out the provisions of this act or any of the  
81 provisions of article 4, of chapter 47 of the Kansas Statutes Annotated  
82 or any amendments thereto. The commissioner, ~~his and the com-~~  
83 ~~missioner's~~ deputies or assistants may accept proof of ownership of

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84 livestock from any person in possession of animals bearing the re-  
85 corded brands of another party as sufficient to exclude and exempt  
86 such animals from being classified as ~~estr~~*ay-stray* animals under the  
87 provisions of this act.

88 Sec. 5. K.S.A. 47-429 is hereby amended to read as follows: 47-  
89 429. All moneys received from the sale of branded ~~estr~~*ay-stray*  
90 livestock shall be paid to the state ~~brand-livestock~~ commissioner,  
91 regardless of the provisions of article 2, ~~of~~ chapter 47 of the *Kansas*  
92 *Statutes Annotated and acts amendatory of the provisions thereof*  
93 *or supplemental thereto*, or any other provision of law relating to  
94 the disposition of the moneys received from the sale of branded  
95 ~~estr~~*ay-stray* animals. The commissioner or ~~his~~*the commissioner's*  
96 deputies are hereby authorized and directed to receive and receipt  
97 for all moneys received from the sale of branded ~~estr~~*ay-stray* livestock  
98 and shall pay the same ~~into the state treasury to be credited to the~~  
99 *state treasurer, and the state treasurer shall credit the amount so*  
100 *paid to the brand fund.*

101 Sec. 6. K.S.A. 47-432 is hereby amended to read as follows: 47-  
102 432. There is hereby created a livestock brand emergency revolving  
103 fund for the use of the state ~~brand-livestock~~ commissioner for the  
104 purpose of paying expenses and costs of establishing the ownership  
105 of livestock which are mingled as a result of sudden or extreme  
106 storm conditions or other unforeseen occurrences.

107 Sec. 7. K.S.A. 47-434 is hereby amended to read as follows: 47-  
108 434. As used in this act:

109 (a) ~~The word~~ "Commissioner" means the state ~~brand-livestock~~  
110 commissioner;

111 (b) ~~the term~~ "brand inspection area" means any county which  
112 has been designated as such by the board of county commissioners  
113 of such county in the manner provided by K.S.A. 47-435 *and amend-*  
114 *ments thereto*;

115 (c) ~~the term~~ "resident owner of cattle or sheep" means any res-  
116 ident of a county who listed one or more head of cattle or sheep,  
117 or both, for taxation during the preceding tax assessment period;

118 (d) ~~the term~~ "brand inspection" means the inspection of brands,  
119 marks, and other identifying characteristics of cattle or sheep, or  
120 both, for the purpose of determining the ownership thereof;

121 (e) ~~the word~~ "person" means any individual, firm, association,  
122 partnership or corporation; and

123 (f) ~~the word~~ "board" means the board of directors of the Kansas  
124 livestock association.

125 Sec. 8. K.S.A. 47-436 is hereby amended to read as follows: 47-  
126 436. The commissioner and the brand inspectors under the control  
127 and supervision of the commissioner shall provide brand inspection  
128 in all brand inspection areas of the state, within the limits of funds  
129 provided for such purpose, and shall perform such other duties as  
130 may be required to administer the provisions of the acts contained  
131 in articles 2 and 4 of chapter 47 of the Kansas Statutes Annotated  
132 and acts amendatory of the provisions thereof and supplemental  
133 thereto. The commissioner or the authorized agent shall perform  
134 such acts as may be necessary to aid in establishing ownership of  
135 livestock and shall cooperate with agencies and residents of other  
136 states when ownership of livestock cannot be established within this  
137 state. The commissioner shall provide for the issuance of official  
138 inspection certificates to owners, possessors, shippers or sellers of  
139 livestock in such a manner as to provide for the most efficient admin-  
140 istration and enforcement of the livestock laws of Kansas.

141 The commissioner, ~~subject to the approval of the board,~~ is au-  
142 thorized to adopt and enforce such rules and regulations governing  
143 brand inspections as the commissioner shall deem necessary for the  
144 proper enforcement of the livestock laws of Kansas. The commis-  
145 sioner, brand inspectors and special investigators shall aid in inves-  
146 tigation and prosecutions of violations of the livestock laws of Kansas  
147 and other laws of this state and of the rules and regulations of the  
148 commissioner.

149 Sec. 9. K.S.A. 47-441 is hereby amended to read as follows: 47-  
150 441. It shall be unlawful for any person, in any brand inspection  
151 area, including the owner of cattle, the shipper, motor carrier, rail-  
152 road company, other carrier or corporation, or the agent or servant  
153 of any such person, carrier or corporation, to move, drive, ship or  
154 transport, in any manner, any cattle from any point in a brand  
155 inspection area, to any point outside such area other than another  
156 brand inspection area, unless such cattle shall have first been in-  
157 spected for brands by the state ~~and~~ livestock commissioner, ~~his or her the~~

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.58 commissioner's inspectors or examiners, or some person deputized  
159 by ~~him or her~~ the commissioner to perform such inspection, unless  
160 such cattle are accompanied by a brand inspection certificate. The  
161 ~~brand-livestock~~ commissioner, ~~his or her~~ and the commissioner's  
162 inspectors and deputies may give permission for such movement of  
163 cattle without inspection; when: (1) There is no change of ownership  
164 involved; or (2) shipment of such cattle is to a market where Kansas  
165 brand inspection is maintained. No such inspection shall be required  
166 in any case where any such cattle are being moved from a feedlot  
167 the operator of which has been licensed pursuant to K.S.A. 47-1503  
168 and amendments thereto. It shall be unlawful for any motor carrier,  
169 railroad company or other carrier transporting any cattle from any  
170 brand inspection area to any market; to permit the owner, the ship-  
171 per or the party in charge of cattle to change the billing from  
172 consignment point; to a point other than to a market where Kansas  
173 brand inspection is maintained, unless such carrier has or first secures  
174 an authorized brand inspection certificate for such cattle.

175 Sec. 10. K.S.A. 47-442 is hereby amended to read as follows:  
176 47-442. It shall be unlawful for any person in any brand inspection  
177 area; to move any cattle within such area unless such cattle have  
178 been first inspected for brands by the ~~brand-livestock~~ commissioner  
179 or ~~his or her~~ the commissioner's inspectors or deputies except that  
180 cattle may be moved without such inspection when: (1) when cattle  
181 are moved to a market where Kansas brand inspection is maintained;  
182 or (2) when cattle are moved from a feedlot the operator of which  
183 has been licensed pursuant to K.S.A. 47-1503 and amendments  
184 thereto, except that when any such cattle are moved to any such  
185 feedlot the same shall be inspected at the time they enter such  
186 feedlot. The ~~brand-livestock~~ commissioner shall have the authority  
187 in any case where as a result of a natural or man-made disaster  
188 cattle have strayed or have become mixed; to conduct a one time  
189 brand inspection of the cattle in any such feedlot. Any person who  
190 purchases cattle from within a brand inspection area; without re-  
191 ceiving a bill of sale and a brand inspection certificate; shall be  
192 deemed as counseling, aiding and abetting the seller in the unlawful  
193 sale of such livestock.

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194 Sec. 11. K.S.A. 47-604 is hereby amended to read as follows:  
 195 47-604. Except as otherwise provided in this act, any person who  
 196 ~~shall violate, disregard, or evade~~ *violates, disregards or evades*, or  
 197 ~~attempt attempts~~ to violate, disregard, or evade, any of the provisions  
 198 of this act, or who ~~shall violate, disregard, or evade~~ *violates, dis-*  
 199 *regards or evades*, or ~~attempt attempts~~ to violate, disregard, or  
 200 evade, any of the rules, ~~and~~ regulations, orders or directions of the  
 201 livestock ~~sanitary~~ commissioner establishing and governing quaran-  
 202 tine, shall be deemed guilty of a misdemeanor, and upon conviction  
 203 thereof shall be fined in any sum not less than ~~one hundred~~ \$100  
 204 nor more than ~~five thousand dollars~~ \$5,000.

205 Sec. 12. K.S.A. 47-605 is hereby amended to read as follows:  
 206 47-605. For the purpose of this act, the livestock ~~sanitary~~ commis-  
 207 sioner is hereby authorized and empowered to administer oaths and  
 208 affirmations.

209 Sec. 13. K.S.A. 47-607a is hereby amended to read as follows:  
 210 47-607a. When the livestock ~~sanitary~~ commissioner of this state ~~shall~~  
 211 ~~have determined the necessity for requiring~~ *determines that* a special  
 212 permit *is required* to move any or all kinds or species of livestock  
 213 into or through the state of Kansas, ~~he~~ *the livestock commissioner*  
 214 may declare that no person or persons, firm, corporation, railway,  
 215 aerial or motor transportation company, or individual owner of a  
 216 truck, or the agents thereof, shall ship, trail, permit to cross the  
 217 state line, or in any manner transport any class of livestock into the  
 218 state of Kansas from any other area, state or states designated by  
 219 ~~him~~ *the livestock commissioner*, without first obtaining a special per-  
 220 mit, ~~by wire or letter, from the state livestock sanitary commissioner~~ or telephone  
 221 at Topeka, Kansas, ~~either by wire or letter~~. Such special permit  
 222 shall accompany such shipment of livestock into the state of Kansas.

223 Sec. 14. K.S.A. 47-607d is hereby amended to read as follows:  
 224 47-607d. The livestock ~~sanitary~~ commissioner ~~is hereby authorized~~  
 225 ~~to may~~ adopt such rules and regulations as ~~he may deem~~ necessary  
 226 to carry out the purposes of this act.

227 Sec. 15. K.S.A. 47-608 is hereby amended to read as follows:  
 228 47-608. ~~That~~ The livestock ~~sanitary~~ commissioner ~~be and he~~ is hereby  
 229 authorized and directed to cooperate with the secretary of agriculture  
 230 of the United States, or any officer or authority of the general gov-



31 ernment, in the suppression and extirpation of ~~any and all~~ contagious  
 232 diseases among domestic animals and in the enforcement and exe-  
 233 cution of ~~any and all~~ acts of congress to prevent the importation and  
 234 exportation of diseased animals and the spread of infectious or con-  
 235 tagious diseases among domestic animals.

236 Sec. 16. K.S.A. 47-610 is hereby amended to read as follows:  
 237 47-610. ~~It shall be the duty of~~ The state livestock ~~sanitary~~ commis-  
 238 sioner *is hereby directed* to protect the health of domestic animals  
 239 of the state from all contagious or infectious diseases and for this  
 240 purpose ~~he~~ is hereby authorized and empowered to establish, main-  
 241 tain and enforce such quarantine, sanitary and other regulations as  
 242 ~~he may deem~~ necessary. ~~If he the livestock commissioner shall re-~~  
 243 ~~quire~~ *requires* the assistance of technical knowledge, experience, or  
 244 skill ~~upon any subject connected with his duties, he to carry out~~  
 245 ~~the duties of the livestock commissioner, the livestock commissioner~~  
 246 may command the services of any competent ~~veterinary surgeon~~  
 247 ~~veterinarian~~ or ~~he~~ may call upon the ~~veterinary surgeon of the~~  
 248 ~~agricultural university dean of the veterinary medical center of Kan-~~  
 249 ~~sas state university of agriculture and applied sciences~~ at Manhattan,  
 250 Kansas, for that purpose. ~~Provided, That.~~ In case the ~~veterinary~~  
 251 ~~surgeon of the agricultural university shall be dean of the veterinary~~  
 252 ~~medical center of Kansas state university~~ *is called, he the dean* shall  
 253 receive ~~his~~ actual and necessary expenses in the performance of such  
 254 duties as full compensation for ~~his such~~ services; ~~but.~~ If any other  
 255 ~~veterinary surgeon shall be veterinarian~~ is employed, such ~~surgeon~~  
 256 ~~veterinarian~~ shall receive ~~his such~~ actual and necessary expenses and  
 257 reasonable compensation for ~~his such~~ services.

258 Sec. 17. K.S.A. 47-611 is hereby amended to read as follows:  
 259 47-611. (a) When the commissioner ~~shall have determined the ne-~~  
 260 ~~cessity of determines that~~ a quarantine and other regulations *is nec-*  
 261 *essary* to prevent the spread among domestic animals of any  
 262 contagious or infectious disease, the commissioner shall notify the  
 263 governor ~~thereof, who of such determination, and the governor~~ shall  
 264 issue a proclamation announcing the boundary of such quarantine  
 265 and the orders, ~~and~~ rules and regulations prescribed by the com-  
 3 missioner, which proclamation shall be published in the Kansas reg-  
 5 ister, except that the commissioner ~~may~~, if the area affected by the

college of veterinary medicine, Kansas state university

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268 quarantine is limited in extent, *may* dispense with the proclamation  
269 of the governor; and give such notice as the commissioner shall  
270 deem sufficient to make the quarantine effective.

271 (b) The commissioner shall establish such quarantine ~~forthwith~~  
272 *immediately* and shall give and enforce such directions, rules, and  
273 regulations as to separating, isolating, handling, and treating, feeding  
274 and caring for such diseased animals, animals exposed to the disease,  
275 and animals within the quarantine which have not been immediately  
276 exposed, as the commissioner ~~shall deem~~ *deems* necessary to prevent  
277 those classes of animals from coming into contact with one another;  
278 and.

279 (c) The livestock ~~sanitary~~ commissioner is hereby authorized and  
280 empowered to enter any grounds and premises to carry out the  
281 provisions of this act.

282 Sec. 18. K.S.A. 47-612 is hereby amended to read as follows:  
283 47-612. ~~That~~ Whenever the livestock ~~sanitary~~ commissioner ~~shall~~  
284 ~~determine~~ *determines* that certain animals within the state are ca-  
285 pable of communicating infectious or contagious disease, ~~he~~ *the com-*  
286 *missioner* may issue ~~his~~ *an* order to the sheriff ~~or any constable~~ of  
287 the county or to any agent, inspector, or authorized representative  
288 of the livestock ~~sanitary~~ commissioner in which such animals are  
289 found, commanding ~~him~~ *such individuals* to take into custody and  
290 keep such animals subject to such quarantine regulations as the  
291 livestock ~~sanitary~~ commissioner may prescribe, until such time as  
292 the ~~said~~ commissioner ~~shall direct~~ *directs* such person to deliver such  
293 animals to their owner or owners or ~~his or their~~ *to the agent of the*  
294 *owner or owners*. Before any animals ~~shall be~~ *are* delivered as afore-  
295 ~~said~~, there shall be paid by the owner thereof to ~~said~~ *the* livestock  
296 ~~sanitary~~ commissioner all the costs and expenses of taking, detaining  
297 and holding and caring for ~~said~~ *the* animals; and. In case such costs  
298 and expenses are not ~~so~~ paid at the time fixed by ~~said~~ *the* livestock  
299 ~~sanitary~~ commissioner, the ~~said~~ officer *having custody of such animals*  
300 shall advertise, in the same manner ~~as is by law provided~~ *as provided*  
301 *by law* in case of sale of personal property on execution, that ~~he~~  
302 *the officer* will sell such animals or such portion thereof as may be  
303 necessary to pay such costs and expenses, together with the costs  
304 and expenses of such sale, and at the time and place so advertised

305 ~~he~~ *the officer* shall proceed to sell as many of ~~said~~ *the* animals as  
306 may be necessary to pay for such cost and expenses and the expenses  
307 of such sale, ~~and~~. *Upon such sale the officer shall forthwith* ~~without~~  
308 *delay* pay to the owner any amount so received in excess of the  
309 legal fees and expenses of such officer, and any officer performing  
310 any of the duties ~~enjoined~~ *directed* in this section or any other section  
311 of this act shall receive the same compensation therefor as is pre-  
312 scribed by law for similar services, ~~and~~. In case such fees cannot  
313 be collected by sale of such stock, they shall be paid by the county  
314 in which such stock was held.

315 Sec. 19. K.S.A. 47-613 is hereby amended to read as follows:  
316 47-613. ~~That~~ The sheriff to whom the existence of any contagious  
317 or infectious disease of domestic animals is reported shall ~~forthwith~~  
318 proceed *without delay* to the place where such domestic animal or  
319 animals are and examine the same, and ~~forthwith~~ *shall* report *im-*  
320 *mediately* the result of such examination to the livestock ~~sanitary~~  
321 commissioner, ~~and said~~. *The* sheriff shall enforce such temporary  
322 quarantine regulations as the livestock ~~sanitary~~ commissioner may  
323 direct to prevent the spread of such disease, until the livestock  
324 ~~sanitary~~ commissioner provides and orders suitable permanent quar-  
325 antine rules and regulations, ~~and any~~. *No* such sheriff who ~~shall take~~  
326 ~~or detain~~ *takes or detains* such animals under the provisions of this  
327 act shall ~~not~~ be liable to the owner or owners of such animals for  
328 any damages by reason of such taking or detention or by reason of  
329 the performance of any other duties ~~enjoined~~ *directed* by law.

330 Sec. 20. K.S.A. 47-616 is hereby amended to read as follows:  
331 47-616. ~~That~~ When any animal or animals are killed under the pro-  
332 visions of this act by order of the commissioner, the owner ~~thereof~~  
333 *of such animal or animals* shall be paid ~~therefor~~ *for such animal or*  
334 *animals* such proportion of the appraised value as fixed by the ap-  
335 praisement ~~hereinbefore provided for~~. ~~Provided, That~~ *as provided*  
336 *by law*. The right of indemnity on account of animals killed by order  
337 of the commissioner under the provisions of this act shall not extend:  
338 (a) To animals killed on account of rabies, ~~nor~~; (b) to the owner of  
339 animals which have been brought into the state in a diseased con-  
340 dition, or from a state, country, territory or district in which the  
341 disease with which the animal is infected or to which it has been

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342 exposed exists; ~~nor shall (c) to any animal be paid for by the state~~  
343 which has been brought into the state in violation of any law or  
344 quarantine regulations thereof, or the owner of which ~~shall have~~ has  
345 violated any of the provisions of this act or disregarded any rule,  
346 and regulation or order of the livestock ~~sanitary~~ commissioner, ~~nor~~  
347 shall; (d) to any animal ~~be paid for by the state~~ which came into  
348 the possession of the claimant with the claimant's knowledge that  
349 such animal was diseased or was suspected of being diseased or of  
350 having been exposed to any contagious or infectious disease; nor  
351 shall (e) to any animal belonging to the United States ~~be paid for~~  
352 by the state.

353 Sec. 21. K.S.A. 47-619 is hereby amended to read as follows:  
354 47-619. The owner or owners of any stockyards doing business in  
355 this state, when requested by the livestock ~~sanitary~~ commissioner,  
356 shall keep constantly in ~~his or~~ their employ; a competent inspector  
357 of livestock appointed by ~~said the~~ commissioner and whose com-  
358 pensation shall be fixed and duties prescribed by ~~said the~~ livestock  
359 ~~sanitary~~ commissioner. The livestock ~~sanitary~~ commissioner shall pre-  
360 scribe that portion of ~~said the~~ compensation which shall be paid by  
361 the owner or owners of ~~said the~~ stock yards. It shall be the duty of  
362 such inspector to work in conjunction with the United States gov-  
363 ernment authorities to prohibit and prevent any stock affected with  
364 any contagious or infectious disease to be driven or shipped out of  
365 any such stockyards except to some licensed rendering establishment.

366 Sec. 22. K.S.A. 47-620 is hereby amended to read as follows:  
367 47-620. ~~That~~ Whenever the state livestock ~~sanitary~~ commissioner  
368 ~~shall have~~ has good reason to believe that any contagious or infectious  
369 disease has become epidemic in certain localities in other states,  
370 territories, or countries, or that there are conditions which render  
371 domestic animals from such infected districts liable to convey such  
372 disease, ~~he the livestock commissioner~~ shall publish a ~~regulation an~~  
373 ~~order~~ prohibiting the entrance of any livestock of the kind diseased  
374 into the state from such infected district.

375 Sec. 23. K.S.A. 47-622 is hereby amended to read as follows:  
376 47-622. ~~That~~ It shall be the duty of the owner or person in charge  
377 of any domestic animal or animals who discovers, or has reason to  
378 believe that any domestic animal owned by ~~him or in his~~ such person

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379 or in such person's charge or keeping is affected with any contagious  
 380 or infectious disease, to immediately report such fact or belief to  
 381 the livestock ~~sanitary~~ commissioner; ~~and~~. It shall be the duty of any  
 382 person who discovers the existence of any such contagious or infec-  
 383 tious disease among the domestic animals of any person to report  
 384 ~~the same~~ *this information* at once to the livestock ~~sanitary~~  
 385 commissioner.

386 Sec. 24. K.S.A. 47-624 is hereby amended to read as follows:  
 387 47-624. ~~That~~ Any person who ~~shall have in his~~ *has in such person's*  
 388 possession any domestic animal affected with any contagious or in-  
 389 fectious disease, knowing such animal to be so affected, who ~~shall~~  
 390 ~~permit~~ *permits* such animal to run at large; or who ~~shall keep~~ *keeps*  
 391 such animal where other domestic animals, not affected with or  
 392 previously exposed to such disease, may be exposed to such con-  
 393 tagious or infectious disease; ~~or shall sell, ship, drive, trade or give~~  
 394 *who sells, ships, drives, trades or gives* away such diseased and  
 395 infected animal or animals which have been exposed to such infection  
 396 or contagion; except by sale, trade, or gift to a regularly licensed  
 397 disposal plant; or ~~shall move or drive~~ *who moves or drives* any  
 398 domestic animal in violation of the rules, ~~and~~ regulations, directions  
 399 or orders establishing and regulating quarantine, shall be ~~deemed~~  
 400 guilty of a misdemeanor; and upon conviction thereof shall be fined  
 401 in any sum not less than ~~one hundred~~ *\$100* nor more than ~~five~~  
 402 ~~hundred dollars~~ *\$500* for each such diseased or exposed animal which  
 403 ~~he shall permit~~ *such person has permitted* to run at large, ~~or~~ keep,  
 404 ~~or~~ sell, ship, drive, ~~or~~ trade or give away; in violation of the pro-  
 405 visions of this act. ~~Provided, That~~. Any owner of any domestic animal  
 406 which has been affected with or exposed to any contagious or in-  
 407 fectious disease may dispose of the same after ~~he~~ *such owner* obtains  
 408 from the livestock ~~sanitary~~ commissioner a bill of health for such  
 409 animal.

410 Sec. 25. K.S.A. 47-626 is hereby amended to read as follows:  
 411 47-626. The state livestock ~~sanitary~~ commissioner ~~shall have power~~  
 412 ~~to may~~ employ ~~at the expense of the state~~, such persons; and pur-  
 413 chase such supplies, appliances and materials; as may be necessary  
 414 to carry into full effect all the orders given by ~~him~~ *the livestock*  
 415 *commissioner* as provided by law. No labor shall be employed and

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416 no material or supplies purchased by the livestock ~~sanitary~~ com-  
 417 missioner except such additional labor, material and supplies as may  
 418 be necessary to carry into effect the quarantine and other regulations  
 419 prescribed by the commissioner. The director of accounts and reports  
 420 shall draw his warrants upon the treasurer of state for the necessary  
 421 amount upon vouchers properly verified by the person performing  
 422 such labor or furnishing such material and approved by the livestock  
 423 ~~sanitary~~ commissioner.

424 Sec. 26. K.S.A. 47-627 is hereby amended to read as follows:  
 425 47-627. ~~That~~ If the livestock ~~sanitary~~ commissioner shall ~~find~~ finds  
 426 the disease known as the itch or mange existing ~~amongst~~ among  
 427 domestic animals, ~~he~~ the livestock commissioner shall order all an-  
 428 imals so affected to be ~~dipped, as frequently and during such period~~  
 429 ~~of time as he may deem the commissioner deems necessary, in a dip~~  
 430 ~~recommended and approved by the United States government for~~  
 431 ~~such diseases, or he the livestock commissioner may order instead~~  
 432 ~~thereof that such animals be treated by hand dressing under regu-~~  
 433 ~~lations therefor prescribed by him the livestock commissioner.~~

properly treated as the commissioner deems  
 necessary

434 Sec. 27. K.S.A. 47-629 is hereby amended to read as follows:  
 435 47-629. It shall be unlawful for any person to inject any virulent  
 436 hog-cholera virus into any hog, in the state of Kansas, unless he  
 437 ~~shall first obtain~~ such person first obtains a permit from the livestock  
 438 ~~sanitary~~ commissioner authorizing such injection. A permit to inject  
 439 virulent hog-cholera virus may be issued by the livestock ~~sanitary~~  
 440 commissioner upon application to ~~his office~~ the livestock commis-  
 441 sioner upon a form provided by ~~him~~ the livestock commissioner.  
 442 Such permit shall be issued only to ~~such persons as shall establish~~  
 443 ~~themselves who are~~ sufficiently informed as to qualify to safely handle  
 444 and use such virus, and such permit shall state such conditions,  
 445 limitations and regulations as the livestock ~~sanitary~~ commissioner  
 446 ~~shall deem~~ deems necessary for the protection of the health of the  
 447 domestic animals of this state from infectious or contagious diseases.  
 448 Such permit shall be issued for a definite period which duration  
 449 shall be fixed by the livestock ~~sanitary~~ commissioner as ~~he may deem~~  
 450 the livestock commissioner deems necessary to prevent the spread of  
 451 infectious or contagious diseases. The permit holder shall comply  
 452 with the requirements of such permit.

453 Sec. 28. K.S.A. 47-629a is hereby amended to read as follows:  
454 47-629a. It shall be unlawful for any person to sell or offer for sale;  
455 virulent hog-cholera virus to another unless the vendor ~~be is~~: (1) A  
456 manufacturer thereof; or (2) a distributor of veterinarian supplies,  
457 authorized by the livestock ~~sanitary~~ commissioner to handle and sell  
458 such virus; or (3) a veterinarian ~~registered in Kansas under and in~~  
459 ~~conformity with the provisions of article 8 of chapter 47 of the Kansas~~  
460 ~~Statutes Annotated, as amended and supplemented licensed under~~  
461 *the Kansas veterinary practice act.*

462 Sec. 29. K.S.A. 47-629b is hereby amended to read as follows:  
463 47-629b. It shall be unlawful for any person to sell, or offer for sale,  
464 any virulent hog-cholera virus to another; unless the purchaser ~~be~~  
465 ~~is~~: (1) A holder of a permit from the livestock ~~sanitary~~ commissioner  
466 ~~of Kansas~~, currently in effect, authorizing ~~him such person~~ to inject  
467 virulent hog-cholera virus; or (2) a distributor of veterinarian supplies  
468 authorized by the livestock ~~sanitary~~ commissioner to handle and sell  
469 such virus.

470 Sec. 30. K.S.A. 47-629c is hereby amended to read as follows:  
471 47-629c. Any person who ~~shall violate~~ *violates* any ~~provisions~~ *pro-*  
472 *vision* of this act, or any provision of a permit to inject virulent hog-  
473 cholera virus issued by the livestock ~~sanitary~~ commissioner ~~of Kansas~~,  
474 and any person who ~~shall fail~~ *fails* to comply with any provision of  
475 this act or any provision of such a permit, shall be ~~deemed~~ guilty  
476 of a misdemeanor; and upon conviction shall be fined in a sum of  
477 not less than ~~twenty five dollars (\$25)~~ \$25 or more than ~~five hundred~~  
478 ~~dollars (\$500)~~ \$500 or shall be imprisoned in the county jail for not  
479 more than six (6) months, or both.

480 Sec. 31. K.S.A. 47-631 is hereby amended to read as follows:  
481 47-631. ~~That (a)~~ The livestock ~~sanitary~~ commissioner, whenever he  
482 ~~may deem the livestock commissioner deems~~ it necessary, shall for-  
483 mulate and announce the rules under which the tuberculin test for  
484 tuberculosis in domestic animals shall be applied and for all pro-  
485 ceedings subsequent to such application:

486 (a)(1) No tuberculin shall be used other than that furnished by  
487 the United States government;

488 (b)(2) no person other than one indicated for that purpose by  
489 the livestock ~~sanitary~~ commissioner shall inject any tuberculin into

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490 any animal in this state;

491 ~~(e)-(3)~~ all charts giving the temperature and conditions existing  
492 at the time the animal was tested, accompanied by a history and  
493 description of the animal, shall be *submitted*, immediately after the  
494 test is made, ~~submitted~~ to the state livestock ~~sanitary~~ commissioner,  
495 who shall thereupon render ~~his~~ *an* opinion thereon, which decision  
496 shall be final; and shall be recorded in ~~his~~ *the* office of *the* livestock  
497 commissioner.

498 ~~(d)-(b)~~ ~~That~~ The state livestock ~~sanitary~~ commissioner shall at  
499 once apply the quarantine and other regulations issued ~~by him~~ under  
500 the provisions of this act to animals found infected with tuberculosis.

501 Sec. 32. K.S.A. 47-632a is hereby amended to read as follows:  
502 47-632a. The livestock ~~sanitary~~ commissioner shall not be required  
503 to examine the records in the county where condemned animals are  
504 situated to determine names and rights of lien claimants or  
505 mortgagees.

506 Sec. 33. K.S.A. 47-634 is hereby amended to read as follows:  
507 47-634. ~~That~~ The disinfection of the premises where a diseased an-  
508 imal or animals coming within the provisions of this act have been  
509 kept shall be under the supervision of the livestock ~~sanitary~~ com-  
510 missioner, or ~~some one whom he may designate; he~~ *the designee of*  
511 *the livestock commissioner. The livestock commissioner, in addition,*  
512 *shall also designate what materials shall the materials to be used;*  
513 *and the method of their application. The cost of such material to-*  
514 *gether with the necessary labor of disinfecting shall be paid by the*  
515 *owner of such animals; otherwise. Except for disinfection, the prem-*  
516 *ises shall be kept in quarantine until such time as the livestock*  
517 *sanitary commissioner may determine.*

518 Sec. 34. K.S.A. 47-635 is hereby amended to read as follows:  
519 47-635. ~~That~~ The provisions of this act shall not be construed to  
520 include any other than contagious or infectious diseases ~~amongst~~  
521 *among* the domestic animals of this state; but ~~that~~ they shall be  
522 construed to include all contagious or infectious diseases ~~amongst~~  
523 *among* all kinds of domestic animals including horses, mules, asses,  
524 cattle, sheep, swine and dogs; and the state livestock ~~sanitary~~ com-  
525 missioner is given the same power over any domestic animal afflicted  
526 with ~~the~~ rabies as is conferred upon ~~him~~ *the livestock commissioner*



527 in relation to other diseases of domestic animals.

528 Sec. 35. K.S.A. 47-646a is hereby amended to read as follows:  
 529 47-646a. It shall be lawful for any authorized representative of the  
 530 livestock ~~sanitary~~ commissioner, any sheriff, any city marshal, ~~or any~~  
 531 ~~police-law enforcement officer or any highway patrolman~~ at any time  
 532 to kill any dog which may be found unconfined in violation of any  
 533 rabies quarantine or other quarantine order issued by the state live-  
 534 stock ~~sanitary~~ commissioner, or issued by the secretary of health and  
 535 environment.

536 Sec. 36. K.S.A. 47-650 is hereby amended to read as follows:  
 537 47-650. ~~That~~ Upon the presentation to the state livestock ~~sanitary~~  
 538 commissioner of a petition signed by ~~fifty~~-50 farmers, who ~~shall be~~  
 539 ~~are~~ resident taxpayers of any county in this state, asking that they  
 540 be permitted to establish a county hog-cholera-control organization  
 541 in their county, such commissioner shall notify in writing the pres-  
 542 ident of the ~~state agricultural college-Kansas state university of ag-~~  
 543 ~~riculture and applied science~~, and the inspector in charge of the  
 544 ~~federal bureau of animal industry of the department of agriculture,~~  
 545 that a meeting will be held at the county seat of the county at a  
 546 certain date and hour to perfect the organization prayed for in the  
 547 petition. All persons attending such meeting shall proceed to perfect  
 548 the establishment of the \_\_\_\_\_ county hog-cholera-control  
 549 organization by choosing a president, vice-president, secretary and  
 550 treasurer, and one farmer from each township in ~~said-the~~ county,  
 551 who shall, in connection with such officers, constitute the executive  
 552 board of the \_\_\_\_\_ county hog-cholera-control organization.

553 Sec. 37. K.S.A. 47-651 is hereby amended to read as follows:  
 554 47-651. ~~That~~ Upon the completion of the establishment of such  
 555 organization, the state livestock ~~sanitary~~ commissioner shall ~~appoint,~~  
 556 upon the recommendation of the executive board, ~~appoint~~ a com-  
 557 petent person as deputy state livestock ~~sanitary~~ commissioner for  
 558 ~~said-the~~ county. Such county deputy livestock ~~sanitary~~ commissioner  
 559 shall perform all services and discharge all duties in the county hog  
 560 cholera control work in exact conformity with the rules and regu-  
 561 lations promulgated by the livestock ~~sanitary commissioner's de-~~  
 562 ~~partment commissioner.~~

\_\_\_\_\_ office of the United State department of  
 agriculture, animal plant health inspection service,  
 veterinary services

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563 Sec. 38. K.S.A. 47-653 is hereby amended to read as follows:  
564 47-653. ~~That such~~ The county deputy livestock ~~sanitary~~ commissioner  
565 shall receive a reasonable compensation ~~for his services~~, to be de-  
566 termined by the state livestock ~~sanitary~~ commissioner, in an amount  
567 not to exceed ~~one hundred dollars~~ \$100 per month; and his necessary  
568 ~~traveling~~ travel expenses while absent from his home in the discharge  
569 of ~~his~~ the duties of such position.

570 Sec. 39. K.S.A. 47-653a is hereby amended to read as follows:  
571 47-653a. It shall be unlawful for any person to sell or to use hog  
572 cholera vaccines in the state of Kansas unless the hog cholera vaccine  
573 ~~shall have been~~ is first approved by the state livestock ~~sanitary~~  
574 commissioner of Kansas.

575 Sec. 40. K.S.A. 47-653b is hereby amended to read as follows:  
576 47-653b. The state livestock ~~sanitary~~ commissioner is hereby au-  
577 thorized and empowered to adopt rules and regulations designating  
578 which hog cholera vaccines may be sold or used in this state.

579 Sec. 41. K.S.A. 47-653d is hereby amended to read as follows:  
580 47-653d. In order to prevent the spread of hog cholera, and to reduce  
581 the danger of the spread thereof, the livestock ~~sanitary~~ commissioner,  
582 or ~~his~~ the authorized representative of the livestock commissioner,  
583 may destroy or require the destruction of any swine which the  
584 livestock ~~sanitary~~ commissioner has determined to be affected with  
585 or exposed to hog cholera. Prior to such destruction, there shall be  
586 an appraisal of the value of any swine, which shall be made jointly  
587 by the owner of such swine and the livestock ~~sanitary~~ commissioner,  
588 or ~~his~~ the authorized representative. ~~Provided, That if said~~ of the  
589 livestock commissioner. If the appraisers cannot agree, a disinterested  
590 third party, who has knowledge of livestock values in such locality,  
591 shall be selected by the commissioner and the owner, at the expense  
592 of the owner, as an arbitrator. The arbitrator's determination of the  
593 value of such swine shall be final.

594 Sec. 42. K.S.A. 47-653e is hereby amended to read as follows:  
595 47-653e. The owner or custodian of such swine shall, immediately  
596 after the determination of its appraised value, shall cause such swine  
597 to be disposed of in the manner directed by the livestock ~~sanitary~~  
598 commissioner or ~~his~~ the authorized representative of the livestock  
599 commissioner. Any owner or custodian of swine who ~~shall fail~~ fails

600 to dispose of swine as directed by the livestock sanitary commissioner  
601 shall, upon conviction, shall be guilty of a misdemeanor; and shall  
602 be punished in the manner provided in K.S.A. 47-607c and amend-  
603 ments thereto.

604 Sec. 43. K.S.A. 47-653f is hereby amended to read as follows:  
605 47-653f. On presentation to the livestock commissioner of acceptable  
606 evidence that disposition of such swine has been made in the pre-  
607 scribed manner, the owner of such swine shall be entitled to in-  
608 demnity, to be paid by the state, in an amount equal to the amount  
609 of indemnity paid by the federal government for such destruction  
610 of swine: ~~Provided, That.~~ Such indemnification by the state shall  
611 not exceed ~~forty dollars (\$40)~~ \$40 per head for grade swine, and  
612 shall not exceed ~~sixty dollars (\$60)~~ \$60 per head for purebred swine:  
613 ~~Provided further, That.~~ Indemnities shall not be paid on swine which  
614 have been brought or moved into Kansas in violation of the import  
615 regulations of this state, and indemnity shall not be paid on any  
616 swine which have been allowed to mingle with swine so brought or  
617 moved into Kansas.

618 Indemnification payments hereunder shall be made from legislative  
619 appropriations ~~therefor~~ for such purpose to the livestock sanitary  
620 commissioner. The director of accounts and reports is hereby au-  
621 thorized and directed to draw warrants upon the state treasurer for  
622 the amounts and for the purposes provided herein upon duly exe-  
623 cuted vouchers approved by the livestock sanitary commissioner.

624 Sec. 44. K.S.A. 47-653g is hereby amended to read as follows:  
625 47-653g. The livestock sanitary commissioner is hereby authorized  
626 to cooperate with any department, agency or officer of the federal  
627 government in the control and eradication of hog cholera, including  
628 the sharing in the payment of indemnities for swine destroyed pur-  
629 suant to this act.

630 Sec. 45. K.S.A. 47-653h is hereby amended to read as follows:  
631 47-653h. Any motor vehicle used in the hauling or transporting of  
632 swine from the premises where diseased or exposed swine have been  
633 under hog cholera quarantine to a destination where such swine are  
634 to be slaughtered, including a licensed disposal plant, shall be thor-  
635 oughly cleaned and disinfected after unloading such swine. Such  
636 cleaning and disinfection shall be made under the supervision of the

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637 livestock ~~sanitary~~ commissioner, or ~~his~~-the authorized representative  
638 of the livestock commissioner, and with a disinfectant which shall  
639 ~~have~~-has been approved by the livestock ~~sanitary~~ commissioner.

640 Sec. 46. K.S.A. 47-654 is hereby amended to read as follows:  
641 47-654. It shall be unlawful for any person to ship into Kansas or  
642 offer for sale in Kansas, any food for livestock contained in sacks  
643 which have not ~~first~~ been first thoroughly disinfected or fumigated  
644 in accordance with the requirements of the livestock ~~sanitary~~ com-  
645 missioner. It shall likewise be unlawful for any person to offer for  
646 sale in Kansas any food for livestock manufactured within the state  
647 that ~~shall be~~-is contained in sacks which have not been first thor-  
648 oughly disinfected or fumigated as ~~above required~~-in accordance  
649 with the requirements of the livestock commissioner.

650 Sec. 47. K.S.A. 47-655 is hereby amended to read as follows:  
651 47-655. It shall be unlawful for any person to sell or offer for sale  
652 any old or secondhand sacks until the same have been thoroughly  
653 disinfected or fumigated as required by the livestock ~~sanitary~~  
654 commissioner.

655 Sec. 48. K.S.A. 47-657 is hereby amended to read as follows:  
656 47-657. (a) The state livestock ~~sanitary~~ commissioner, whenever he  
657 ~~may deem~~-the commissioner deems it necessary, shall formulate and  
658 announce the rules under which ~~agglutination blood tests for Bang's~~  
659 ~~disease~~ in cattle shall be applied and for all proceedings subsequent  
660 to such application:

approved test for Brucellosis

661 (a)-(1) No person or laboratory other than those indicated for  
662 that purpose by the livestock ~~sanitary~~ commissioner shall test cattle  
663 for ~~Bang's disease~~;

Brucellosis

664 (b)-(2) all charts showing result of test and conditions existing at  
665 the time of test, together with a history and description of cattle,  
666 shall be submitted to the livestock ~~sanitary~~ commissioner immedi-  
667 ately upon completion of test. ~~The and the~~ livestock ~~sanitary~~ com-  
668 missioner shall render ~~his~~-an opinion thereon, which decision shall  
669 be final, and shall be recorded in ~~his~~-the office of the livestock  
670 commissioner.

671 (e)-(b) The livestock ~~sanitary~~ commissioner may at once apply  
672 the quarantine and other regulations issued by ~~him~~ under the pro-  
673 visions of law to animals found infected with ~~Bang's disease~~

Brucellosis

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674 Sec. 49. K.S.A. 47-660 is hereby amended to read as follows:  
 675 47-660. The secretary of agriculture of the United States, authorized  
 676 officers of the bureau of animal industry of such department, the  
 677 state livestock ~~sanitary~~ commissioner of Kansas; and the authorized  
 678 deputies of such officials shall have free access to enter upon the  
 679 premises of any and all persons who own or are in possession of  
 680 domestic animals; and free access to inspect and examine all such  
 681 domestic animals:

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

684 (b) which are suspected or reported to be affected with any in-  
 685 fectious or contagious disease; or

686 (c) which are located within any area which has been designated Brucellosis  
 687 as a tuberculosis modified accredited area or ~~Bang's disease~~ modified

688 accredited area by the secretary of agriculture of the United States,  
 689 or by an officer or authority under the ~~department of the bureau of~~ United States department of agriculture, animal  
 690 ~~animal industry of such department;~~ plant health inspection service, veterinary services or by the state livestock sanitary  
 691 commissioner; or

692 (d) which are within a herd that has been designated as accredited  
 693 tuberculosis free or accredited ~~Bang's disease free;~~ Brucellosis or

694 (e) which are located upon the premises of an owner who has a  
 695 herd of domestic animals which has been accredited as tuberculosis  
 696 free or Bang's disease free.

697 Sec. 50. K.S.A. 47-666 is hereby amended to read as follows:  
 698 47-666. Whenever the livestock ~~sanitary~~ commissioner ~~shall have~~ has  
 699 decided that any swine is affected with vesicular exanthema and that  
 700 it is necessary to order ~~said the~~ animals killed in order to prevent  
 701 the spread of such disease in Kansas, ~~he the livestock commissioner~~  
 702 shall proceed with the appraisalment, condemnation and killing of  
 703 the same as authorized under ~~sections 47-614 and 47-615 of the~~  
 704 ~~Kansas Statutes Annotated K.S.A. 47-614 and 47-615 and amend-~~  
 705 ~~ments to such sections.~~ The owner of such diseased animals which  
 706 have been so killed and disposed of shall be entitled to receive from  
 707 the state of Kansas ~~one third~~  $\frac{1}{3}$  of the difference between the ap-  
 708 praised value of ~~said the~~ animals and the salvage proceeds, if any,  
 709 received by the owner from the destruction and disposal of such  
 710 animals.

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711 The livestock ~~sanitary~~ commissioner shall draw a voucher upon  
712 the director of accounts and reports of the state of Kansas, ~~or his~~  
713 ~~successors in duties~~, in favor of the owner of such diseased animals  
714 for the amount of indemnity for which ~~he~~ *such owner* is entitled,  
715 and the director of accounts and reports, ~~or his successors in duties~~,  
716 is hereby authorized and directed to accept such vouchers so drawn  
717 ~~upon him~~ by the state livestock ~~sanitary~~ commissioner, ~~said~~ *such*  
718 amounts to be paid for out of the funds appropriated for such  
719 purposes.

720 Sec. 51. K.S.A. 47-1001 is hereby amended to read as follows:  
721 47-1001. As used in this act, except where the context clearly in-  
722 dicates a different meaning:

723 (a) ~~The term~~ "Commissioner" means the livestock commissioner  
724 of the state of Kansas.

725 (b) ~~The term~~ "Livestock" means and includes cattle, swine,  
726 sheep, goats, horses and mules.

727 (c) ~~The term~~ "Person" means and includes any individual, part-  
728 nership, corporation or association.

729 (d) ~~The term~~ "Producer" means any person engaged in the busi-  
730 ness of breeding, grazing or feeding livestock.

731 (e) "Consignor" means ~~and includes~~ any person who ships or  
732 delivers to any public livestock market livestock for handling, sale  
733 or resale at a public livestock market.

734 (f) ~~The term~~ "Public livestock market" means any place, estab-  
735 lishment or facility commonly known as a "livestock market," "live-  
736 stock auction market," "sales ring," "stockyard," "community sale"  
737 as such term is used in article 10 of chapter 47 of the Kansas Statutes  
738 Annotated, which includes any business conducted or operated for  
739 compensation or profit as a public market for livestock, consisting  
740 of pens, or other enclosures, and their appurtenances, in which  
741 livestock are received, held, sold, or kept for sale or shipment.  
742 ~~Provided, That except that~~ this term shall not apply to any livestock  
743 market where federal veterinary inspection is regularly maintained.

744 (g) ~~The term~~ "Public livestock market operator" means any per-  
745 son who, in this state, ~~shall receive~~ *receives* on consignment, or  
746 ~~solicit~~ *solicits* from the producer or consignor thereof, or ~~hold~~ *holds*  
747 in trust or custody for another, any livestock for sale or exchange

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748 on behalf of such producer or consignor at a public livestock market,  
749 or ~~shall sell-sells~~, or offer for sale, at a public livestock market, for  
750 the account of the producer or consignor thereof, any livestock or  
751 ~~shall~~ directly or indirectly ~~own, conduct or operate~~ ~~owns, conducts~~  
752 ~~or operates~~ a public livestock market. ~~Provided~~. The term "public  
753 livestock market operator" shall not be construed to include any  
754 packer or agent of a packer who receives or purchases livestock for  
755 prompt slaughter.

756 (h) ~~The term~~ "Packer" means any person engaged in the business  
757 of buying livestock for purposes of slaughter, or of manufacturing or  
758 preparing meats or meat food products for sale or shipment, or of  
759 manufacturing or preparing livestock products for sale or shipment,  
760 or of marketing meats, meat food products, livestock products, dairy  
761 products, poultry or poultry products.

762 (i) ~~The term~~ "Board" ~~shall mean~~ ~~means~~ any three members of  
763 the Kansas livestock ~~commission~~, ~~animal health board~~ designated by  
764 the ~~chairman~~ ~~chairperson~~ of ~~said~~ ~~the~~ ~~commission~~ ~~Kansas animal~~  
765 ~~health board~~ for each particular hearing. The ~~chairman~~ ~~chairperson~~  
766 may be included in such designation.

767 (j) ~~The term~~ "Dealer" as used in article 10, of chapter 47, ~~of the~~  
768 Kansas Statutes Annotated, to which this act is amendatory and  
769 supplemental, shall have the same meaning as the term "public  
770 livestock market operator."

771 Sec. 52. K.S.A. 47-1201 is hereby amended to read as follows:  
772 47-1201. As used in this act, except where the context clearly in-  
773 dicates a different meaning:

774 (a) ~~The term~~ "Commissioner" means the livestock ~~sanitary~~ com-  
775 missioner of the state of Kansas.

776 (b) ~~The term~~ "Person" means any individual, partnership, firm,  
777 corporation or association.

778 (c) ~~The term~~ "Disposal plant" means a place of business or a  
779 location where the carcasses of domestic animals or packing house  
780 refuse is purchased, received or unloaded and where such carcasses  
781 or refuse either (1) are processed for the purpose of obtaining the  
782 hide, skin, grease, residue, or any other byproduct from ~~said~~ ~~the~~  
783 animal or refuse, in any way whatsoever, or (2) are fed to hogs,  
784 dogs, or other animals.

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785 (d) ~~The term~~ "Substation" means a concentration site equipped  
786 with at least one storage building and operated and maintained for  
787 the temporary deposit or storage of the carcasses of domestic animals  
788 pending final delivery of ~~said the~~ carcasses to the disposal plant.

789 (e) ~~The term~~ "Place of transfer" means a reloading site, author-  
790 ized for use in direct transferring of carcasses of domestic animals  
791 from vehicles making original pickup or loading to a line vehicle for  
792 the transportation of the carcasses to the disposal plant.

793 (f) ~~The term~~ "Carcasses of domestic animals" means bodies, or  
794 any part or portion thereof, of dead domestic animals not slaughtered  
795 for human food.

796 Sec. 53. K.S.A. 47-1302 is hereby amended to read as follows:  
797 47-1302. It shall be unlawful for any person, firm, partnership, or  
798 corporation to feed garbage to animals unless such garbage has been  
799 heated to a temperature of 212 degrees Fahrenheit (boiling point)  
800 for at least ~~thirty (30)~~ 30 minutes; as provided by rules and regulations  
801 promulgated by the state livestock ~~sanitary~~ commissioner. ~~Provided,~~  
802 This requirement shall not apply to an individual who feeds ~~his such~~  
803 *individual's* own animals only the garbage obtained from ~~his such~~  
804 *individual's* own household.

805 Sec. 54. K.S.A. 47-1303 is hereby amended to read as follows:  
806 47-1303. It shall be unlawful for the governing body of any city, or  
807 any official or employee of a city, to enter into any contract or  
808 agreement for the collection or disposal of garbage unless such con-  
809 tract or agreement requires a heating and processing of garbage as  
810 required in this act and as required by K.S.A. 47-1302 *and amend-*  
811 *ments thereto*, when fed to animals, or (2) such contract or agreement  
812 requires a disposal of garbage in accordance with rules and regu-  
813 lations of the state livestock ~~sanitary~~ commissioner, when disposed  
814 of by other means.

815 Sec. 55. K.S.A. 47-1304 is hereby amended to read as follows:  
816 47-1304. The state livestock ~~sanitary~~ commissioner is hereby au-  
817 thorized to promulgate and enforce all rules and regulations deemed  
818 necessary to carry out the provisions of the act of which this section  
819 is amendatory and of K.S.A. 47-1306 and 47-1307 *and amendments*  
820 *to such sections.*



821 Sec. 56. K.S.A. 47-1501 is hereby amended to read as follows:  
822 47-1501. (a) ~~The term "Feedlot" shall mean means:~~ (1) A livestock  
823 feedlot, or feed yard, having more than ~~one thousand (1,000)~~ 1,000  
824 head of livestock at one time during the licensed year; or (2) any  
825 other livestock feedlot whose operator elects to come under this act.  
826 (b) ~~The words "Feed yard feeding" shall mean means~~ the feeding  
827 of livestock in lots or pens which are not used normally for raising  
828 crops and in which no vegetation, intended for livestock feed, is  
829 growing.

830 (c) ~~The term "Livestock" shall mean means~~ cattle, swine, sheep  
831 and horses.

832 (d) ~~The term "Operator" shall mean means~~ the owner, or the  
833 person having charge or control, of a feedlot.

834 (e) ~~The term "Person" shall mean means~~ an individual, a cor-  
835 poration, a group of individuals, joint venturers, a partnership, or  
836 any other business entity.

837 (f) ~~The term "Commissioner" shall mean means~~ the state livestock  
838 sanitary commissioner of Kansas.

839 (g) ~~The word "commission" shall mean means the Kansas live-~~  
840 ~~stock commission "Board" means the Kansas animal health board.~~

841 Sec. 57. K.S.A. 47-1504 is hereby amended to read as follows:  
842 47-1504. The ~~commission board~~ is authorized and required to meet  
843 upon call by the commissioner, or upon written request of a majority  
844 of the members of ~~said commission the board~~. The secretary of the  
845 ~~commission board~~ shall keep minutes of all meetings called under  
846 authority of this act, separate, but concurrent with other duties  
847 prescribed by law. At least ~~ten days~~ 10 days' notice shall be given  
848 of all called meetings of the ~~commission board~~ by the person or  
849 persons calling ~~said the~~ meeting, unless the ~~chairman~~ chairperson  
850 and secretary and the commissioner, agree upon a shorter notice  
851 period.

852 Sec. 58. K.S.A. 47-1507, as amended by section 157 of chapter  
853 356 of the 1988 Session Laws of Kansas, is hereby amended to read  
854 as follows: 47-1507. (a) If any feedlot operator is aggrieved by any  
855 action of the commissioner pertaining to the operation and licensed  
856 feedlot operations, other than an order of the commissioner resulting  
857 from a hearing conducted in accordance with the Kansas adminis-

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858 trative procedure act, such aggrieved operator shall have the right  
859 to appeal to the ~~commission-board~~, by serving written notice upon  
860 the commissioner within 15 days after notice of such action is de-  
861 posited in the mail, addressed to such operator, as evidenced by  
862 date stamp applied by the United States postal service.

863 Upon the filing of such a notice of appeal with the commissioner,  
864 the commissioner shall cause the matter to be set for hearing for a  
865 date certain within 30 days after receipt of such notice of appeal.  
866 The commissioner shall call the ~~commission-board~~ into session for  
867 the purpose of hearing such appeal in the county where the operation  
868 is being conducted. The ~~commission-board~~ shall conduct a hearing  
869 thereon in accordance with the provisions of the Kansas adminis-  
870 trative procedure act and issue an order and decision determining  
871 whether the grievance of such operator is justified. If the record  
872 shows any abuse of discretion or any misinterpretation of the law or  
873 rules and regulations by the commissioner, the ~~commission-board~~  
874 may reverse the decision of the commissioner or modify or affirm  
875 the commissioner's decision.

876 An order of the commissioner resulting from a hearing in accord-  
877 ance with the provisions of the Kansas administrative procedure act  
878 is subject to review by the ~~commission-board~~ in accordance with  
879 K.S.A. ~~1987-1988~~ Supp. 77-527 and amendments thereto.

880 (b) Any action of the ~~commission-board~~ pursuant to subsection  
881 (a) is subject to review in accordance with the act for judicial review  
882 and civil enforcement of agency actions.

883 (c) The commissioner and, upon appeal, the ~~commission-board~~  
884 shall have the exclusive power to determine whether or not a feedlot  
885 operator has complied with the standards set forth in this act and  
886 rules and regulations adopted by the commissioner, subject to review  
887 as provided by subsection (b).

888 Sec. 59. K.S.A. 47-1508 is hereby amended to read as follows:  
889 47-1508. The members of the ~~commission-board~~ shall receive no  
890 compensation for their services, but shall be reimbursed for all nec-  
891 essary expenses, including travel and subsistence, in connection with  
892 the performance of their duties as members of ~~said-the~~ board, and  
893 may be allowed a reasonable per diem for service in hearing appeals  
894 and in performance of assigned services as members of committees.

895 Sec. 60. K.S.A. 47-1511 is hereby amended to read as follows:  
896 47-1511. Upon request of the state livestock sanitary commissioner,  
897 the secretary of health and environment shall make its staff engineers  
898 available to assist (1) an operator of any feedlot in the state of Kansas,  
899 and (2) any person who has applied for a license to operate a feedlot  
900 in the state of Kansas, in the development of plans and in the design  
901 for the construction of facilities for a feedlot in order to control  
902 pollution of streams and lakes. Nothing in this act shall be construed  
903 as limiting the authority of the secretary of health and environment  
904 in matters of stream and lake pollution as provided for in K.S.A.  
905 65-161 to 65-171h, both inclusive, and amendments thereto.

906 Sec. 61. K.S.A. 47-1601 is hereby amended to read as follows:  
907 47-1601. It shall be unlawful for any person to own, possess or use  
908 any syringe tranquilizer projector, unless he shall submit such person  
909 submits the same for registration with the livestock sanitary com-  
910 missioner of Kansas within twenty (20) 20 days after acquiring own-  
911 ership or possession thereof. ~~Provided,~~ Registration of such  
912 projectors as stock in trade possessed by a manufacturer or retailer,  
913 shall not be required. Application for registration of such projectors  
914 shall be on a form supplied by said the commissioner, and shall list  
915 the make of the said projector, its the serial or other identifying  
916 number, the make of same, the name and address of the person  
917 who sold such projector to the applicant for registration and the  
918 name and address of the applicant, and the name and address of  
919 the custodian of said the projector if other than that of applicant,  
920 and other information as may be required by said the commissioner.

921 Sec. 62. K.S.A. 47-1602 is hereby amended to read as follows:  
922 47-1602. All manufacturers and retailers of such projectors shall  
923 within ten (10) 10 days after sale in Kansas, of any such projector,  
924 report the sale thereof to the livestock sanitary commissioner of  
925 Kansas, supplying by reporting on a form to be supplied by said  
926 the commissioner, the name and address of the purchaser of such  
927 projector, the make of the projector and its the serial or other  
928 identifying number, and such other information as may be required  
929 by the said commissioner.

930 Sec. 63. K.S.A. 65-171i is hereby amended to read as follows:  
931 65-171i. Nothing in this act shall be construed as limiting the au-

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932 thority of the state livestock ~~sanitary~~ commissioner in matters con-  
933 cerning the administration of the law concerning feedlots (K.S.A. 47-  
934 1501 *et seq.*).

935 Sec. 64. K.S.A. 75-3141 is hereby amended to read as follows:  
936 75-3141. The livestock commissioner shall devote full time to the  
937 discharge of official duties, and shall be within the unclassified service  
938 under the Kansas civil service act. The commissioner's compensation  
939 shall be determined by the *Kansas* animal health board, subject to  
940 the approval of the governor.

941 Sec. 65. K.S.A. 47-418a, 47-426, 47-428, 47-429, 47-432, 47-434,  
942 47-436, 47-441, 47-442, 47-604, 47-605, 47-607a, 47-607d, 47-608,  
943 47-610, 47-611, 47-612, 47-613, 47-616, 47-619, 47-620, 47-622, 47-  
944 624, 47-626, 47-627, 47-629, 47-629a, 47-629b, 47-629c, 47-631, 47-  
945 632a, 47-634, 47-635, 47-646a, 47-650, 47-651, 47-653, 47-653a, 47-  
946 653b, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655,  
947 47-657, 47-660, 47-666, 47-1001, 47-1201, 47-1302, 47-1303, 47-1304,  
948 47-1501, 47-1504, 47-1507, as amended by section 157 of chapter  
949 356 of the 1988 Session Laws of Kansas, 47-1508, 47-1511, 47-1601,  
950 47-1602, 65-171i and 75-3141 and K.S.A. 1988 Supp. 47-418 are  
951 hereby repealed.

952 Sec. 66. This act shall take effect and be in force from and after  
953 its publication in the statute book.