

Approved April 29 1991  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE

The meeting was called to order by Representative Lee Hamm at  
Chairperson

12:00 ~~am~~/p.m. on Thursday, April 25, 1991 in room 527-S of the Capitol.

All members were present except: Representative Freeman, excused  
Representative Heinemann, excused

Committee staff present: Jill Wolters, Revisor of Statutes Office  
Raney Gilliland, Legislative Research  
Pat Brunton, Committee Secretary

Conferees appearing before the committee: None

Jill Wolters, Revisor of Statutes Office, explained the amendments requested by the subcommittee on SB 443. (Attachment 1).

The committee requested that an addition to the insert for the balloon on SB 443 be added to section (c), page 5, which would read: otherwise, the commissioner pays if person is not in violation of the Act.

After a lengthy discussion, Representative Reinhardt made a motion to accept the subcommittee report as amended. Representative White seconded the motion. The motion carried.

Representative Reinhardt moved that SB 443 be passed as amended. Representative Correll seconded the motion. Motion passed.

The meeting adjourned at 1:15 p.m.

SENATE BILL No. 443

By Committee on Ways and Means

4-5

9 AN ACT concerning animals; relating to the importation and sale of  
 10 exotic animals; establishing calfhood vaccination tags; registering  
 11 original veterinary certificates ~~[and health certificates; relating to~~  
 12 ~~licensure and registration of persons dealing with animals]; fees;~~  
 13 amending K.S.A. 47-417a, 47-420, 47-422, 47-437, 47-504, 47-  
 14 618, 47-672, 47-829, 47-1001a, 47-1001e, 47-1008, 47-1011, 47-  
 15 1011a, 47-1203, 47-1205, 47-1207, 47-1503, 47-1603 and 47-1805  
 16 and K.S.A. 1990 Supp. 47-417, ~~47-822~~ and[, ] 47-1307[, 47-1701  
 17 and 47-1721] and repealing the existing sections.

rules and regulations; creating the Kansas companion animal advisory board; creating the animal dealers fee fund;

, 47-1704, 47-1706, 47-1707, 47-1709, 47-1712, 47-1715

; also repealing K.S.A. 1990 Supp. 47-1707a

18  
19 Be it enacted by the Legislature of the State of Kansas:

20 New Section 1. (a) The livestock commissioner is hereby au-  
21 thorized to:

22 (1) Register original veterinary certificates of inspection for an-  
23 imals [livestock], as defined in K.S.A. 47-1001, and amendments  
24 thereto. ~~The registration fee shall not exceed \$5 for each certificate~~  
25 ~~registered; and~~

26 (2) provide official calfhood vaccination tags. Such tags shall not  
27 exceed \$.25 for each tag.

28 (b) The commissioner shall determine annually the registration  
29 fee and tag fee and shall fix such fees by rules and regulations.

30 (c) The commissioner shall remit all moneys received by or for  
31 the commissioner under this section to the state treasurer at least  
32 monthly. Upon receipt of each such remittance, the state treasurer  
33 shall deposit the entire amount in the state treasury and shall credit  
34 it to the animal disease control fund.

35 ~~New Sec. 2. It shall be unlawful for any person to conduct a~~  
36 ~~public exotic animal sale unless such sale is conducted by a licensed~~  
37 ~~public livestock market operator, as defined in K.S.A. 47-1001, and~~  
38 ~~amendments thereto.~~

39 New Sec. 3. The livestock commissioner is hereby authorized to  
40 establish rules and regulations on the [importation into Kansas of  
41 exotic animals.

sale and

As used in this section, "exotic animal" means the definition given by rules and regulations in 9 C.F.R. 1.1, pursuant to 7 U.S.C. § 2131, et seq.

2 Sec. 4. K.S.A. 1990 Supp. 47-417 is hereby amended to read as  
3 follows: 47-417. (a) Any person may adopt a brand for the purpose

Hs. Ag.  
H-25-91  
ATTACHMENT 1

1-2

1 hereby imposed upon the animal disease control fund, and the  
2 livestock dealers' registration fee fund is hereby abolished.

3 ~~[New Sec. 26. Any person required to be licensed or registered  
4 pursuant to K.S.A. 47-1701 et seq., and amendments thereto, shall  
5 have a health certificate issued by a licensed veterinarian for each  
6 animal sold by such person. Such person shall register the health  
7 certificate with the livestock commissioner. The registration fee shall  
8 be \$2 for each certificate registered. The commissioner shall remit  
9 all moneys received by or for the commissioner under this section  
10 to the state treasurer at least monthly. Upon receipt of each such  
11 remittance, the state treasurer shall deposit the entire amount in the  
12 state treasury and shall credit it to the animal dealers fee fund.~~

22

13 ~~[New Sec. 27: (a) On and after June 30, 1991, it shall be un-  
14 lawful for any person, other than a person licensed under public  
15 law 91-579 (7 U.S.C. § 2131 et seq.), to act as or be a kennel operator  
16 unless such person has obtained from the commissioner a kennel  
17 operator license for each premise operated by such person. On and  
18 after June 30, 1992, it shall be unlawful for any person licensed  
19 under public law 91-579 to act as or be a kennel operator unless  
20 such person has obtained from the commissioner a kennel operator  
21 license for each premise operated by such person. Application for  
22 such license shall be made in writing on a form provided by the  
23 commissioner. The license period shall be for the license year ending  
24 on June 30 following the issuance date.~~

, except a licensed veterinarian,  
certificate of registration

certificate

registration

25 [(b) This section shall be part of and supplemental to K.S.A. 47-  
26 1701 et seq., and amendments thereto.

23

27 [Sec. 28: K.S.A. 1990 Supp. 47-1701 is hereby amended to read  
28 as follows: 47-1701. As used in this act, unless the context otherwise  
29 requires:

the Kansas animal dealer

30 [(a) "Adequate feeding" means supplying at suitable intervals  
31 (not to exceed 24 hours) of a quantity of wholesome foodstuff, suit-  
32 able for the animal species and age, and sufficient to maintain a  
33 reasonable level of nutrition in each animal.

34 [(b) "Adequate watering" means a supply of clean, fresh, potable  
35 water, supplied in a sanitary manner and either continuously ac-  
36 cessible to each animal or supplied at intervals suitable for the animal  
37 species, not to exceed intervals of 12 hours.

38 [(c) "Ambient temperature" means the temperature surrounding  
39 the animal.

40 [(d) (1) "Animal" means any live dog, cat, rabbit, rodent, non-  
41 human primate, bird or other warm-blooded vertebrate or any fish,  
42 snake or other cold-blooded vertebrate.

43 [(2) Animal does not include horses, cattle, sheep, goats, swine

1 or domestic fowl.

2 [(e) "Animal dealer" means any person who operates animal  
3 dealer premises.

4 [(f) (1) "Animal dealer premises" means any premises where dogs  
5 or cats, or both, are sold, or offered or maintained for sale, at  
6 wholesale for resale to another. primarily

7 [(2) Animal dealer premises does not include: (A) Any pound or  
8 animal shelter; or (B) any premises described in subsection (m)(1).

9 [(g) "Animal shelter" means a facility which is used or designed  
10 for use to house or contain any animal and which is owned, operated  
11 or maintained by a duly incorporated humane society, animal welfare  
12 society, society for the prevention of cruelty to animals or other  
13 nonprofit corporate organizations devoted to the welfare, protection  
14 and humane treatment of animals.

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

17 [(i) "Commissioner" means the livestock commissioner appointed  
18 by the Kansas animal health board.

19 [(j) "Dog" means any animal which is wholly or in part of the  
20 species *Canis familiaris* but does not include any greyhound, as  
21 defined by K.S.A. 1987 1990 Supp. 74-8802 and amendments  
22 thereto.

23 [(k) "Dog warden" means any person employed by, contracted  
24 with or appointed by the state, or any political subdivision thereof,  
25 for the purpose of aiding in the enforcement of this law, or any  
26 other law or ordinance relating to the licensing of animals, control  
27 of animals or seizure and impoundment of animals, and includes any  
28 state, county or municipal law enforcement officer, animal control  
29 officer, constable or other employee, whose duties in whole or in  
30 part include assignments which involve the seizure or taking into  
31 custody of any animal.

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

35 [(m) (1) "Hobby kennel" means any premises where only dogs  
36 or cats, or both, which are produced and raised on such premises  
37 are sold, or offered or maintained for sale, by a person who resides  
38 on such premises, but only if the total number of dogs or cats, or  
39 both, which are produced and raised on such premises and are sold  
40 during the registration year is fewer than all or part of six litters  
41 of animals or 30 individual animals, whichever is less, whether such  
42 animals are dogs or cats, or both.

43 [(2) Hobby kennel does not include: (A) Any pound or animal

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1 signed for use to restrict any animal to a limited amount of space,  
2 such as a room, pen, cage, compartment or hutch.

3 [(+) (x) "Research facility" means any place, laboratory or in-  
4 stitution, except an elementary school, secondary school, college or  
5 university, at which any scientific test, experiment or investigation  
6 involving the use of any living animal is carried out, conducted or  
7 attempted.

8 [~~w~~] (y) "Sale," "sell" and "sold" include transfers by sale or  
9 exchange.

10 [(x) (z) "Sanitize" means to make physically clean and to remove  
11 and destroy, to a practical minimum, agents injurious to health, at  
12 such intervals as necessary.

Maintaining animals for sale is presumed whenever 20 or more dogs or  
cats, or both are maintained by any person.

24

13 [Sec. 29. K.S.A. 1990 Supp. 47-1721 is hereby amended to read  
14 as follows: 47-1721. (a) Each application for issuance or renewal of  
15 a license or certificate of registration required under K.S.A. 47-1701  
16 et seq. and amendments thereto shall be accompanied by the fee  
17 prescribed by the commissioner under this section. Such fees shall  
18 be as follows:

19 [(1) For a license for premises of a person licensed under public  
20 law 91-579 (7 U.S.C. § 2131 et seq.), an amount not to exceed \$75  
21 \$150.

22 [(2) For a license for any other premises, an amount not to exceed  
23 \$150 \$300.

24 [(3) For a certificate of registration, an amount not to exceed  
25 \$25 \$150]

\$75

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

39 [(c) If a licensee, registrant or applicant for a license or regis-  
40 tration requests an inspection of the premises of such licensee, reg-  
41 istrant or applicant, the commissioner shall assess the costs of such  
42 inspection, as established by rules and regulations of the commis-  
43 sioner, to such licensee, registrant or applicant.

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

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

15 [(f) This section shall be part of and supplemental to K.S.A. 47-  
16 1701 et seq. and amendments thereto.

17 Sec. 26. K.S.A. 47-417a, 47-420, 47-422, 47-437, 47-504, 47-  
18 618, 47-672, 47-820, 47-1001a, 47-1001e, 47-1008, 47-1011, 47-  
19 1011a, 47-1203, 47-1205, 47-1207, 47-1503, 47-1603 and 47-1805 and  
20 K.S.A. 1990 Supp. 47-417, 47-822 and[, ] 47-1307[, 47-1701] and  
21 47-1721] are hereby repealed.

22 Sec. 27. This act shall take effect and be in force from and after  
23 its publication in the statute book.

See attached

, 47-1704, 47-1706, 47-1707a, 47-1709, 47-1712, 47-1715

## INSERT FOR BALLOON ON SB 443

New Sec. 25. (a) It shall be unlawful for any person to knowingly purchase a dog or a cat for the purpose of resale to another from a person required to be licensed or registered under public law 91-579, 7 U.S.C. 2131 et seq., or K.S.A. 47-1701 et seq., and amendments thereto, or both, if that person is not so licensed or registered.

(b) Any person violating subsection (a) shall be punished by a fine not exceeding \$1,000 for each violation.

New Sec. 26. (a) There is hereby created the Kansas companion animal advisory board, consisting of nine members. <sup>del</sup>Seven members shall be appointed by the governor as follows:

(1) One member shall be a representative of a Kansas humane society group;

(2) one member shall be an employee of a research facility licensed under K.S.A. 1990 Supp. 47-1720, and amendments thereto;

(3) one member shall be a companion animal breeder, actively engaged in the breeding of companion animals, licensed under the Kansas animal dealer act and shall be selected from a list of three names presented to the governor by the American professional pet distributors, inc.;

(4) one member shall be a companion animal broker, actively engaged in buying and selling companion animals, licensed under the Kansas animal dealer act and shall be selected from a list of three names presented to the governor by the American professional pet distributors, inc.;

(5) one member shall be an animal retail shop owner and shall be selected from a list of three names presented to the governor by the pet industry joint advisory council;

(6) one member shall be a licensed veterinarian and shall be selected from a list of three names presented to the governor by the Kansas veterinary medical association;

(7) one member shall be a private citizen with no link to

the industry;

(8) one member shall be a companion animal breeder, actively engaged in the breeding of companion animals, or a companion animal broker, actively engaged in buying and selling companion animals, licensed under the Kansas animal health act and shall not be affiliated with an organized companion animal association; and

(9) one member shall be a <sup>registered</sup> hobby kennel operator.

(b) Of the members first appointed to the board, the governor shall designate three whose terms shall expire June 30, 1992; three whose terms shall expire June 30, 1993; and three whose terms shall expire June 30, 1994. After the expiration of such terms, each member shall be appointed for a term of three years and until a successor is appointed and qualified.

(c) A vacancy on the board of a member shall be filled for the unexpired term by appointment by the governor.

(d) The board shall meet at least once every calendar quarter regularly or at such other times as the chairperson or a majority of the board members determine. A majority of the members shall constitute a quorum for conducting board business.

(e) The members of the board shall annually elect a chairperson.

(f) The board shall have the following duties, authorities and powers:

(1) To advise the Kansas livestock commissioner on hiring a director to implement the Kansas animal dealer act;

(2) to review the status of the Kansas animal dealer act;

(3) to make recommendations on changes to the Kansas animal dealer act; and

(4) to make recommendations concerning the rules and regulations for the Kansas animal dealer act.

New Sec. 27. K.S.A. 47-1701 through 47-1721 and sections 25 through 28, and amendments thereto, shall be known and may be cited as the Kansas animal dealers act. This act shall license, register and regulate the conditions of certain premises and



facilities within the state of Kansas where animals are maintained, sold or offered or maintained for sale.

New Sec. 28. Notwithstanding the existence or pursuit of any other remedy, when it appears to the commissioner, as head of the licensing and registering agency, that any person is violating any provisions of this act, the commissioner may in that capacity bring an action in a court of competent jurisdiction or other process against such person to enjoin, restrain or prevent such person from continuing operation in violation of this act without regard to whether administrative proceedings have been or may be instituted or whether criminal proceedings may be or have been instituted.

Sec. 29. K.S.A. 1990 Supp. 47-1704 is hereby amended to read as follows: 47-1704. ~~Except as otherwise provided by K.S.A. 1988 Supp. 47-1722,~~ It shall be unlawful for any city ~~of the first class~~ or the officials thereof to operate a pound or any corporate entity to operate an animal shelter as a pound, except a licensed veterinarian unless a license for such pound or shelter has been obtained from the commissioner. Application for such license shall be made on a form provided by the commissioner. The license period shall be for the ~~registration~~ license year ending on June 30 following the issuance date.

Sec. 30. K.S.A. 1990 Supp. 47-1706 is hereby amended to read as follows: 47-1706. (a) The commissioner may refuse to issue or renew or may suspend or revoke any license or certificate of registration required under K.S.A. 47-1701 et seq. and amendments thereto for any one or more of the following reasons:

(1) Material misstatement in the application for the original license or certificate of registration, or in the application for any renewal of a license or certificate of registration;

(2) willful disregard of any provision of this act or any rule and regulation adopted hereunder, or any willful aiding or abetting of another in the violation of any provision of this act or any rule and regulation adopted hereunder;

(3) permitting any license or certificate of registration issued hereunder to be used by an unlicensed or unregistered person or transferred to unlicensed or unregistered premises;

(4) the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty, or relating to the theft of or cruelty to animals;

(5) substantial misrepresentation;

(6) misrepresentation or false promise, made through advertising, salespersons, agents or otherwise, in connection with the operation of business of the licensee or registrant;

(7) fraudulent bill of sale;

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

(9) the feeding, watering, sanitizing and housing practices at the licensee's or registrant's premises are not consistent with this act or the rules and regulations adopted hereunder.

(b) Any refusal to issue or renew a license or certificate of registration, and any suspension or revocation of a license or certificate of registration, under this section shall be in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(c) Whenever the commissioner denies, suspends or revokes a license or certificate of registration under this section, the commissioner or the commissioner's authorized, trained representatives shall seize and impound any animals in the possession, custody or care of the person whose license or certificate of registration is denied, suspended or revoked if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the

commissioner. Costs of care of and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person's license or certificate of registration is denied, suspended or revoked. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment.

Sec. 31. K.S.A. 1990 Supp. 47-1707 is hereby amended to read as follows: 47-1707. (a) In addition to or in lieu of any other civil or criminal penalty provided by law, the commissioner, upon a finding that a person has violated or failed to comply with any provision of this act or any rule and regulation adopted hereunder, may impose on such person a civil fine not exceeding \$1,000 for each violation.

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

(c) Whenever the commissioner has reasonable grounds to believe that a person or premises required to be licensed or registered under this act has failed to comply with or has violated any provision of this act or any rule and regulation adopted hereunder and that the health, safety or welfare of animals in such person's possession, custody or care is endangered thereby, the commissioner shall seize and impound such animals using emergency adjudicative proceedings in accordance with the Kansas administrative procedure act. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care of and services for such animals while seized and impounded shall be paid by the person from whom the animals were seized and impounded, if that person is found to be in violation of this act or any rules and

regulations adopted hereunder. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment. ✓

Sec. 32. K.S.A. 1990 Supp. 47-1709 is hereby amended to read as follows: 47-1709. (a) The commissioner or the commissioner's authorized representative, trained representatives shall make an inspection of the premises for which an application for an original license is made under K.S.A. 47-1701 et seq., and amendments thereto, before issuance of such license. The application for a license shall conclusively be deemed to be the consent of the applicant to the right of entry and inspection of the premises sought to be licensed by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for denial of the license. Notice need not be given to any person prior to inspection.

(b) The commissioner or the commissioner's authorized representative, trained representatives shall make an inspection of each premises for which a license has been issued under K.S.A. 47-1701 et seq., and amendments thereto. If such premises are premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 et seq.), such premises shall be inspected at least once each year. Otherwise, the premises shall be inspected at least twice each year. The acceptance of a license shall conclusively be deemed to be the consent of the licensee to the right of entry and inspection of the licensed premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. Refusal of such entry and inspection shall be grounds for suspension or revocation of the license. Notice need not be given to any person prior to inspection.

(c) The commissioner or the commissioner's authorized representative, trained representatives shall make inspections of the premises of a person required to be licensed or registered

under K.S.A. 47-1701 et seq., and amendments thereto, upon a determination by the commissioner that there are reasonable grounds to believe that the person is violating the provisions of K.S.A. 47-1701 et seq., and amendments thereto, or rules and regulations adopted thereunder or that there are grounds for suspension or revocation of such person's license or certificate of registration.

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

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

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

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

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

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

remedied.

Sec. 33. K.S.A. 1990 Supp. 47-1712 is hereby amended to read as follows: 47-1712. (a) The commissioner is hereby authorized to adopt rules and regulations ~~necessary-for-the-administration-of this-act~~ for hobby kennels, kennel operators, pounds, animal shelters, pet shops and research facilities. Such rules and regulations shall include, but not be limited to, provisions relating to: (1) Reasonable treatment of animals in the possession, custody or care of a licensee or registrant or being transported to or from licensed or registered premises; (2) a requirement that each licensee and registrant file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease; (3) identification of animals handled; (4) primary enclosures; (5) housing facilities; (6) ~~pounds;--(7)--research--facilities;--(8)~~ sanitation; ~~(9)~~ (7) euthanasia; ~~(10)~~ (8) ambient temperatures; ~~(11)~~ (9) feeding; ~~(12)~~ (10) watering; ~~(13)~~ (11) adequate veterinary medical care; ~~(14)~~ (12) inspections of licensed or registered premises, investigations of complaints and training of persons conducting such inspections and investigations; ~~(15)~~ and (13) a requirement that each licensee keep and maintain, for inspection by the commission, such records as necessary to administer and enforce the provisions of this act; ~~and--(16)~~ ~~seizure-and-impoundment-of-animals-by-the-commissioner.~~

(b) The commissioner ~~may-adopt-in-whole-or--in--part;~~ shall only adopt as rules and regulations for animal dealers and animal dealer premises the rules and regulations promulgated by the secretary of the United States department of agriculture, cited at 9 C.F.R. 3.1 through 3.12, pursuant to the provisions of the United States public law 91-579 (7 U.S.C. § 2131 et seq.), commonly known as the animal welfare act and a requirement that each animal dealer file with the commissioner evidence that animals entering or leaving the state are free from any visible symptoms of communicable disease.

Sec. 34. K.S.A. 1990 Supp. 47-1715 is hereby amended to read

as follows: 47-1715. (a) Any violation of or failure to comply with any provision of this act, or any rule and regulation adopted hereunder, shall constitute a class A misdemeanor. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(b) Upon a conviction of a person for any violation of this act, or any rule and regulation adopted hereunder, the court shall order the commissioner to seize and impound any animals in the convicted person's possession, custody or care if there are reasonable grounds to believe that the animals' health, safety or welfare is endangered. Except as provided by K.S.A. 21-4311, and amendments thereto, such animals may be returned to the person owning them if there is satisfactory evidence that the animals will receive adequate care by that person or such animals may be sold, placed or euthanized, at the discretion of the commissioner. Costs of care of and services for such animals while seized and impounded shall be paid by the convicted person. Such funds shall be paid to the commissioner for reimbursement of care and services provided during seizure and impoundment.