

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on February 14, 1996, in Room 423-S of the Capitol.

All members were present except: Representative Crabb - Excused

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

Conferees appearing before the committee:

Others attending: See attached list

**Discussion and final action on HB 2997 - Inspections by authorized regulatory veterinarians at public livestock markets.**

Chairperson Flower opened discussion on **HB 2997**.

Representative Ballou moved to amend **HB 2997** by including the amendment suggested by the Kansas Livestock Marketing Association giving the public livestock market operator the right to terminate its approved accredited veterinarian upon giving 60 days written notice to the Livestock Commissioner. The motion died for lack of a second.

Representative Ballou moved to pass **HB 2997** favorably. The motion was seconded by Representative Lloyd. The motion carried.

**Discussion and final action on HB 2849 - Revisions to the livestock and domestic animal statutes, chapter 47.**

Vice Chairman Lloyd opened discussion on **HB 2849** by asking staff to review the bill for the committee.

Representative McClure moved to amend **HB 2849** on Pages 4 and 5, Section 7, by changing the references in the statute to reflect the current practice of contracting with brand inspectors; by removing the reference to arrest powers of state brand inspectors; and by deleting the reference to the commissioner's right to discharge any person under provisions of the civil service law. The motion was seconded by Representative Hutchins. The amendment passed.

Representative Hutchins presented a balloon amendment to **HB 2849**. (Attachment 1) Her amendment would amend K.S.A. 47-646 by creating a new Section 7 on Page 4, and renumbering the remaining sections accordingly, concerning lawful killing of a dog. Instead of permitting lawful killing of any dog which may be found injuring or attempting to injure any "cattle, hogs, or sheep," her amendment would substitute "livestock as defined in K.S.A. 47-1001, and amendments thereto." George Teagarden, Livestock Commissioner, agreed that this definition needed to be broadened. Representative Hutchins moved passage of her amendment. It was seconded by Representative Freeborn. The motion passed.

Representative Correll moved to pass **HB 2849** favorably as amended. The motion was seconded by Representative Freeborn. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on February 14, 1996.

Discussion and final action on HB 2645 - Care of animals who are in custody pursuant to the cruelty to animals statutes by an animal shelter.

Chairperson Flower opened discussion on HB 2645. Staff reviewed the bill for the committee.

Representative Sloan moved to amend HB 2645 by changing the holding agent for cash or performance bonds to assure that the cost of caring for an animal was paid by the owner from the "county treasurer" to the "county clerk" as suggested in the testimony of Craig Weinaug, Douglas County Administrator.

Representative Sloan was asked about Mr. Weinaug's other suggestion to place the responsibility for determining a reasonable schedule of charges for holding animals pursuant to court order with the District Court, instead of with the Board of County Commissioners. Representative Sloan stated that in discussion with Mr. Weinaug it was determined that since this could be accomplished with one resolution for all cases, to leave this responsibility with the Board of County Commissioners.

Representative Sloan moved passage of his amendment to HB 2645 to change the holding agent from the county treasurer to the county clerk. It was seconded by Representative Lloyd. The amendment passed.

Representative Sloan moved to pass HB 2645 favorably as amended. Seconded by Representative Hutchins, the motion carried.

The meeting adjourned at 9:50 a.m. The next meeting is scheduled for February 15, 1996.



## HOUSE BILL No. 2849

By Committee on Agriculture

2-5

9 AN ACT concerning animals; relating to brands; concerning infectious  
10 disease among domestic animals; relating to inspectors' appointments;  
11 concerning unlawful disposal of dead animals; amending K.S.A. 47-  
12 416, 47-417, 47-423, 47-429, 47-435, 47-1013 and 47-1219 and K.S.A.  
13 1995 Supp. 47-635 and repealing the existing sections; also repealing  
14 K.S.A. 47-444.

47-646,

15  
16 *Be it enacted by the Legislature of the State of Kansas:*

17 Section 1. K.S.A. 47-416 is hereby amended to read as follows: 47-  
18 416. It shall be the duty of the livestock commissioner to keep all books  
19 and records and to record all brands used for the branding or marking of  
20 livestock in Kansas. The commissioner shall receive applications for the  
21 recording of any and all brands and ~~he~~ *the commissioner* shall decide on  
22 the availability and desirability of any brand or brands sent in for record-  
23 ing.

24 The commissioner may appoint an assistant commissioner in charge of  
25 brands and brand inspectors, special investigators, examiners, deputy as-  
26 sistants and employees necessary to carry out the provisions of the acts  
27 contained in article 4 of chapter 47 of the Kansas Statutes Annotated, and  
28 any acts amendatory thereof, subject to approval of the board. ~~The brand~~  
29 ~~inspectors and examiners appointed by the commissioner shall be in the~~  
30 ~~unclassified service of the Kansas civil service act, and shall receive com-~~  
31 ~~ensation fixed by the commissioner and approved by the state finance~~  
32 ~~council.~~

33 Sec. 2. K.S.A. 47-417 is hereby amended to read as follows: 47-417.  
34 (a) Any person may adopt a brand for the purpose of branding livestock  
35 in accordance with authorized rules and regulations of the livestock com-  
36 missioner of the Kansas animal health department. Such person shall have  
37 the exclusive right to use such brand in this state, after registering such  
38 brand with the livestock commissioner.

39 (b) Any person desiring to register a livestock brand shall forward to  
40 the commissioner a facsimile of such brand and shall accompany the same  
41 with the registration fee in the amount provided under this section. Each  
42 person making application for the registering of a livestock brand which  
43 is available shall be issued a certificate of brand title which shall be valid

*House Agriculture  
Attachment 1  
2-14-96*

1-2

1 the addition of other contiguous counties.

2 (c) Whenever a petition is submitted to the board of county com-  
3 missioners, signed by not less than ~~fifty-one percent (51%)~~ 51% of the  
4 resident owners of cattle, as determined by an enumeration taken and  
5 verified for this purpose by a qualified elector of the county, requesting  
6 that the county no longer be designated a brand inspection area and that  
7 its status as a brand inspection area be terminated, it shall be the duty of  
8 the board of county commissioners, within ~~ten (10)~~ 10 days after receipt  
9 of such petition, to make a determination as to the sufficiency of the  
10 qualifications and numbers of signers; ~~and if said~~ If such petition is found  
11 sufficient the board shall adopt a resolution declaring that the county is  
12 no longer a brand inspection area, and they shall immediately file a cer-  
13 tified copy of such resolution with the livestock commissioner. Thereupon  
14 the county shall be terminated as a brand inspection area, but the ter-  
15 mination as a brand inspection area by a county within a basic brand  
16 inspection area shall not affect the existence of such basic brand inspec-  
17 tion area as to the remaining counties therein.

18 Sec. 6. K.S.A. 1995 Supp. 47-635 is hereby amended to read as fol-  
19 lows: 47-635. The provisions of this act shall not be construed to include  
20 any other than contagious or infectious diseases among the domestic ani-  
21 mals of this state; but they shall be construed to include all contagious  
22 or infectious diseases among all kinds of domestic animals including  
23 horses, mules, asses, cattle, sheep, swine, *dogs, cats*, domesticated deer,  
24 as defined in K.S.A. 47-1001, and amendments thereto, all creatures of  
25 the ratite family that are not indigenous to this state, including but not  
26 limited to ostriches, emus and rheas, and ~~dogs exotic animals as defined~~  
27 *by rules and regulations in 9 C.F.R. 1.1. pursuant to 7 U.S.C. § 2131 et*  
28 *seq.* The state livestock commissioner is given the same power over any  
29 domestic animal afflicted with rabies as is conferred upon the livestock  
30 commissioner in relation to other diseases of domestic animals.

31 Sec. 7. K.S.A. 47-1013 is hereby amended to read as follows: 47-  
32 1013. (a) The commissioner shall appoint from time to time, ~~in accor-~~  
33 ~~dance with the provisions of the civil service law,~~ such inspectors and  
34 such other persons as in ~~his~~ the commissioner's judgment may be nec-  
35 essary to properly administer the provisions of this act. Such persons shall  
36 be under the direct supervision of the commissioner. The commissioner  
37 shall also appoint, from time to time, ~~in accordance with the provisions~~  
38 ~~of the civil service law,~~ such state brand inspectors as in ~~his~~ the commis-  
39 sioner's judgment may be necessary to curtail livestock thefts and assist  
40 in the enforcement of the provisions of this act.

41 (b) State brand inspectors shall have authority to arrest persons found  
42 violating any of the provisions of this act. The state brand inspectors shall  
43 file a report of ~~their~~ such inspector's inspections of brands and marks of

Sec. 7 KSA 47-646 is hereby amended  
to read as follows:

**47-646. Killing dog lawful, when.** It shall be lawful for any person at any time to kill any dog which may be found injuring or attempting to injure any cattle, hogs or sheep.

History: G.S. 1868, ch. 105, § 45; R.S. 1923, 47-646; L. 1947, ch. 303, § 2; April 15.

livestock as defined in KSA 47-1001, and amendments thereto,

renumber the remaining sections accordingly.

1 identification of each sale inspected at the place of inspection, which copy  
2 shall be kept for a period of one year from date of filing by the organi-  
3 zation conducting such sale.

4 (c) Salaries of state brand inspectors shall be paid out of the fees to  
5 be collected as provided in K.S.A. ~~47-1011~~ 47-1011a, and amendments  
6 thereto. The commissioner shall have the right to discharge any person  
7 so appointed, in accordance with the provisions of the civil service law.

8 Sec. 8. K.S.A. 47-1219 is hereby amended to read as follows: 47-  
9 1219. (a) Any person or persons who shall put any dead animals, carcasses  
10 of such animals or domestic fowl, or any part thereof, into any well, spring,  
11 brook, branch, river, creek, pond, road, street, alley, lane, lot, field,  
12 meadow or common shall be deemed guilty of a misdemeanor, and upon  
13 conviction thereof shall be fined in a sum not exceeding ~~one hundred~~  
14 ~~dollars~~ \$100.

15 (b) Any owner or owners of any dead animals, carcasses of such an-  
16 imals or domestic fowl, or any part thereof, who shall knowingly permit  
17 the same to remain in any well, spring, brook, branch, river, creek, pond,  
18 road, street, alley, lane, lot, field, meadow or common to the injury of the  
19 health or to the annoyance of or damage to the citizens of the state or  
20 any of them, shall be deemed guilty of a misdemeanor, and upon convic-  
21 tion thereof shall be fined in a sum not exceeding ~~one hundred dollars,~~  
22 ~~and \$100.~~ Every ~~twenty-four~~ 24 hours the owners shall permit the same  
23 to remain thereafter shall be deemed an additional offense. ~~The provi-~~  
24 ~~sions of this section shall not be construed to prohibit the~~

25 (c) *Persons disposing of dead animals shall do so in one of the follow-*  
26 *ing ways: (1) Burial; (2) incineration; or (3) delivery or unloading of the*  
27 *carcasses of dead animals or packing house refuse at a disposal plant,*  
28 *substation, rendering plant or place of transfer licensed by the commis-*  
29 *sioner.*

30 Sec. 9. K.S.A. 47-416, 47-417, 47-423, 47-429, 47-435, 47-444, ~~47-~~  
31 ~~1013 and 47-1219 and K.S.A. 1995 Supp. 47-635~~ are hereby repealed.

47-646

32 Sec. 10. This act shall take effect and be in force from and after its  
33 publication in the statute book.