

CHAPTER 165  
HOUSE BILL No. 2053

AN ACT concerning agriculture; relating to livestock; disposition of certain animals, indemnity by state; premises registration and animal identification and tracking system; amending K.S.A. 47-612 and 47-615 and K.S.A. 2004 Supp. 47-617 and 47-674 and repealing the existing sections.

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

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

Sec. 2. K.S.A. 47-615 is hereby amended to read as follows: 47-615. Whenever the commissioner ~~shall direct~~ *directs* the killing or disposition of any domestic animal or animals, except dogs, it shall be the duty of the commissioner, ~~in conjunction with the chairman of the county board of county commissioners of the county in which the said animals are located,~~ and the owner of the condemned animals, to appraise the animal or animals to be killed or disposed of, ~~and he~~. *The commissioner* shall make an inventory of the animal or animals condemned, and in fixing the value ~~thereof of such animal or animals,~~ the commissioner ~~and chairman~~ shall be governed by the value of such animal or animals at the time of the first appearance of the disease. ~~Provided, That unless otherwise expressly provided only one half of such appraised value of such animals shall be paid to the owner.~~ *The state of Kansas shall pay to the owner the amount to which the owner is entitled as determined by the commissioner as provided by this section unless payment or indemnity for such domestic animal may be obtained from the United States government.*

Sec. 3. K.S.A. 2004 Supp. 47-617 is hereby amended to read as follows: 47-617. When any domestic animal, other than dogs and animals affected with foot-and-mouth disease, is killed by order of the commissioner, the commissioner shall issue to the owner of the animal or animals the certificate showing the number and kind of animals killed, and the amount to which the holder is entitled. ~~Such certificate shall be reported to the board of county commissioners of the county in which the animal was located, and upon presentation of such certificate to the board of county commissioners, such board shall draw its warrant on the county treasurer for the amount therein stated.~~ *The state of Kansas shall pay to the owner the amount to which the owner is entitled as determined by*

*the commissioner as provided by this section unless payment or indemnity for such domestic animal may be obtained from the United States government.* In case of animals killed or disposed of that are exposed to or afflicted with the foot-and-mouth disease, the appraisal shall be conducted in accordance with the applicable rules and regulations of an applicable livestock indemnity program of the United States government. The state of Kansas shall pay all its expenses incurred in that behalf, and shall pay all its employees necessarily employed therein.

Sec. 4. K.S.A. 2004 Supp. 47-674 is hereby amended to read as follows: 47-674. (a) The livestock commissioner is authorized to cooperate with the United States department of agriculture, other state governmental officials, *tribal officials* and representatives of private industry, and subject to the provisions of subsection (d), to promulgate rules and regulations, to define premises where animals are located and to develop and implement a *voluntary* premises registration and animal identification and tracking system for Kansas.

(b) In the development of such system, the livestock commissioner shall ensure that:

(1) The requirements of registration of premises are consistent with the federal program and with the United States animal identification plan;

(2) the costs and paperwork requirements for registration of premises are minimized for the registrant and the state; and

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

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

(d) If, ~~prior to May 15, 2005,~~ the United States department of agriculture issues proposed or final *uniform methods and rules or regulations* for the implementation of a *voluntary* national animal identification and tracking system or premises registration program system, or ~~(b)~~ the congress of the United States enacts requirements for a *voluntary* national animal identification and tracking system or premises registration system, the livestock commissioner is authorized to promulgate such rules and regulations as may be reasonably necessary to implement *voluntary* premises registration and the national animal identification and tracking system to the extent authorized by federal requirements.

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

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

(g) Any data or records provided or obtained pursuant to this section to an official of the animal health department shall be considered confidential by the animal health department and shall not be disclosed to the public. The provisions of subsection (b) of K.S.A. 45-229, and amendments thereto, shall not apply to the provisions of this subsection.

(h) Any federal financial aid or assistance, grants, gifts, bequests, money or aid of any kind for premises registration or animal identification and tracking in Kansas, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the premises registration and animal identification fund, which fund is hereby created. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the livestock commissioner or by a person designated by the livestock commissioner and shall be used solely for the administration of the *voluntary* premises registration or animal identification program and tracking system.

(i) The livestock commissioner shall form study groups representing the various animal species to be affected by the provisions of this section. Each such study group shall include representatives for each such species selected by the livestock commissioner and shall include assistance from the secretary of agriculture or the secretary's designees. Each such study group shall make recommendations to the livestock commissioner regarding ~~the definition of premises~~ *the development of premises registration, animal identification and tracking* for purposes of ~~the program~~ *such systems*, appropriations and fees necessary in administration of the program, enforcement provisions necessary in administration of the program and other issues related to the administration of the program.

(j) The livestock commissioner shall prepare a report and present such report to the legislature by February 1, ~~2005~~ *2006*, on the status of the *state and federal voluntary* premises registration and animal identification ~~program and tracking systems~~. Such report shall include the recommendations of the livestock commissioner ~~as to the definition of premises for purposes of the program~~, appropriations and fees necessary in administration of the ~~program~~ *system*, enforcement provisions necessary in administration of the ~~program~~ *system* and any other recommendation deemed necessary by the livestock commissioner to carry out the provisions of this section.

~~(k) The provisions of this section shall expire on May 15, 2005.~~

Sec. 5. K.S.A. 47-612 and 47-615 and K.S.A. 2004 Supp. 47-617 and 47-674 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 18, 2005.

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