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**Testimony on SB 414  
to  
The Senate Agriculture Committee**

**By Dr. Bill Brown  
Animal Health Commissioner  
Division of Animal Health  
Kansas Department of Agriculture**

**February 22, 2012**

Good morning, Chairman Taddiken and members of the committee. I am Dr. Bill Brown, Animal Health Commissioner of the Kansas Department of Agriculture. I am here in support of SB 414, which will make several important changes to statutes related to animal health.

In July 2011, Executive Reorganization Order 40 transferred the former Kansas Animal Health Department into the Kansas Department of Agriculture. Since that time, the Kansas Department of Agriculture and our Division of Animal Health have undertaken an extensive review of our statutes which has resulted in this bill.

The amendments KDA proposes in SB 414 will update the animal health statutes in order to:

- Account for modern technology such as allowing us to provide some information electronically.
- Include bison, camelids, domestic poultry and domestic waterfowl in the definition of livestock.
- Remove the greyhound exemption from the pet animal act.
- Clarify that "kennel operator" means "boarding or training kennel operator."
- Make Kansas law consistent with the federal law in allowing livestock market owners to utilize bond equivalents.
- Adjust the fine levels for misdemeanor crimes that had not been updated in recent years.

There are also some changes within the bill that help us better do our jobs. These include:

- Giving KDA the authority to put in place limited quarantines to reduce the spread of animal disease.
- Giving the Commissioner the ability to obtain injunctions and administrative search warrants if necessary to enforce the requirements of the acts.
- Giving KDA the enforcement authority to assess penalties for violations.

Finally, the bill provides some additional protections for livestock producers by:

- Improving the ability to eradicate feral swine in Kansas by expanding the definition of feral swine to include more forms of the species *sus scrofa lineas* and making it unlawful for persons to engage in, sponsor or assist in the operation of a contained hunting preserve of swine.
- Specifying that consent induced by fraud, deception or duress, such as lying on a job application to gain access to a farm or ranch, will not be considered effective consent under the Farm Animal and Research Facilities Protection Act.
- Making the use of deceptive financial practices by livestock markets unlawful.

The changes suggested in SB 414 update our statutes, provide the appropriate enforcement authority and improve protections for livestock producers.

Thank you for your consideration, and I am happy to respond to questions at the appropriate time.

## Animal Health Bill Information

Outdated legal references are updated, and some statutes are modernized to account for technological advances in how we provide information to the public. (e.g. (SB414, Page 3, Section 10, line 37)

- For example, the Brand Book may now be provided in electronic format instead of bound publication.

Definitions within the acts of Chapter 47 are amended to include additional species of animals to which they apply such as bison, camelids, domestic poultry and domestic waterfowl.

Thirty-four antiquated and/or immaterial statutes not presently relevant to animal agriculture in Kansas are proposed for repeal. (e.g. SB414, Page 4, Section 12 (b))

- For example, statutes pertaining to stockyards (none of which remain in existence in this state), and killing swine affected with vesicular exanthema (disease eradicated) are removed.

The bill amends the livestock auction market sections to allow bond equivalents. (SB414, Page 6, Section 13)

- This makes Kansas law consistent with the federal Packers and Stockyards Act.

The bill makes it unlawful to use deceptive practices in running a public livestock market and allows the commissioner to issue an emergency order to suspend a public livestock market if its bond expires without suitable replacement, or if a shortage exists in its custodial accounts creating a danger to the public welfare. The bill also allows for license suspension for failure to make required remittances. (SB414, Page 7, Section 14, (a)(8))

- In 2011, some Kansas livestock markets went bankrupt or had issues with mismanagement of custodial accounts.
- This change gives the division the flexibility needed to protect the financial interests of producers selling livestock in public markets.

The bill adjusts the fine level for misdemeanor crimes to be consistent with the fine ceilings of similarly classified misdemeanors. (SB414, Page 10, Section 17 (a))

- Many of the fines had not been recently updated to account for inflation.
  - For example, K.S.A. 47-121, concerning the unlawful driving of animals, had not been amended since its adoption in 1901. Its fine range was between \$25 and \$100. The ceiling on its term of imprisonment (90 days) was consistent with Class B misdemeanors in K.S.A. 21-6602(a)(2), so the associated fine range was increased to \$100 to \$1,000 to be consistent with such a classification, in accordance with K.S.A. 21-6611(b)(2).
- This increase will help regain some deterrent effect of the law.

In the Kansas Pet Animal Act, the greyhound association exemption is removed. (SB414, Page 14, Section 26(j))

- This makes these dogs treated just like any other breed under the Pet Animal Act.

“Kennel operator” is changed to “boarding or training kennel operator.” (SB414, Page 15, Section 26(p) and (q))

- This provides clarity as to whom the provision applies.

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The bill provides specific authority to put in place limited quarantines. (SB414, Page 17, Section 27)

- Authority for limited quarantine may be needed to reduce the spread of animal disease.

Language was added to certain acts authorizing the Commissioner to obtain injunctions and administrative search warrants if necessary to enforce the requirements of the acts. (SB414, Page 20, Section 30, (k))

- These are important enforcement tools used to protect animals that may be in danger.
- While case law indicates administrative search warrant is already a tool available to the department, giving the Commissioner this statutory authority will clarify this authority needed to enforce the acts.

The bill gives the Animal Health Commissioner the authority to assess civil penalties for violations of several acts in Chapter 47 after providing notice and an opportunity for a hearing. (SB414, Page 20, Section 30, (k))

- This gives the Division of Animal Health another tool to use in enforcing its statutes.
- For example, these violations include the use of a recorded brand by someone other than the brand owner, violations of the public livestock market statutes, or the Kansas Pet Animal Act.
  - The Pet Animal Act already allowed for civil fines, but a full hearing was required prior to their assessment.

The bill gives the department access to veterinary care records of licensees also licensed with USDA and access to records of animal control officers. (SB414, Page 6, Section 32 – struck former section (B)(2)) (SB414, Page 21, Section 32)

- Access to USDA and animal control officer records will improve enforcement and reduce duplication of efforts.

The feral swine statute is being expanded to include more forms of the species *sus scrofa lineas* and will make it unlawful for persons to engage in, sponsor or assist in the operation of a contained hunting preserve of swine. (SB414, Page 25, Section 40)

- Feral Swine are susceptible to a variety of infectious and parasitic diseases, including brucellosis and pseudorabies. The more these hog populations increase, the greater the chances that they may transmit disease to other wildlife, livestock and even humans.
- This disease risk is present even if the feral swine are enclosed in pens or behind fences.

The Farm Animal and Research Facilities Protection Act is being amended to specify that “effective consent” shall not be deemed to include consent induced by fraud, deception, or duress. (SB414, Page 27, Section 41 e(1))

- In some states, animal rights activists with an anti-agriculture agenda have lied on job applications in order to gain access to farms or ranches and take undercover video, some of which is believed to be staged. This amendment is a tool that can be used against people using fraud to gain access to farms.

\*\*\* This bill was not designed to affect all technical statutory clean up necessary to update statutory references in accordance with Executive Reorganization Order 40. Such technical cleanup will be accomplished by an Agriculture Trailer Bill separate from this bill. \*\*\*

# SB 414 Amendments Requested by KDA

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## SUBSTNATIVE CHANGES TO COME:

- Strike page 7, Sec. 14, Lines 26 through 29.
- Strike page 10, Sec. 16, Lines 12 through 15.
  - ✓ *Alternative, narrower language will be proposed so as to not fall victim to some of the issues with GIPSA language on the federal level.*

## SUBSTANTIVE CHANGES:

- Page 9, Sec. 15, Lines 24 through 30: Delete the entire last sentence of (e), which begins with “The livestock-commissioner shall promulgate all such rules and regulations in accordance with existing antemortem inspection...”
  - ✓ *Senator Taddiken had expressed a concern that he believed we had an improper delegation of authority in our statute in that we provided we’d adopt regulations in line with federal requirements. The statute previously stated that we would promulgate all rules and regulations in accordance with antemortem inspection regulations promulgated by USDA. In the bill, we just updated the citations to reflect current antemortem inspection law. Since this sentence was not really necessary, and we had overarching rule and regulation authority to adopt similar regulations if we saw fit, we just suggested removing that whole sentence with our friendly amendment so there’s no concern we’re adopting federal law regardless of what that law entails.*
- Page 11, Sec. 20, Lines 35 and 36: Replace “...lane, lot, field, meadow or common...” with “lane other than the person’s own private driveway, lot not owned or leased by such person, field not owned or leased by such person, meadow not owned or leased by such person, commonly-owned or common public property to the injury of...” This change should eliminate the risk that an individual could be penalized for placing a dead animal for a short time on his or her own property pending disposal of the carcass.
  - ✓ *Senator Taddiken pointed out that many livestock producers would be guilty under this statute. Previously we had just updated the fine portion of the statute and left the substantive portions of the language as is. With the current amendment, we suggest adding in some limitations on the statute to protect producers in incidental use of land owned or leased by them in dealing with deceased livestock.*
- Page 16, Sec. 26, Line 17: Replace “the animal.” with “the animal, and such veterinary care shall be documented and maintained on the premises.” Also, add a new (3) immediately thereafter stating, “(3) All documentation required by (dd)(1) and (dd)(2) of this section shall be made available to the Commissioner or the Commissioner’s authorized representatives for inspection and/or copying upon request and shall be maintained for three years after the effective date of the program or the administration of such veterinary care.”

- ✓ *This amendment insures that licensees under the Kansas pet animal act keep documentation of veterinary care on the licensed premises and that they provide our inspectors with access to those records, so we can see that the animals are receiving the proper veterinary medical care.*
- Page 17, Sec. 27, Line 16: Add a new (10) stating "(10) failure to provide adequate veterinary medical care to the animals in such licensee or permittee's custody or care;" See below for remaining changes.
  - ✓ *This is an issue that was oddly not addressed in the Kansas pet animal act previously. We could not suspend the license of a facility for failing to provide needed veterinary medical care to the animals on the premises, although we could suspend for things like sanitation and construction of the housing for the animals. This amendment gives us the option to suspend a license if it is clear animals are not receiving needed medical care.*
- Page 17, Sec. 27, Line 16: Add a new (11) stating "(11) failure to maintain or provide documentation of the provision of adequate veterinary medical care, as required in K.S.A. 47-1701(dd), to animals in such licensee or permittee's custody or care when access to such is requested by the Commissioner or the Commissioner's authorized representatives. Making this change would also require the deletion of "or" at the end of Line 12 of this page and the insertion of "; or" and deletion of "." at the end of line 15 of this page.
  - ✓ *This addition allows us to suspend a license under the Kansas pet animal act if the licensee either is not maintaining records of adequate veterinary medical care being provided to the animals on the premise or if the licensee refuses to provide us with access to those records.*
- Add K.S.A. 47-654 through K.S.A. 47-656 to the repeals to be made in this bill, as they are no longer relevant or needed. Page 4, Sec. 11, Lines 7-10 could then be deleted from the bill.
  - ✓ *These statutes pertained to the fumigation and disinfection of sacks used to carry livestock feed and penalties for failure to fumigate and disinfect as the statutes provide. It was the division's opinion after further reflection that these statutes are no longer relevant or needed.*

#### TECHNICAL CLEANUP:

- Page 2, Sec. 7, Lines 33 and 35: The term "stray" should be used instead of "stray animal". The term "stray" is defined earlier in the act, and the addition of animal is superfluous since the definition already states strays are particular subsets of animals.
- Page 3, Sec. 9, Line 9: Remove "livestock" from in front of "commissioner."
- Page 14, Sec. 26, Line 9: Add "an" before "animal breeder."
- Page 17, Sec. 27, Lines 5-6: Remove "or a first conviction of cruelty to animals".

- ✓ *With the revision to delete the language pertaining to “second or subsequent” conviction in (b) (lines 16 – 20 of this same page), we had conflicting language. If we leave it as is, one subsection gives the Commissioner the option to suspend a license for such a conviction, and the next one makes it mandatory. With all amendments incorporated, such suspension would be mandatory for a conviction of cruelty to animals.*
  - Page 18, Sec. 28, Lines 16-18: Change “fine” to “penalty” to be consistent with the remainder of the chapter.
  - Page 20, Sec. 30, Line 21: Change “Kansas animal health department” to “Kansas department of agriculture”.
  - Page 21, Sec. 32, Line 32: Add “animal breeder’s,” before “retail breeders”. This category of licensee has been inadvertently left off of this list in the past.
  - Page 22, Sec. 33, Lines 26-30: Keep (c), which we currently have stricken.
    - ✓ *We discovered that there is good reason to maintain this subsection, although it appeared redundant before. Specifically, USDA licensed animal breeders and distributors would not be required to provide us proof that any animals entering or leaving the state are free from any visible symptoms of communicable diseases if not for this subsection. This statute states our regulatory authority concerning all licensees and permittees under the act. For all classes other than the USDA licensed classes, the regulatory authority in subsection (a) applies. But, (b) states that the USDA licensed classes are only bound by regulations provided at 9 C.F.R. 3.1 through 3.12 of the federal regulations. While those regulations cover most of the bases we need, they do not allow for us to require proof that animals leaving or entering the state for such USDA licensees are disease free if not for (c). It was mistakenly stricken, and the amendment asks for the language to be left as it originally was.*
  - Page 26, Sec. 40, Line 29: Remove the extra “to” before request.
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**PROPOSED ANIMAL HEALTH STATUTES FOR REPEAL**

K.S.A. 47-619

47-619. Stockyard inspector; compensation; duties

The owner or owners of any stockyards doing business in this state, when requested by the livestock commissioner, shall keep constantly in their employ a competent inspector of livestock appointed by the commissioner whose compensation shall be fixed and duties prescribed by the livestock commissioner. The livestock commissioner shall prescribe that portion of the compensation which shall be paid by the owner or owners of the stockyards. It shall be the duty of such inspector to work in conjunction with the United States government authorities to prohibit and prevent any stock affected with any contagious or infectious disease to be driven or shipped out of any such stockyards except to some licensed rendering establishment.

**Credits**

Laws 1911, ch. 312, § 10; Laws 1947, ch. 302, § 2; Laws 1989, ch. 156, § 21.

**Codifications:** R.S. 1923, 47-619.

K. S. A. 47-619, KS ST 47-619

Kan. Stat. Ann. § 47-619 (West)

K.S.A. 47-621

47-621. Duties of railway corporations; penalty

That it shall be the duty of the railway corporations doing business in this state to cleanse and disinfect the cars, stockyards and receiving pens used by them in transporting stock in this state at such times and places as the commissioner may designate, whenever in the opinion of the commissioner any such order may be necessary, to prevent the spread of infectious or contagious disease. And such corporation violating any of the provisions of this section shall be liable to a penalty of five hundred dollars for each violation, to be recovered in a civil action to be prosecuted under the direction of the attorney general in the name of the state of Kansas.

**Credits**

Laws 1911, ch. 312, § 12.

**Codifications:** R.S. 1923, 47-621.

K. S. A. 47-621, KS ST 47-621

Kan. Stat. Ann. § 47-621 (West)

K.S.A. 47-636

47-636. Petition for reimbursement for horses killed on account of glanders; limitation

That whenever a petition is presented to the board of county commissioners of any county signed by ten taxpayers who are neighbors of any person who has suffered loss by the killing of any of his horses by order or direction of the public authorities on account of such horses being afflicted with glanders, the board of county commissioners may, at their discretion, contribute out of the

general fund of the county an amount of money toward reimbursing the owner of the horses so destroyed: *Provided*, That in no case shall the county contribute any sum in excess of fifty percent of the reasonable market value of the horses, which value shall be estimated as if the horses had been in a healthy condition at the time of their destruction: *Provided*, That no more than one hundred and fifty dollars be paid for any one animal.

**Credits**

Laws 1911, ch. 314, § 1.

**Codifications:** R.S. 1923, 47-636.

K. S. A. 47-636, KS ST 47-636

Kan. Stat. Ann. § 47-636 (West)

**K.S.A. 47-637**

**47-637. Cattle afflicted with fever; penalty for unlawful acts**

No person or persons shall, between the first day of February and the first day of December of any year, drive or cause to be driven into or through any county or part thereof in this state, or turn upon or cause to be turned or kept upon any highway, range, common or pasture within this state, any cattle capable of communicating or liable to impart what is known as Texas, splenic or Spanish fever. Any person violating any provisions of this act shall upon conviction thereof be adjudged guilty of a misdemeanor, and shall for each offense be fined not less than five hundred dollars nor more than two thousand dollars, or be imprisoned in the county jail not less than thirty days and not more than one year, or by both such fine and imprisonment.

**Credits**

Laws 1885, ch. 191, § 1; Laws 1891, ch. 201, § 1.

**Codifications:** R.S. 1923, 47-637.

Kan. Stat. Ann. § 47-637 (West)

**K.S.A. 47-638**

**47-638. Liability for damages from such disease**

Any person or persons who shall drive, ship, or transport, or cause to be driven, shipped, or transported, into or through any county in this state, any cattle liable to or capable of communicating Texas, splenic or Spanish fever to any domestic cattle of this state, shall be liable to any person or persons injured thereby for all damages that they may sustain by reason of the communication of said diseases of Texas, splenic or Spanish fever, to be recovered in a civil action in any court of competent jurisdiction, and the parties so injured shall have a lien for such damages on the cattle communicating the disease of Texas, splenic or Spanish fever.

**Credits**

Laws 1885, ch. 191, § 4; Laws 1891, ch. 201, § 3; Laws 1901, ch. 101, § 3.

**Codifications:** R.S. 1923, 47-638.

Kan. Stat. Ann. § 47-638 (West)

K.S.A. 47-639  
47-639. Joint and several liability

Whenever two or more persons shall in violation of this act, at the same time or at different times during the same year, drive or cause to be driven upon the same highway, range, common or pasture within this state any cattle capable of communicating or liable to impart Texas, splenic or Spanish fever, they shall be jointly and severally liable for all damages that may arise from the communication of such disease at any time thereafter during the same year to any native, domestic or acclimated cattle that shall have been upon the same highway, range, common or pasture so previously traveled over by such first-mentioned cattle.

**Credits**

Laws 1885, ch. 191, § 6.

**Codifications:** R.S. 1923, 47-639.

K. S. A. 47-639, KS ST 47-639

Kan. Stat. Ann. § 47-639 (West)

K.S.A. 47-641  
47-641. Prosecutions

It shall be the duty of the prosecuting attorney of the proper county to prosecute on behalf of the state all criminal cases arising under this act.

**Credits**

Laws 1885, ch. 191, § 8.

**Codifications:** R.S. 1923, 47-641.

K. S. A. 47-641, KS ST 47-641

Kan. Stat. Ann. § 47-641 (West)

K.S.A. 47-642  
47-642. Penalty for transporting diseased sheep

It shall not be lawful for the owner of sheep, or any person having the same in charge, to import or drive into this state sheep having any contagious disease; and any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than fifty and not exceeding two hundred dollars.

**Credits**

Laws 1881, ch. 162, § 1.

**Codifications:** G.S. 1868, ch. 105, § 40; R.S. 1923, 47-642.

K. S. A. 47-642, KS ST 47-642

Kan. Stat. Ann. § 47-642 (West)

K.S.A. 47-643

47-643. Diseased sheep at large or sale thereof; penalty

Any person being the owner of sheep, or having the same in charge, who shall turn out or suffer any sheep having any contagious disease to run at large upon any common highway or unenclosed lands, or shall sell or dispose of any sheep that are diseased without fully disclosing the fact to the purchaser, shall be deemed guilty of a misdemeanor, and shall be punished by a fine in any sum not less than fifty and not exceeding two hundred dollars.

**Credits**

Laws 1881, ch. 162, § 2.

**Codifications:** G.S. 1868, ch. 105, § 41; R.S. 1923, 47-643.

K. S. A. 47-643, KS ST 47-643

Kan. Stat. Ann. § 47-643 (West)

K.S.A. 47-644

47-644. Recovery of damages in civil actions

Nothing in this article shall be so construed as to prevent the recovery of damages in civil actions against any person or persons who shall import or drive such diseased sheep into this state, or who shall allow such diseased sheep to run at large, or who shall sell such diseased sheep.

**Credits**

**Codifications:** G.S. 1868, ch. 105, § 42; R.S. 1923, 47-644.

K. S. A. 47-644, KS ST 47-644

Kan. Stat. Ann. § 47-644 (West)

K.S.A. 47-647

47-647. Unlawful acts where animal diseased with glanders

It shall not be lawful for any person to use, let, sell or permit to run at large any horse, mule or ass diseased with glanders.

**Credits**

Laws 1869, ch. 114, § 1.

**Codifications:** R.S. 1923, 47-647.

K. S. A. 47-647, KS ST 47-647

Kan. Stat. Ann. § 47-647 (West)

K.S.A. 47-648

47-648. Penalty for violating 47-647

Any person violating any of the provisions of this act shall upon conviction be fined any sum not less than five dollars nor more than one hundred dollars.

**Credits**

Laws 1869, ch. 114, § 2.  
**Codifications:** R.S. 1923, 47-648.  
K. S. A. 47-648, KS ST 47-648  
Kan. Stat. Ann. § 47-648 (West)

K.S.A. 47-649

47-649. Determination of existence of glanders

That in order to determine the existence of latent cases of the disease known as glanders in horses, asses and mules, the final decision in obscure cases shall be based upon the results obtained from the proper application of any mallein approved by the United States department of agriculture.

**Credits**

Laws 1909, ch. 167, § 1.  
**Codifications:** R.S. 1923, 47-649.  
K. S. A. 47-649, KS ST 47-649  
Kan. Stat. Ann. § 47-649 (West)

K.S.A. 47-650

47-650. Petition to livestock commissioner; hog-cholera-control organization

Upon the presentation to the state livestock commissioner of a petition signed by 50 farmers who are resident taxpayers of any county in this state asking that they be permitted to establish a county hog-cholera-control organization in their county, such commissioner shall notify in writing the president of Kansas state university, and the inspector in charge of the office of the United States department of agriculture, animal plant health inspection service, veterinary services, that a meeting will be held at the county seat of the county at a certain date and hour to perfect the organization prayed for in the petition. All persons attending such meeting shall proceed to perfect the establishment of the \_\_\_\_\_ county hog-cholera-control organization by choosing a president, vice-president, secretary and treasurer and one farmer from each township in the county, who shall, in connection with such officers, constitute the executive board of the \_\_\_\_\_ county hog-cholera-control organization.

**Credits**

Laws 1917, ch. 233, § 1; Laws 1989, ch. 156, § 36.  
**Codifications:** R.S. 1923, 47-650.  
K. S. A. 47-650, KS ST 47-650  
Kan. Stat. Ann. § 47-650 (West)

K.S.A. 47-651

47-651. Deputy state livestock commissioner

Upon the completion of the establishment of such organization, the state livestock commissioner shall, upon the recommendation of the executive board, appoint a competent person as deputy

state livestock commissioner for the county. Such county deputy livestock commissioner shall perform all services and discharge all duties in the county hog cholera control work in exact conformity with the rules and regulations promulgated by the livestock commissioner.

**Credits**

Laws 1917, ch. 233, § 2; Laws 1989, ch. 156, § 37.

**Codifications:** R.S. 1923, 47-651.

K. S. A. 47-651, KS ST 47-651

Kan. Stat. Ann. § 47-651 (West)

**K.S.A. 47-652**

**47-652. Pay of officers of control organization**

That the executive council of any county hog-cholera-control organization shall serve without pay and at no expense to the state nor the county.

**Credits**

Laws 1917, ch. 233, § 3.

**Codifications:** R.S. 1923, 47-652.

K. S. A. 47-652, KS ST 47-652

Kan. Stat. Ann. § 47-652 (West)

**K.S.A. 47-653**

**47-653. Compensation and expenses of deputy livestock commissioner**

The county deputy livestock commissioner shall receive a reasonable compensation, to be determined by the state livestock commissioner, in an amount not to exceed \$100 per month and necessary travel expenses while absent from home in the discharge of the duties of such position.

**Credits**

Laws 1917, ch. 233, § 4; Laws 1989, ch. 156, § 38.

**Codifications:** R.S. 1923, 47-653.

K. S. A. 47-653, KS ST 47-653

Kan. Stat. Ann. § 47-653 (West)

**K.S.A. 47-653d**

**47-653d. Hog cholera; destruction of swine; appraisal of animals**

In order to prevent the spread of hog cholera, and to reduce the danger of the spread thereof, the livestock commissioner, or the authorized representative of the livestock commissioner, may destroy or require the destruction of any swine which the livestock commissioner has determined to be affected with or exposed to hog cholera. Prior to such destruction there shall be an appraisal of the value of any swine, which shall be made jointly by the owner of such swine and the livestock commissioner, or the authorized representative of the livestock commissioner. If the appraisers cannot agree, a disinterested third party who has knowledge of livestock values in

such locality shall be selected by the commissioner and the owner, at the expense of the owner, as an arbitrator. The arbitrator's determination of the value of such swine shall be final.

**Credits**

Laws 1969, ch. 263, § 1; Laws 1989, ch. 156, § 41.  
K. S. A. 47-653d, KS ST 47-653d  
Kan. Stat. Ann. § 47-653d (West)

**K.S.A. 47-653e**

**47-653e. Same; disposal of animals; unlawful acts**

The owner or custodian of such swine, immediately after the determination of its appraised value, shall cause such swine to be disposed of in the manner directed by the livestock commissioner or the authorized representative of the livestock commissioner. Any owner or custodian of swine who fails to dispose of swine as directed by the livestock commissioner, upon conviction, shall be guilty of a misdemeanor and shall be punished in the manner provided in K.S.A. 47-607c and amendments thereto.

**Credits**

Laws 1969, ch. 263, § 2; Laws 1989, ch. 156, § 42.  
K. S. A. 47-653e, KS ST 47-653e  
Kan. Stat. Ann. § 47-653e (West)

**K.S.A. 47-653f**

**47-653f. Same; payment of owner; limitations, conditions and procedure**

On presentation to the livestock commissioner of acceptable evidence that disposition of such swine has been made in the prescribed manner, the owner of such swine shall be entitled to indemnity, to be paid by the state, in an amount equal to the amount of indemnity paid by the federal government for such destruction of swine. Such indemnification by the state shall not exceed \$40 per head for grade swine and shall not exceed \$60 per head for purebred swine. Indemnities shall not be paid on swine which have been brought or moved into Kansas in violation of the import regulations of this state, and indemnity shall not be paid on any swine which have been allowed to mingle with swine so brought or moved into Kansas.

Indemnification payments shall be made from legislative appropriations for such purpose to the livestock commissioner. The director of accounts and reports is hereby authorized and directed to draw warrants upon the state treasurer for the amounts and for the purposes provided herein upon duly executed vouchers approved by the livestock commissioner.

**Credits**

Laws 1969, ch. 263, § 3; Laws 1989, ch. 156, § 43.  
K. S. A. 47-653f, KS ST 47-653f  
Kan. Stat. Ann. § 47-653f (West)

**K.S.A. 47-653g**

**47-653g. Same; commissioner may cooperate with federal agencies and officers**

The livestock commissioner is hereby authorized to cooperate with any department, agency or officer of the federal government in the control and eradication of hog cholera, including the sharing in the payment of indemnities for swine destroyed pursuant to this act.

**Credits**

Laws 1969, ch. 263, § 4; Laws 1989, ch. 156, § 44.

K. S. A. 47-653g, KS ST 47-653g

Current through 2011 regular session

Kan. Stat. Ann. § 47-653g (West)

**K.S.A. 47-653h**

**47-653h. Same; vehicle used in transporting animals to be disinfected**

Any motor vehicle used in the hauling or transporting of swine from the premises where diseased or exposed swine have been under hog cholera quarantine to a destination where such swine are to be slaughtered, including a licensed disposal plant, shall be thoroughly cleaned and disinfected after unloading such swine. Such cleaning and disinfection shall be made under the supervision of the livestock commissioner, or the authorized representative of the livestock commissioner, and with a disinfectant which has been approved by the livestock commissioner.

**Credits**

Laws 1969, ch. 263, § 5; Laws 1989, ch. 156, § 45.

K. S. A. 47-653h, KS ST 47-653h

Kan. Stat. Ann. § 47-653h (West)

**K.S.A. 47-654**

**47-654. Unlawful transportation and sale; fumigation**

It shall be unlawful for any person to ship into Kansas or offer for sale in Kansas any food for livestock contained in sacks which have not been first thoroughly disinfected or fumigated in accordance with the requirements of the livestock commissioner. It shall be unlawful for any person to offer for sale in Kansas any food for livestock manufactured within the state that is contained in sacks which have not been first thoroughly disinfected or fumigated in accordance with the requirements of the livestock commissioner.

**Credits**

Laws 1915, ch. 352, § 1; Laws 1989, ch. 156, § 46.

**Codifications:** R.S. 1923, 47-654.

K. S. A. 47-654, KS ST 47-654

Kan. Stat. Ann. § 47-654 (West)

**K.S.A. 47-655**

**47-655. Same; unlawful sale; secondhand sacks**

It shall be unlawful for any person to sell or offer for sale any old or secondhand sacks until the same have been thoroughly disinfected or fumigated as required by the livestock commissioner.



**Credits**

Laws 1915, ch. 352, § 2; Laws 1989, ch. 156, § 47.

**Codifications:** R.S. 1923, 47-655.

K. S. A. 47-655, KS ST 47-655

Kan. Stat. Ann. § 47-655 (West)

47-656. Penalty for violating 47-654 to 47-656

Any person violating the provisions of this act shall be guilty of a misdemeanor and fined in a sum not less than \$10 or more than \$100 for such offense.

**Credits**

Laws 1915, ch. 352, § 3.

**Codifications:** R.S. 1923, 47-656.

K. S. A. 47-656, KS ST 47-656

Kan. Stat. Ann. § 47-656 (West)

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K.S.A. 47-666

47-666. Killing animals affected with vesicular exanthema; right of indemnity

Whenever the livestock commissioner has decided that any swine is affected with vesicular exanthema and that it is necessary to order the animals killed in order to prevent the spread of such disease in Kansas, the livestock commissioner shall proceed with the appraisal, condemnation and killing of the same as authorized under K.S.A. 47-614 and 47-615 and amendments to such sections. The owner of such diseased animals which have been so killed and disposed of shall be entitled to receive from the state of Kansas  $\frac{1}{3}$  of the difference between the appraised value of the animals and the salvage proceeds, if any, received by the owner from the destruction and disposal of such animals.

The livestock commissioner shall draw a voucher upon the director of accounts and reports of the state of Kansas in favor of the owner of such diseased animals for the amount of indemnity for which such owner is entitled, and the director of accounts and reports is hereby authorized and directed to accept such vouchers so drawn by the state livestock commissioner, such amounts to be paid for out of the funds appropriated for such purposes.

**Credits**

Laws 1953, ch. 258, § 1; Laws 1989, ch. 156, § 50.

Kan. Stat. Ann. § 47-666 (West)

K.S.A. 47-667

47-667. Definitions

As used in this act, unless the context otherwise requires: (a) "Commissioner" means the livestock commissioner appointed by the Kansas animal health board pursuant to K.S.A. 75-1901.

(b) "SPF" swine means specific pathogen free swine, which conform to the regulations and health standards prescribed by the commissioner.

(c) "Person" means any individual, partnership, firm, association or corporation.

**Credits**

Laws 1968, ch. 285, § 1; Laws 1974, ch. 225, § 1.

K. S. A. 47-667, KS ST 47-667

Kan. Stat. Ann. § 47-667 (West)

**K.S.A. 47-668**

**47-668. Certain acts concerning swine unlawful without prior accreditation from commissioner**

It shall be unlawful for any person to issue, use or circulate, any certificate, advertisement, tag, seal, poster, letterhead, marking or circular, written or printed, pertaining to swine which are intended for propagation or sale, or which are sold or offered for sale, wherein the words SPF accredited, SPF tested, Kansas SPF accredited, Kansas SPF tested, from SPF stock, or any similar words or phrases are used or wherein are used any signs, symbols, maps, diagrams, pictures, words or phrases, which expressly or impliedly state or represent that any swine comply with or conform to the SPF regulations and standards established by the commissioner unless he shall first obtain accreditation from the commissioner that such swine are specific pathogen free.

**Credits**

Laws 1968, ch. 285, § 2; Laws 1974, ch. 225, § 2.

K. S. A. 47-668, KS ST 47-668

Kan. Stat. Ann. § 47-668 (West)

**K.S.A. 47-669**

**47-669. Accreditation of swine as being specific pathogen free; regulations and standards**

Any person who seeks to obtain SPF accreditation for any swine, and any person who has obtained SPF accreditation for any swine, shall observe, perform and comply with all regulations and standards established by the commissioner pertaining to SPF swine raised, or to be raised, in Kansas. The commissioner is authorized to accredit swine as being specific pathogen free which have been inspected by the commissioner or his assistants or agents, and which have been found to be eligible for accreditation under the regulations and standards adopted by the commissioner pertaining to specific pathogen free swine. The commissioner is authorized to prescribe and adopt regulations and standards for SPF accreditation for swine.

**Credits**

Laws 1968, ch. 285, § 3; Laws 1974, ch. 225, § 3.

K. S. A. 47-669, KS ST 47-669

Kan. Stat. Ann. § 47-669 (West)

K.S.A. 47-670

47-670. Accreditation of service as being specific pathogen free; withholding, suspending or revoking accreditation; notice and hearings; enforcement of requirements, regulations and standards

The commissioner may withhold, suspend or revoke Kansas SPF accreditation from swine of any producer if the commissioner finds and determines, after notice and hearing thereon in accordance with the provisions of the Kansas administrative procedure act, that any producer has performed or committed any unauthorized practice for the purpose of evading the provisions of this act.

The commissioner is hereby authorized to enforce requirements, regulations and standards for the administration of this act. In enforcing such requirements, regulations and standards, the commissioner may delegate authority to designated assistants and agents.

**Credits**

Laws 1968, ch. 285, § 4; Laws 1974, ch. 225, § 4; Laws 1988, ch. 356, § 153.

K. S. A. 47-670, KS ST 47-670

Kan. Stat. Ann. § 47-670 (West)

K.S.A. 47-671

47-671. Unlawful acts concerning accreditation; penalties for violations of 47-667 to 47-671

It shall be unlawful for any person to issue, make, use or circulate any SPF swine accreditation, or to report any swine as being SPF accredited, Kansas SPF accredited, SPF tested, Kansas SPF tested, from SPF stock, or to advertise or to report any swine as having SPF accreditation without first having obtained SPF accreditation for such swine. Any person who shall violate any of the provisions of this act or any regulation or standard established and adopted by the commissioner, or who shall fail to comply with any provisions of this act or any regulation or standard adopted hereunder, shall be deemed guilty of a class C misdemeanor. Each separate violation shall be a separate misdemeanor.

**Credits**

Laws 1968, ch. 285, § 5; Laws 1974, ch. 225, § 5.

K. S. A. 47-671, KS ST 47-671

Kan. Stat. Ann. § 47-671 (West)

K.S.A. 47-672

47-672. Equipment for control and eradication of scabies; fees for use; disposition

(a) The livestock commissioner of the Kansas animal health department is hereby authorized to supervise the operation of cattle and other animal dipping equipment which is used in the control and eradication of scabies in cattle and other animals and which is made available by the federal government for use by livestock producers and others under the supervision of the livestock

commissioner. The livestock commissioner is hereby authorized to fix, charge and collect a fee from the owner of such cattle and other animals which are dipped as provided in this section, in an amount of not more than \$5 per head, to recover all or part of the costs of operating and maintaining such cattle and other animal dipping equipment.

(b) All moneys received by the livestock commissioner for fees under this section 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 animal disease control fund, which is hereby created. All expenditures from the animal disease control 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 or persons designated by the livestock commissioner.

**Credits**

Laws 1983, ch. 177, § 1; Laws 1986, ch. 197, § 1; Laws 1991, ch. 152, § 8; Laws 2001, ch. 5, § 164.

K. S. A. 47-672, KS ST 47-672

Kan. Stat. Ann. § 47-672 (West)

**K.S.A. 47-921**

**47-921. Dockage of sows or stag hogs**

It shall be unlawful for any person or persons, association or associations, company or corporation, or buyers or sellers of hogs in any market or public stockyards in this state, personally or through any agent or employee, to dock or cause to be docked, or inspect or cause to be inspected for the purpose of dockage, any sows offered for sale in any such market or public stockyards, because of pregnancy, or any stag hogs because of having been used for breeding purposes.

**Credits**

Laws 1897, ch. 239, § 1.

**Codifications:** R.S. 1923, 47-921.

K. S. A. 47-921, KS ST 47-921

Kan. Stat. Ann. § 47-921 (West)

**K.S.A. 47-922**

**47-922. Dock defined**

For the purposes of this act the term “dock” shall be held to mean the deducting of any given weight from the true weight of the animal in question.

**Credits**

Laws 1897, ch. 239, § 2.

**Codifications:** R.S. 1923, 47-922.

K. S. A. 47-922, KS ST 47-922

Kan. Stat. Ann. § 47-922 (West)

K.S.A. 47-923

47-923. Penalty for violating 47-921 to 47-923

Any person violating the provisions of this act shall on conviction be fined not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not less than 30 days nor more than one year, or by both such fine and imprisonment.

**Credits**

Laws 1897, ch. 239, § 3.

**Codifications:** R.S. 1923, 47-923.

K. S. A. 47-923, KS ST 47-923

Kan. Stat. Ann. § 47-923 (West)

K.S.A. 47-1005b

47-1005b. Board findings; suspension or revocation of license

Formal finding by the board after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act that any market license holder has:

- (a) Ceased to conduct a public livestock market;
- (b) been guilty of fraud or misrepresentation as to the titles, charges, number, brands, weights, proceeds of sale or ownership of livestock;
- (c) violated any of the provisions of this act; or
- (d) violated any of the rules or regulations adopted and published by the commissioner shall be deemed a sufficient cause for the suspension or revocation of the market license of the offending public market operator.

**Credits**

Laws 1965, ch. 333, § 11; Laws 1984, ch. 313, § 82.

K. S. A. 47-1005b, KS ST 47-1005b

Kan. Stat. Ann. § 47-1005b (West)

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K.S.A. 47-1307

47-1307. Registration as garbage feeding operator, limitations; fees; certificate of registration, expiration and revocation; disposition of moneys

- (a) Except as provided in subsection (g), no person, firm, partnership or corporation shall be allowed to register as a garbage feeding operator.
- (b) It shall be unlawful for any person, firm, partnership or corporation to feed cooked garbage to animals, other than dogs, as permitted under K.S.A. 47-1302, and amendments thereto, unless the operator of such garbage feeding establishment shall have first registered as a garbage feeding operator with the livestock commissioner and shall have paid the annual registration fee under this section for each place where garbage is to be fed.
- (c) The livestock commissioner may accept applications for registration on a form to be supplied by the commissioner's office. Upon the acceptance of such application for registration and the

receipt of the annual registration fee under this section for each place where garbage is to be fed, the livestock commissioner shall issue to such applicant and operator a certificate of registration for the current operation period. Such certificate shall expire on June 30 each year following the date of issuance of the certificate of registration. The application for registration may be rejected and denied if the applicant does not supply all the information deemed essential by the livestock commissioner and if the applicant's garbage feeding establishment does not meet the requirements of article 13 of chapter 47 of Kansas Statutes Annotated, and amendments thereto, and the rules and regulations adopted thereunder.

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

(e) The certificate of registration for garbage feeding operators may be revoked by the livestock commissioner whenever the operator of a garbage feeding establishment is found to be operating in violation of law, or rules and regulations adopted thereunder, or in an unsanitary manner. Any such operator shall first be given notice of hearing and an opportunity to appear and be heard in defense of any proceeding for the revocation of any certificate of registration in accordance with the provisions of the Kansas administrative procedure act.

(f) The livestock commissioner shall remit all moneys received by or for the commissioner under article 13 of chapter 47 of Kansas Statutes Annotated and amendments thereto to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the animal disease control fund.

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

(2) The provision of subsections (b) through (f) shall apply only to those validly registered garbage feeding operators through October 31, 2001.

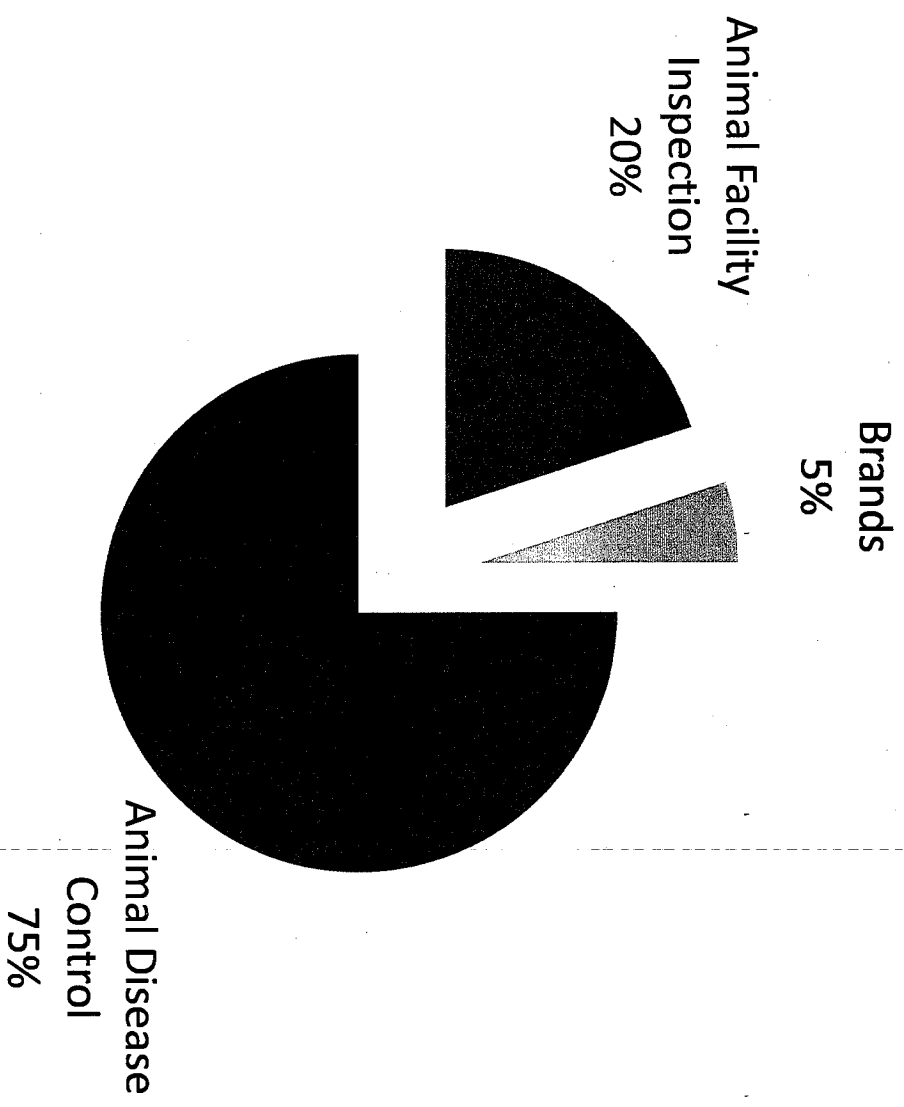
**Credits**

Laws 1957, ch. 305, § 3; Laws 1973, ch. 2, § 26; Laws 1980, ch. 156, § 5; Laws 1986, ch. 197, § 4; Laws 1988, ch. 356, § 155; Laws 1991, ch. 152, § 17; Laws 2001, ch. 163, § 9.

K. S. A. 47-1307, KS ST 47-1307

Kan. Stat. Ann. § 47-1307 (West)

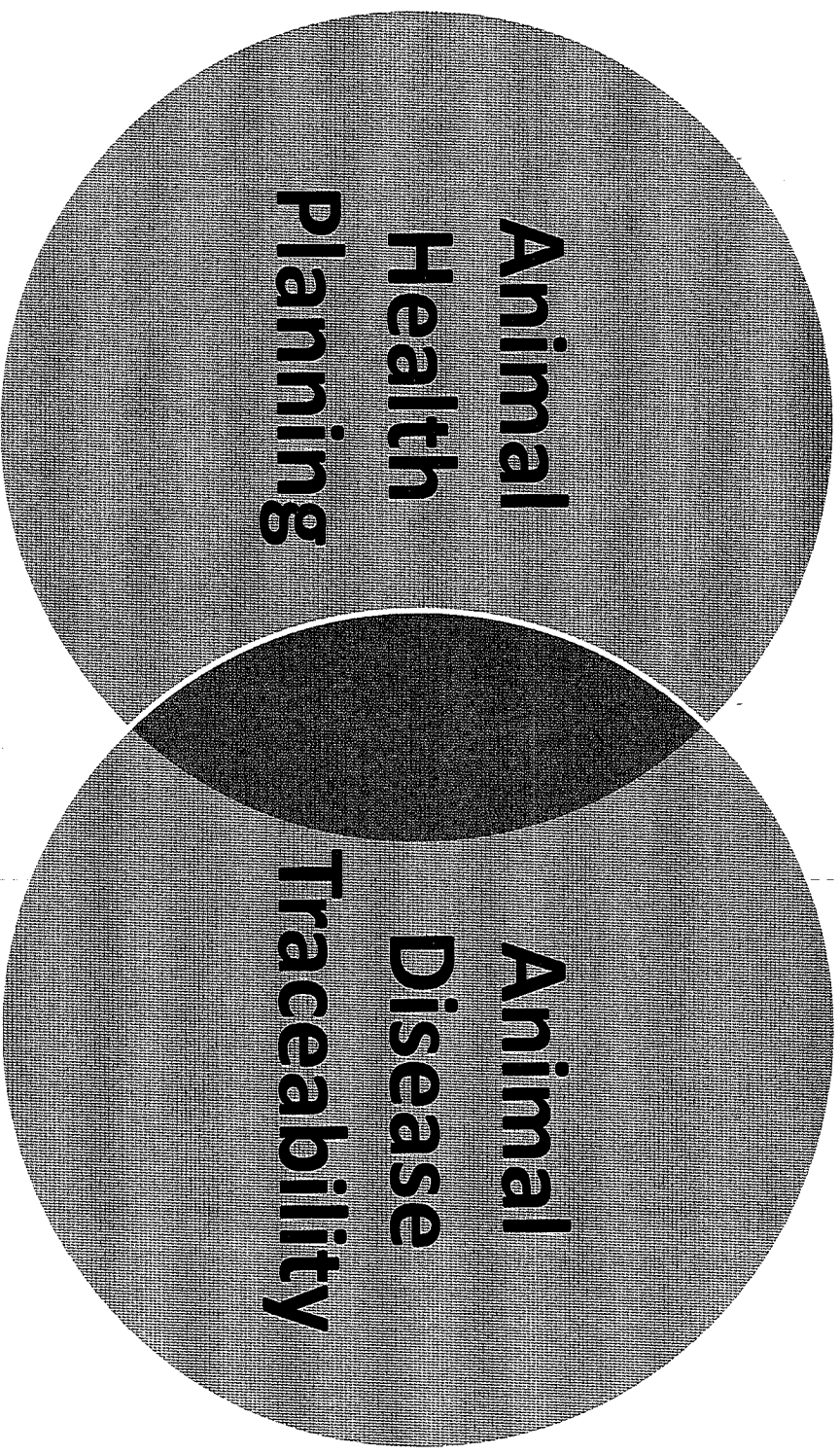
# Division of Animal Health Organization







# **Division of Animal Health (Animal Disease Control)**





SENATE BILL No. 414

By Committee on Agriculture

Proposed amendments to SB 414 by Kansas Dept. of

Agriculture

Committee on Agriculture

2/22/12

Prepared by David Wiese

Office of Revisor of Statutes

1 AN ACT concerning agriculture; relating to animal health; amending  
2 K.S.A. 47-120, 47-121, 47-122, 47-237, 47-238, 47-419, 47-422, 47-  
3 424, ~~47-656~~, 47-1001, 47-1002, 47-1005, 47-1010, 47-1102, 47-1213,  
4 47-1217, 47-1219, 47-1301, 47-1305, 47-1306, 47-1509, 47-1701, 47-  
5 1710, 47-1711, 47-1712, 47-1723, 47-1725, 47-1727, 47-1801, 47-  
6 1804, 47-1807 and 47-2306 and K.S.A. 2011 Supp. 47-1008, 47-1302,  
7 47-1706, 47-1707, 47-1708, 47-1709, 47-1809 and 47-1826 and  
8 repealing the existing sections; also repealing K.S.A. 47-619, 47-621,  
9 47-636, 47-637, 47-638, 47-639, 47-641, 47-642, 47-643, 47-644, 47-  
10 647, 47-648, 47-649, 47-650, 47-651, 47-652, 47-653, 47-653d, 47-  
11 653e, 47-653f, 47-653g, 47-653h, 47-666, 47-667, 47-668, 47-669, 47-  
12 670, 47-671, 47-921, 47-922, 47-923 and 47-1005b and K.S.A. 2011  
13 Supp. 47-672 and 47-1307.

47-654, 47-655, 47-656,

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

15 New Section 1. In addition to the remedies provided under K.S.A. 47-  
16 1001 *et seq.*, and amendments thereto, the commissioner is hereby  
17 authorized to apply to the district court for an injunction restraining any  
18 person from violating any provision of K.S.A. 47-1001 *et seq.*, and  
19 amendments thereto. Such court, upon a showing of cause therefore, shall  
20 have jurisdiction to grant such injunction irrespective of whether or not  
21 there exists an adequate remedy at law.

22 New Sec. 2. For purposes of administrative proceedings of the  
23 division of animal health of the Kansas department of agriculture, "agency  
24 head" means the Kansas secretary of agriculture or the animal health  
25 commissioner of the Kansas department of agriculture, when acting on  
26 behalf of the secretary.

27 Sec. 3. K.S.A. 47-120 is hereby amended to read as follows: 47-120.  
28  
29 (a) Nothing herein contained shall be so construed as to prevent drovers or  
30 other persons from driving ~~swine~~ livestock from one place to another along  
31 any public highway, the owner or owners being responsible for all  
32 damages that any person or persons may sustain in consequence of the  
33 driving of such ~~swine~~ livestock.

34 (b) For the purposes of K.S.A. 47-120 through 47-122, and  
35 amendments thereto, "livestock" shall mean any cattle, bison, swine,  
36 sheep, goats, horses, mules, domesticated deer, camelids, all creatures of

1 the rattle family that are not indigenous to this state, including, but not  
 2 limited to, ostriches, emus and rheas, and any other animal as deemed  
 3 necessary by the animal health commissioner established through rules  
 4 and regulations.

5 Sec. 4. K.S.A. 47-121 is hereby amended to read as follows: 47-121.  
 6 That any person or persons other than the owner or his such owner's  
 7 authorized agent who shall willfully drive or cause to be driven any horses,  
 8 cattle, mules, sheep or swine or other domestic animals livestock further  
 9 from their usual and customary range than the nearest corral obtainable  
 10 without the written consent of the owner, or who shall neglect to return  
 11 such horses, mules, cattle, sheep or swine or other domestic animals  
 12 livestock immediately to their accustomed range, shall in either case be  
 13 deemed guilty of a misdemeanor, and on conviction thereof shall be  
 14 punished by imprisonment in the county jail not exceeding ninety days, or  
 15 by a fine of not less than twenty-five dollars \$100 nor more than one  
 16 hundred dollars \$1,000, or by both such fine and imprisonment, in the  
 17 discretion of the court.

18 Sec. 5. K.S.A. 47-122 is hereby amended to read as follows: 47-122.  
 19 It shall be unlawful for any domestic animal, other than dogs and cats,  
 20 livestock to run at large.

21 Sec. 6. K.S.A. 47-237 is hereby amended to read as follows: 47-237.  
 22 If any person shall unlawfully take up any stray or fails to comply with the  
 23 provisions of this act or uses or works such stray before giving notice or  
 24 shall drive the same on any premises for the purpose of unlawfully taking  
 25 up the same, or shall keep the same out of the county when taken up more  
 26 than five days at one time before sale, he such person shall be guilty of a  
 27 misdemeanor and upon conviction thereof shall be punished by a fine of  
 28 not exceeding one hundred dollars \$500, or by imprisonment for not  
 29 exceeding thirty 30 days, or by both such fine and imprisonment.

30 Sec. 7. K.S.A. 47-238 is hereby amended to read as follows: 47-238.  
 31 After the sheriff has received notice of the taking up of any stray, and the  
 32 ownership not having been established, the sheriff shall advertise such  
 33 stray in the area where taken up, and shall cause the stray animal to be  
 34 delivered to a public livestock market or to a terminal livestock market,  
 35 and shall sell or cause said such stray animal to be sold at such a market, to  
 36 the highest bidder for cash. ~~Provided~~. Such advertisement shall be at least  
 37 seven (7) days before sale date, and such sale date shall be at least twenty  
 38 one (21) 21 days after the date the stray was reported to the sheriff.

39 Sec. 8. K.S.A. 47-419 is hereby amended to read as follows: 47-419.  
 40 When any brand is recorded, as provided herein, the owner thereof shall be  
 41 entitled to one certified copy of the record of such brand from the  
 42 commissioner. Additional certified copies of such record may be obtained  
 43 by anyone upon the payment of a fee in an amount fixed by the

Strike "animal"

1 commissioner ~~and approved by the director of accounts and reports under~~  
2 ~~K.S.A. 45-204 for each copy.~~

3 Sec. 9. K.S.A. 47-422 is hereby amended to read as follows: 47-422.

4 (a) Any brand recorded with the ~~Kansas animal health board~~  
5 ~~commissioner~~ in compliance with the requirements of this act shall be the  
6 property of the person causing such record to be made and shall be subject  
7 to sale, assignment, transfer, devise, and descent as other personal  
8 property. Instruments of writing evidencing the sale, assignment or transfer  
9 of such brand shall be recorded by the ~~livestock~~ commissioner, and the fee  
10 for recording such instruments of writing shall be \$15. Such instruments  
11 shall have the same force and effect as recorded instruments affecting real  
12 estate, and a certified copy of the record of any such instrument may be  
13 introduced in evidence the same as is now provided for certified copies of  
14 instruments affecting real estate. Any brand recorded with the ~~Kansas~~  
15 ~~animal health department~~ commissioner shall not be used by any person  
16 other than the recorded owner.

17 (b) Any person violating any provision of this section shall be guilty  
18 of a class C misdemeanor.

19 (c) *In addition to the penalties provided in subsection (b), the*  
20 *commissioner, after providing notice and opportunity for a hearing in*  
21 *accordance with the Kansas administrative procedure act, may assess a*  
22 *civil penalty against any person who violates or fails to comply with the*  
23 *requirements of this act, or any rules or regulations adopted hereunder, of*  
24 *not less than \$100 nor more than \$1,000 per violation. A separate civil*  
25 *penalty may be assessed for each separate violation. Such civil penalty*  
26 *may be assessed in addition to any other penalty provided by law.*

27 Sec. 10. K.S.A. 47-424 is hereby amended to read as follows: 47-424.  
28 The commissioner shall from time to time cause to be published in book  
29 form *or produce in electronic format*, a list of all brands and marks on  
30 record at the time of such publication. Such lists may be supplemented  
31 from time to time. Such publication *or production* shall contain a facsimile  
32 of all brands recorded, together with the owner's name and post-office  
33 address. ~~Such~~ Such records shall be arranged in convenient form for  
34 reference. The commissioner shall send, to the sheriff of each county, one  
35 copy of ~~said~~ such brand book and supplement thereto *or electronically*  
36 *formatted copy thereof*, which shall be kept as a matter of public record.  
37 The commissioner may exchange brand books and supplements thereto *or*  
38 *electronically formatted copies thereof* with livestock brand  
39 commissioners and directors of other states, and with the executive officer  
40 of a statewide organization of any other state which is charged with  
41 administration of brand laws of such state. The commissioner may make  
42 other distribution of brand books and supplements *or electronically*  
43 *formatted copies thereof* without charge, to Kansas licensed veterinarians

Strike "livestock"

1 and licensed public livestock market operators, when he the commissioner  
2 deems such distribution desirable and an aid to the effective administration  
3 of the brand laws of this state. Said Such books or electronically formatted  
4 copies of the production may be sold to the general public at a price to be  
5 determined by the commissioner which shall be based on the cost of  
6 printing or storing, preparation and postage.

7 Sec. 11. K.S.A. 47-656 is hereby amended to read as follows: 47-656-  
8 ~~(c) Any person violating the provisions of this act shall be guilty of a~~  
9 ~~misdemeanor and fined in a sum not less than \$10, \$100 or more than \$100-~~  
10 ~~\$500 for such offense.~~

11 ~~(a) The animal health commissioner of the Kansas department of~~  
12 ~~agriculture, after providing notice and opportunity for a hearing in~~  
13 ~~accordance with the Kansas administrative procedure act, may assess a~~  
14 ~~civil penalty against any person who violates or fails to comply with the~~  
15 ~~requirements of K.S.A. 47-654 or 47-655, and amendments thereto, or any~~  
16 ~~rules or regulations adopted thereunder, of not less than \$100 nor more~~  
17 ~~than \$1,000 per violation. A separate civil penalty may be assessed for~~  
18 ~~each separate violation. Such civil penalty may be assessed in addition to~~  
19 ~~any other penalty provided by law.~~

20 Sec. 12. K.S.A. 47-1001 is hereby amended to read as follows: 47-  
21 1001. As used in this act, except where the context clearly indicates a  
22 different meaning:

23 (a) "Commissioner" means the livestock animal health commissioner  
24 of the state of Kansas department of agriculture.

25 (b) "Livestock" means and includes cattle, bison, swine, sheep, goats,  
26 horses, mules, domesticated deer, *canalids*, *domestic poultry*, *domestic*  
27 *waterfowl*, all creatures of the raitie family that are not indigenous to this  
28 state, including, but not limited to, ostriches, emus and rheas, and any  
29 other animal as deemed necessary by the commissioner established  
30 through rules and regulations.

31 (c) "Person" means and includes any individual, partnership,  
32 corporation or association.

33 (d) "Producer" means any person engaged in the business of  
34 breeding, grazing or feeding livestock.

35 (e) "Consignor" means any person who ships or delivers to any public  
36 livestock market livestock for handling, sale or resale at a public livestock  
37 market.

38 (f) "Public livestock market" means any place, establishment or  
39 facility commonly known as a "livestock market," "livestock auction  
40 market," "sales ring," "stockyard," "community sale" as such term is used  
41 in article 10 of chapter 47 of the Kansas Statutes Annotated, and  
42 amendments thereto, which includes any business conducted or operated  
43 for compensation or profit as a public market for livestock, consisting of

Remove section 11 and  
renumber sections accordingly

1 pens, or other enclosures, and their appurtenances, in which livestock are  
2 received, held, sold or kept for sale or shipment except that this term shall  
3 not apply to any livestock market where federal veterinary inspection is  
4 regularly maintained.

5 (g) "Public livestock market operator" means any person who, in this  
6 state, receives on consignment, or solicits from the producer or consignor  
7 thereof, or holds in trust or custody for another, any livestock for sale or  
8 exchange, on behalf of such producer or consignor at a public livestock  
9 market, or sells, or offer for sale, at a public livestock market, for the  
10 account of the producer or consignor thereof, any livestock or directly or  
11 indirectly owns, conducts or operates a public livestock market. The term  
12 "public livestock market operator" shall not be construed to include any  
13 packer or agent of a packer who receives or purchases livestock for prompt  
14 slaughter.

15 (h) "Packer" means any person engaged in the business of buying  
16 livestock for purposes of slaughter, or of manufacturing or preparing meats  
17 or meat food products for sale or shipment, or of manufacturing or  
18 preparing livestock products for sale or shipment, or of marketing meats,  
19 meat food products, livestock products, dairy products, poultry or poultry  
20 products.

21 (i) "Board" means any three members of the Kansas animal health  
22 board designated by the chairperson of the Kansas animal health board for  
23 each particular hearing. The chairperson may be included in such  
24 designation.

25 (j) "Dealer" as used in article 10 of chapter 47 of the Kansas Statutes  
26 Annotated, ~~to which this act is amendatory and supplemental, and~~  
27 ~~amendments thereto~~, shall have the same meaning as the term "public  
28 livestock market operator."

29 (k) "Domesticated deer" means any member of the family cervidae  
30 which was legally obtained and is being sold or raised in a confined area  
31 for breeding stock; for any carcass, skin or part of such animal; for  
32 exhibition; or for companionship.

33 (l) "Occasional livestock sale" means livestock auctions or sales, that  
34 receive on consignment, or solicits from the producer or consignor thereof,  
35 or holds in trust or custody for another, any livestock for sale or exchange,  
36 on behalf of such producer or consignor at such auction or sale, or sells, or  
37 offers for sale, at such auction or sale, for the account of the producer or  
38 consignor thereof, any livestock or directly or indirectly owns, conducts or  
39 operates such auction or sale and such auctions or sales are held 12 or less  
40 times per year.

41 (m) "Electronic auction" means a live audio-visual broadcast of an  
42 actual auction where livestock are offered for sale and shall include  
43 auctions conducted by satellite communications and over the internet.

1       Sec. 13. K.S.A. 47-1002 is hereby amended to read as follows: 47-  
2       1002. (a) The ~~required~~ bond *required* by K.S.A. 47-1001a, and  
3       ~~amendments thereto~~, shall be in the minimum amount of ~~twenty thousand~~  
4       ~~dollars~~ ~~(\$20,000)~~ \$20,000 for each license year or fraction thereof, but  
5       may be a continuous bond. Each license year shall expire on June 30. ~~Said~~  
6       *Such* bond shall be conditioned upon compliance by the principal with the  
7       provisions of this act and upon the prompt, faithful and honest handling by  
8       the principal of such livestock and the prompt remittance of the proceeds  
9       from the sale, purchase or exchange thereof to the lawful owner of such  
10       livestock. ~~Said~~ *Such* bond shall be to the state for the use and benefit of  
11       such person or persons as may suffer loss or damage by breach of the  
12       condition thereof. ~~Provided, That where the~~ *If the* commissioner is the  
13       trustee and custodian of a surety bond *or bond equivalent* wherein ~~said~~  
14       *such* public livestock market operator is the principal and is operating  
15       under the provisions of the packers and stockyards act of 1921 of the  
16       United States, the commissioner may accept such bond *or bond equivalent*  
17       in lieu of the one herein otherwise required.  
18       (b) *For the purposes of this section, a bond equivalent shall be in one*  
19       *of the following forms:*  
20       (1) *A trust fund agreement governing funds actually deposited or*  
21       *invested in fully negotiable obligations of the United States of federally-*  
22       *insured deposits or accounts in the name of and readily convertible to*  
23       *currency by a trustee; or*  
24       (2) *a trust agreement governing funds which may be drawn by a*  
25       *trustee, under one or more irrevocable, transferable, standby letters of*  
26       *credit, issued by a federally-insured bank or institution and physically*  
27       *received and retained by the trustee.*  
28       (c) Any producer, consignor or purchaser of livestock claiming to be  
29       injured by the breach of any public livestock market operator of any of the  
30       terms and provisions of ~~said~~ *such* bond may bring action thereon *in district*  
31       *court* to recover the damages caused by such breach.  
32       (d) When ~~said~~ *such* bond shall have been given, the commissioner  
33       shall thereupon issue to such applicant a license entitling the applicant, if a  
34       public livestock market operator, to conduct the business described in the  
35       application at the place named therein for a period expiring on June 30  
36       following date of issuance, and for such additional license year periods as  
37       the public livestock market operator may be entitled to by reason of ~~his~~ *the*  
38       *operator's* having paid the annual application fee and the proof of ~~his~~ *the*  
39       *operator's* having paid the annual premium upon such continuous bond, or  
40       until such license shall have been revoked for cause.  
41       Sec. 14. K.S.A. 47-1005 is hereby amended to read as follows: 47-  
42       1005. (a) *After notice and an opportunity for a hearing, conducted in*  
43       *accordance with the provisions of the Kansas administrative procedure act,*



1 the commissioner may refuse to grant a license, or suspend or revoke a  
2 license, upon a finding of the existence of any of the following facts:

3 ~~(b) (1)~~ That any provision of this act, order or rule and regulation  
4 lawfully promulgated thereunder by the commissioner has been violated  
5 by the licensee;

6 ~~(b) (2)~~ that the licensee has knowingly received on consignment or  
7 sold at a public livestock market any stolen livestock, or mortgaged  
8 livestock without authority of the lawful owner or mortgagee;

9 ~~(b) (3)~~ that the licensee was guilty of fraud or deception in the  
10 procurement of such license;

11 ~~(b) (4)~~ that the licensee has violated the laws of the state, or official  
12 regulations governing the interstate or intrastate movement, shipment or  
13 transportation of any livestock;

14 ~~(b) (5)~~ that the licensee fails to practice measures of sanitation,  
15 disinfection and inspection, as prescribed by law or by the commissioner,  
16 of premises used for yarding, stabling, housing or holding of livestock; ~~or~~

17 ~~(b) (6)~~ that there has been failure to keep records required by the  
18 commissioner or a refusal on the part of the licensee to produce records of  
19 transactions in the carrying on of the business for which such license is  
20 granted, or that the licensee selling livestock by weight fails or refuses to  
21 have livestock handled by such licensee weighed on scales that are  
22 regularly inspected and tested for accuracy by duly authorized public  
23 authority or authorities;

24 ~~(7)~~ that there has been failure to make timely remittances of fees due  
25 under the act to the commissioner; or

26 ~~(8)~~ that the licensee has engaged in or used any unfair, unjustly  
27 discriminatory or deceptive practices in connection with receiving,  
28 marketing, buying, selling on a commission basis or otherwise, feeding,  
29 watering, holding, delivery, shipment, weighing or handling of livestock.

30 ~~(b)~~ Notwithstanding the provisions of subsection (a), nothing shall  
31 preclude the commissioner from issuing an emergency order in  
32 accordance with K.S.A. 77-536, and amendments thereto, to suspend the  
33 license of a public livestock market for the following reasons:

34 ~~(1)~~ If the bond or bond equivalent as described in K.S.A. 47-1002,  
35 and amendments thereto, for a livestock market operator expires or is  
36 terminated and no valid replacement bond or bond equivalent has been  
37 filed with the commissioner at the time expiration of such surety occurs;

38 or

39 ~~(2)~~ if a shortage exists in any of the licensee's custodial accounts  
40 which the commissioner determines to endanger the public welfare.

41 Sec. 15. K.S.A. 2011 Supp. 47-1008 is hereby amended to read as  
42 follows: 47-1008. (a) Livestock shall not be offered for sale or sold at any  
43 licensed public livestock market if such livestock:

- 1 (1) Is infected with a disease that permanently renders the livestock
- 2 unfit for human consumption;
- 3 (2) has severe neoplasia;
- 4 (3) has severe actinomycosis;
- 5 (4) is unable to rise to its feet by itself; or
- 6 (5) has an obviously fractured long bone or other fractures or
- 7 dislocation of a joint that renders the livestock unable to bear weight on
- 8 the affected limb without that limb collapsing.
- 9 (b) If, in the judgment of an accredited veterinarian, the livestock
- 10 consigned and delivered on the premises of any licensed public livestock
- 11 market is in any of the conditions described in subsection (a), such
- 12 veterinarian shall euthanize humanely the livestock or direct the consignor
- 13 to immediately remove the livestock from the premises of the public
- 14 livestock market. All expenses incurred for euthanasia and disposal of the
- 15 livestock under the provisions of this subsection shall be the responsibility
- 16 of the consignor. Collection of expenses shall not be the responsibility of
- 17 the consignee.
- 18 (c) All livestock consigned and delivered on the premises of any
- 19 licensed public livestock market, before being offered for sale, shall be
- 20 inspected by a veterinarian authorized by the commissioner who shall
- 21 visually examine or test, or both, each animal consigned to such market,
- 22 for the purpose of determining its condition of health and freedom of
- 23 clinical signs of infectious or contagious animal diseases that are
- 24 determined to be reportable by the livestock commissioner. Such
- 25 regulatory veterinary services shall be contracted for by the livestock-
- 26 commissioner, who shall select an accredited veterinarian for each public
- 27 livestock market. The public livestock market operator, for each public
- 28 livestock market, shall submit to the livestock commissioner a list of
- 29 accredited veterinarians to be considered for the position ~~or positions~~.
- 30 Such veterinarian shall be authorized to make all required examinations
- 31 and tests, and to issue certificates of inspection at the public livestock
- 32 market where such veterinarian serves. All livestock sold, resold,
- 33 exchanged or transferred, or offered for sale or exchange at a livestock
- 34 market shall be treated as may be necessary to prevent the spread of
- 35 contagious or infectious diseases. A certificate of inspection, on a form to
- 36 be approved by the commissioner, shall be issued to the purchaser by the
- 37 inspector. For the visual inspection of livestock offered for sale, there shall
- 38 be collected by the market operator from the consignor a fee which shall
- 39 be determined by negotiation between the market operator and the market
- 40 veterinarian but shall not be less than \$.07 per head, except that no fee for
- 41 inspection shall be collected unless the inspection actually has been made.
- 42 If the charges per head collected on all livestock inspected at a livestock
- 43 market on any sales day do not amount to a minimum per diem of \$40 or

1 any amount greater than \$40 negotiated by the operator, the market  
 2 operator shall be required to supply sufficient funds to provide such  
 3 amount. Any amount lesser or greater than the \$40 amount specified, shall  
 4 be determined by negotiation between the market operator and the market  
 5 veterinarian. A copy of any agreement or contract shall be on file with the  
 6 commissioner. Payments for veterinary services rendered under a contract  
 7 as provided in this section shall be paid from the veterinary inspection fee  
 8 fund, and for such services rendered prior to the end of a fiscal year,  
 9 payment may be made within 90 days after the end of the fiscal year.

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

20 (e) The livestock commissioner shall promulgate rules and  
 21 regulations as may be necessary to carry out the purposes of this section,  
 22 including, but not limited to, rules and regulations designating any disease  
 23 as a disease that renders livestock or the carcasses thereof permanently  
 24 unfit for human consumption. ~~The livestock commissioner shall~~  
 25 ~~promulgate all such rules and regulations in accordance with existing~~  
 26 ~~antemortem inspection regulations promulgated by the United States~~  
 27 ~~department of agriculture feed safety and inspection service, as in effect~~  
 28 ~~on July 1, 1997, requirements in the federal meat inspection act, 21 U.S.C.~~  
 29 ~~§ 601 et seq. and the federal poultry products inspection act, 21 U.S.C. §~~  
 30 ~~451 et seq., and regulations promulgated thereunder.~~

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

35 Sec. 16. K.S.A. 47-1010 is hereby amended to read as follows: 47-  
 36 1010. (a) In addition to the penalties provided in subsection (b), any  
 37 person shall be guilty of a misdemeanor and, upon conviction, shall be  
 38 punished by a fine of not less than two hundred dollars (\$200) \$100 or  
 39 more than five hundred dollars (\$500) \$1,000, who commits any of the  
 40 following acts:

- 41 (A) (1) Assumes or attempts to act as a public livestock market
- 42 operator without a license;
- 43 (B) (2) imposes false charges for handling or services in connection

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1 with livestock handled, sold or offered for sale at a public livestock  
2 market;

3 ~~(3)~~ (3) fails to account promptly, correctly and fully for any livestock  
4 sold or handled by him and properly to make settlements therefor;

5 ~~(4)~~ (4) makes false or misleading statements as to market conditions  
6 at any public livestock market conducted or operated by him or by the  
7 person making such statement or for whom such individual is in the  
8 employment of;

9 ~~(5)~~ (5) makes any false or misleading statements as to the health or  
10 physical condition of the livestock or quantity of livestock shipped or sold;

11 ;  
12 (6) engages in or uses any unfair, unjustly discriminatory or  
13 deceptive practices in connection with receiving, marketing, buying,  
14 selling on a commission basis or otherwise, feeding, watering, holding,  
15 delivery, shipment, weighing or handling livestock; or

16 ~~(7)~~ (7) fails to comply in any respect with this act and any and all  
17 lawful rules, regulations and orders of the commissioner issued and  
18 promulgated hereunder.

19 (b) The commissioner, upon finding that a person has violated any  
20 provision of K.S.A. 47-1001 et seq., and amendments thereto, or any rule  
21 or regulation adopted thereunder, after notice and opportunity for a  
22 hearing are given in accordance with the provisions of the Kansas  
23 administrative procedure act, may impose a civil penalty in an amount not  
24 more than \$5,000 per violation. For the purposes of this section,  
25 violations shall include, but not be limited to, acts recognized in  
26 subsection (a) and acts or omissions which are grounds for administrative  
27 action pursuant to K.S.A. 47-1005, and amendments thereto.

28 (c) In the case of a continuing violation, every day such violation  
29 continues shall be deemed a separate violation for the purposes of  
30 assessing civil penalties therefor. Such civil penalty may be assessed in  
31 addition to any other penalty provided by law. The recipient of a civil  
32 penalty may appeal the order to the district court in the manner provided  
33 by the Kansas judicial review act.

34 (d) Any penalty recovered pursuant to this section shall be remitted to  
35 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
36 and amendments thereto. Upon receipt of each such remittance, the state  
37 treasurer shall deposit the entire amount in the state treasury to the credit  
38 of the state general fund.

39 Sec. 17. K.S.A. 47-1102 is hereby amended to read as follows: 47-  
40 1102. (a) Every Any person, firm or corporation violating or failing to  
41 comply with any of the provisions of this act shall be deemed guilty of a  
42 misdemeanor, and upon conviction shall be punished by a fine of not more  
43 than five hundred dollars or \$1,000, by imprisonment in the county jail for

1 not less than ~~sixty~~ 60 days nor more than six months or by both such fine  
2 and imprisonment.

3 Sec. 18. K.S.A. 47-1213 is hereby amended to read as follows: 47-  
4 1213. The commissioner, after providing notice and opportunity for a  
5 hearing in accordance with the Kansas administrative procedure act, shall  
6 have power to suspend or revoke any license or permit issued under this  
7 act for the failure or refusal of any licensee or permit holder to obey and  
8 comply with the provisions of this act and all rules and regulations  
9 authorized and adopted thereunder, except that before any such license or  
10 permit is suspended or revoked the licensee or permit holder shall be  
11 notified of the alleged violations and the time and place of hearing thereon,  
12 as fixed by the commissioner, and a hearing shall be conducted in  
13 accordance with the provisions of the Kansas administrative procedure act.

14 Sec. 19. K.S.A. 47-1217 is hereby amended to read as follows: 47-  
15 1217. (a) The willful violation of any of the provisions of this act, or the  
16 willful failure to comply with any of the provisions of this act, or any of  
17 the rules and regulations adopted thereunder, is hereby made a  
18 misdemeanor, and any person upon conviction thereof shall be punished  
19 by a fine of not less than twenty-five dollars \$25 nor more than five-  
20 hundred dollars \$500. It shall be the duty of the attorney general and the  
21 various county attorneys, to file suit in a court of competent jurisdiction to  
22 enjoin any violation of this act or any rule or regulation authorized and  
23 adopted under the provisions of this act.

24 (b) The commissioner, after providing notice and opportunity for a  
25 hearing in accordance with the Kansas administrative procedure act, may  
26 assess a civil penalty against any person who violates or fails to comply  
27 with the requirements of this act, or any rules or regulations adopted  
28 hereunder, of not less than \$100 nor more than \$1,000 per violation. A  
29 separate civil penalty may be assessed for each separate violation. Such  
30 civil penalty may be assessed in addition to any other penalty provided by  
31 law.

32 Sec. 20. K.S.A. 47-1219 is hereby amended to read as follows: 47-  
33 1219. (a) Any person or persons who shall put any dead animals, carcasses  
34 of such animals or domestic fowl, or any part thereof, into any well,  
35 spring, brook, branch, river, creek, pond, road, street, alley, lane, lot, field,  
36 meadow or common shall be deemed guilty of a misdemeanor, and upon  
37 conviction thereof shall be fined in a sum not exceeding \$100 \$500.

38 (b) Any owner or owners of any dead animals, carcasses of such  
39 animals or domestic fowl, or any part thereof, who shall knowingly permit  
40 the same to remain in any well, spring, brook, branch, river, creek, pond,  
41 road, street, alley, lane, lot, field, meadow or common to the injury of the  
42 health or to the annoyance of or damage to the citizens of the state or any  
43 of them, shall be deemed guilty of a misdemeanor, and upon conviction

lane other than the person's own private  
driveway, lot not owned or leased by such  
person, field not owned or leased by such  
person, meadow not owned or leased by  
such person, commonly-owned or public  
property to the injury of,

1 thereof shall be fined in a sum not exceeding \$100. Every 24 hours  
2 the owners shall permit the same to remain thereafter shall be deemed an  
3 additional offense.

4 (c) Persons disposing of dead animals shall do so in one of the  
5 following ways: (1) Burial; (2) incineration; (3) delivery or unloading of  
6 the carcasses of dead animals or packing house refuse at a disposal plant,  
7 substitution, rendering plant or place of transfer licensed by the  
8 commissioner; (4) ~~composting~~; or (4) (5) in accordance with rules and  
9 regulations adopted pursuant to K.S.A. ~~2000~~ Supp. 65-1,199, and  
10 ~~amendments thereto.~~

11 Sec. 21. K.S.A. 47-1301 is hereby amended to read as follows: 47-  
12 1301. As used in ~~this act~~ *article 13 of chapter 47 of the Kansas Statutes*  
13 *Annotated, and amendments thereto*, "garbage" means all waste material  
14 derived in whole or in part from the meat of any animal, including fish and  
15 poultry, or other waste animal material, and other refuse of any character  
16 whatsoever that has been associated with any such material, resulting from  
17 the handling, preparation, cooking or consumption of food. *For the*  
18 *purposes of article 13 of chapter 47 of the Kansas Statutes Annotated, and*  
19 *amendments thereto, "garbage" shall not be deemed to include*  
20 *pasteurized dairy products.*

21 Sec. 22. K.S.A. 2011 Supp. 47-1302 is hereby amended to read as  
22 follows: 47-1302. (a) Except as provided in subsection (b) or (c), it shall  
23 be unlawful for any person, firm, partnership or corporation to feed  
24 garbage to animals.

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

31 (c) Nothing in this section shall prohibit an individual from  
32 feeding such individual's own animals only the garbage obtained from  
33 such individual's own household.

34 Sec. 23. K.S.A. 47-1305 is hereby amended to read as follows: 47-  
35 1305. (a) Any person, firm, partnership, corporation, city or official of any  
36 corporation or city, violating the provisions of this act or of any rule or  
37 regulation promulgated pursuant thereto shall, upon conviction thereof, be  
38 fined not less than one hundred dollars (\$100) \$100 nor more than five  
39 hundred dollars (\$500) \$500. Each day the provisions of this act or any  
40 rule or regulation made pursuant thereto is violated shall be a separate  
41 offense.

42 (b) *The commissioner, after providing notice and opportunity for a*  
43 *hearing in accordance with the Kansas administrative procedure act, may*

1 assess a civil penalty against any person who violates or fails to comply  
2 with the requirements of this act, or any rules or regulations adopted  
3 hereunder, of not less than \$100 nor more than \$1,000 per violation. A  
4 separate civil penalty may be assessed for each separate violation. Such  
5 civil penalty may be assessed in addition to any other penalty provided by  
6 law.

7 Sec. 24. K.S.A. 47-1306 is hereby amended to read as follows: 47-  
8 1306. It shall be unlawful to move any garbage or the refuse of any locker  
9 plant or slaughterhouse upon any public street, alley, or highway, without  
10 ~~emphasis with the following: (1) Such unless such garbage and such~~  
11 refuse shall be contained in a liquid-tight barrel or container, and so  
12 covered as to prevent spilling, or access to flies or insects; (2) shall be  
13 ~~moved from point of origin to a registered garbage feeding establishment;~~  
14 ~~Provided, Nothing in article 12 of chapter 47 of the Kansas Statutes~~  
15 ~~Amended, shall prohibit such movement.~~

16 Sec. 25. K.S.A. 47-1509 is hereby amended to read as follows: 47-  
17 1509. (a) Any person violating any of the provisions of this act, or any  
18 regulation promulgated by the commissioner, thereunder, shall be deemed  
19 guilty of a misdemeanor, and upon conviction thereof shall be punished by  
20 a fine not exceeding one hundred dollars (\$100); \$500. ~~Provided, That~~  
21 Each day upon which a violation shall be committed, or shall be permitted  
22 to continue, shall be deemed to be a separate offense.

23 (b) ~~The commissioner, after providing notice and opportunity for a~~  
24 ~~hearing in accordance with the Kansas administrative procedure act, may~~  
25 ~~assess a civil penalty against any person who violates or fails to comply~~  
26 ~~with the requirements of this act, or any rules or regulations adopted~~  
27 ~~hereunder, of not less than \$100 nor more than \$1,000 per violation. A~~  
28 ~~separate civil penalty may be assessed for each separate violation. Such~~  
29 ~~civil penalty may be assessed in addition to any other penalty provided by~~  
30 ~~law.~~

31 Sec. 26. K.S.A. 47-1701 is hereby amended to read as follows: 47-  
32 1701. As used in the Kansas pet animal act, unless the context otherwise  
33 requires:

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

38 (b) "Adequate watering" means a supply of clean, fresh, potable  
39 water, supplied in a sanitary manner and either continuously accessible to  
40 each animal or supplied at intervals suitable for the animal species, not to  
41 exceed intervals of 12 hours.

42 (c) "Ambient temperature" means the temperature surrounding the  
43 animal.

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

4 (2) Animal does not include horses, cattle, sheep, goats, swine,  
5 rattes, domesticated deer or domestic fowl.

6 (e) "Animal breeder" means any person who operates an animal breeder  
7 premises.

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

12 (g) "Animal shelter" or "pound" means a facility which is used or  
13 designed for use to house, contain, impound or harbor any seized stray,  
14 homeless, relinquished or abandoned animal or a person who acts as an  
15 animal rescuer, or who collects and cares for unwanted animals or offers  
16 them for adoption. Animal shelter or pound also includes a facility of an  
17 individual or organization, profit or nonprofit, maintaining 20 or more  
18 dogs or cats, or both, for the purpose of collecting, accumulating, amassing  
19 or maintaining the animals or offering the animals for adoption.

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

22 (i) "Commissioner" means the ~~livestock animal health~~ commissioner  
23 appointed by of the Kansas ~~animal health~~ *department of agriculture*.

24 (j) "Dog" means any animal which is wholly or in part of the species  
25 *Canis familiaris* ~~but does not include any greyhound, as defined by K.S.A.~~  
26 ~~74-8802 and amendments thereto.~~

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

36 (l) "Euthanasia" means the humane destruction of an animal, which  
37 may be accomplished by any of those methods provided for in K.S.A. 47-  
38 1718, and amendments thereto.

39 (m) "Hobby breeder premises" means any premises where all or part  
40 of ~~3, 4 or 5~~ *three, four or five* litters of dogs or cats, or both, are produced  
41 for sale or sold, offered or maintained for sale *per license year*. This  
42 provision applies only if the total number of dogs or cats, or both, sold,  
43 offered or maintained for sale is less than 30 individual animals.



- 1 (n) "Hobby breeder" means any person who operates a hobby breeder  
2 premises.  
3 (o) "Housing facility" means any room, building or area used to  
4 contain a primary enclosure or enclosures.  
5 (p) "*Kennel Boarding or training kennel operator*" means any person  
6 who operates an establishment where four or more dogs or cats, or both,  
7 are maintained in any one week *during the license year* for boarding,  
8 training or similar purposes for a fee or compensation.  
9 (q) "*Kennel Boarding or training kennel operator*" means  
10 the facility of a *boarding or training* kennel operator.  
11 (r) "License year" or "permit year" means the 12-month period  
12 ending on June 30.  
13 (s) "Person" means any individual, association, partnership,  
14 corporation or other entity.  
15 (t) (1) "Pet shop" means any premises where there are sold, or offered  
16 or maintained for sale, at retail and not for resale to another:  
17 (A) Any dogs or cats, or both; or (B) any other animals except those  
18 which are produced and raised on such premises and are sold, or offered or  
19 maintained for sale, by a person who resides on such premises.  
20 (2) Pet shop does not include: (A) Any pound or animal shelter; (B)  
21 any premises where only fish are sold, or offered or maintained for sale; or  
22 (C) any animal distributor premises, hobby breeder premises, retail breeder  
23 premises or animal breeder premises.  
24 (3) Nothing in this section prohibits inspection of those premises  
25 which sell only fish to verify that only fish are being sold.  
26 (u) "Pet shop operator" means any person who operates a pet shop.  
27 (v) "Primary enclosure" means any structure used or designed for use  
28 to restrict any animal to a limited amount of space, such as a room, pen,  
29 cage, compartment or hutch.  
30 (w) "Research facility" means any place, laboratory or institution,  
31 except an elementary school, secondary school, college or university, at  
32 which any scientific test, experiment or investigation involving the use of  
33 any living animal is carried out, conducted or attempted.  
34 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.  
35 Maintaining animals for sale is presumed whenever 20 or more dogs or  
36 cats, or both, are maintained by any person.  
37 (y) "Sanitize" means to make physically clean and to remove and  
38 destroy, to a practical minimum, agents injurious to health, at such  
39 intervals as necessary.  
40 (z) "Animal distributor" means any person who operates an animal  
41 distributor premises.  
42 (aa) "Animal distributor premises" means the premises of any person  
43 engaged in the business of buying for resale dogs or cats, or both, as a

1 principal or agent, or who holds such distributor's self out to be so  
2 engaged.

3 (bb) "Out-of-state distributor" means any person residing in a state  
4 other than Kansas, who is engaged in the business of buying for resale  
5 dogs or cats, or both, within the state of Kansas, as a principal or agent.

6 (cc) "Food animals" means rodents, rabbits, reptiles, fish or  
7 amphibians that are sold or offered or maintained for sale for the sole  
8 purpose of being consumed as food by other animals.

9 (dd) ~~(f)~~ "Adequate veterinary medical care" means:

10 ~~(A)~~ (1) A documented program of disease control and prevention,  
11 euthanasia and routine veterinary care shall be established and maintained  
12 under the supervision of a licensed veterinarian, on a form provided by the  
13 commissioner, and shall include a documented on-site visit to the premises  
14 by the veterinarian at least once a year; and

15 ~~(B)~~ (2) that diseased, ill, injured, lame or blind animals shall be  
16 provided with veterinary care as is needed for the health and well-being of  
17 the animal.

18 ~~(2) As used in the Kansas pet animal act, "adequate veterinary  
19 medical care" shall not apply to United States department of agriculture  
20 licensed animal breeders or animal distributors.~~

21 (ee) "Rarites" means all creatures of the rarite family that ~~faref~~ are not  
22 indigenous to this state, including, but not limited to, ostriches, emus and  
23 theas.

24 (ff) "Retail breeder" means any person who operates a retail breeder  
25 premises.

26 (gg) "Retail breeder premises" means any premises where all or part  
27 of six or more litters or 30 or more dogs or cats, or both, are sold, or  
28 offered or maintained for sale, primarily at retail and not for resale to  
29 another.

30 (hh) "Retail" means any transaction where the animal is sold to the  
31 final consumer.

32 (ii) "Wholesale" means any transaction where the animal is sold for  
33 the purpose of resale to another.

34 Sec. 27. K.S.A. 2011 Supp. 47-1706 is hereby amended to read as  
35 follows: 47-1706. (a) The commissioner may refuse to issue or renew or  
36 may suspend or revoke any license or permit required under K.S.A. 47-  
37 1701 *et seq.*, and amendments thereto, for any one or more of the  
38 following reasons:

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

41 (2) willful disregard of any provision of the Kansas pet animal act or  
42 any rule and regulation adopted hereunder, or any willful aiding or  
43 abetting of another in the violation of any provision of the Kansas pet

, and such veterinary care shall be documented and maintained on the premises.  
(3) All documentation required by subsection (dd)(1) and (dd)(2) shall be made available to the commissioner or the commissioner's authorized representative for inspection or copying upon request and shall be maintained for three years after the effective date of the program or the administration of such veterinary care.

1 animal act or any rule and regulation adopted hereunder;  
 2 (3) permitting any license or permit issued hereunder to be used by an  
 3 unlicensed or unpermitted person or transferred to unlicensed or  
 4 unpermitted premises;

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

7 (5) substantial misrepresentation;

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

11 (7) fraudulent bill of sale;

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

13 (9) the feeding, watering, sanitizing and housing practices at the  
 14 licensee's or permittee's premises are not consistent with the Kansas pet  
 15 animal act or the rules and regulations adopted hereunder;

16 (b) The commissioner shall refuse to issue or renew and shall suspend  
 17 or revoke any license or permit required under K.S.A. 47-1701 *et seq.*, and  
 18 amendments thereto, for the second or subsequent a conviction of cruelty  
 19 to animals, K.S.A. 21-4310, prior to its repeal, or subsections (a)(1)  
 20 through (a)(5) of K.S.A. 2011 Supp. 21-6412, and amendments thereto.

21 (c) Any refusal to issue or renew a license or permit, and any  
 22 suspension or revocation of a license or permit, under this section shall be  
 23 issued only after notice and opportunity for a hearing are provided in  
 24 accordance with the provisions of the Kansas administrative procedure act  
 25 and shall be subject to review in accordance with the Kansas judicial  
 26 review act.

27 (d) Notwithstanding subsection (c), nothing shall preclude the  
 28 commissioner from issuing a quarantine order in accordance with K.S.A.  
 29 77-536, and amendments thereto, on any premises regulated under this act  
 30 wherein the animals are found to be infected with a contagious or zoonotic  
 31 disease which may infect animals or humans that may come into contact  
 32 with or be exposed to such animals.

33 (f) Whenever the commissioner denies, suspends or revokes a  
 34 license or permit under this section, the commissioner or the  
 35 commissioner's authorized, trained representatives shall seize and impound  
 36 any animals in the possession, custody or care of the person whose license  
 37 or permit is denied, suspended or revoked if there are reasonable grounds  
 38 to believe that the animals' health, safety or welfare is endangered. Except  
 39 as provided by K.S.A. 2011 Supp. 21-6412, and amendments thereto, such  
 40 animals may be returned to the person owning them if there is satisfactory  
 41 evidence that the animals will receive adequate care by that person or such  
 42 animals may be sold, placed or euthanized, at the discretion of the  
 43 commissioner. Costs of care and services for such animals while seized

Strike

(10) failure to provide adequate veterinary medical care to the animals in such licensee or permittee's custody or care; or  
 (11) failure to maintain or provide documentation of the provision of adequate veterinary medical care, as required in K.S.A. 47-1701 (dd), and amendments thereto, to animals in such licensee or permittee's custody or care when access to such is requested by the commissioner or the commissioner's authorized representatives.

1 and impounded shall be paid by the person from whom the animals were  
2 seized and impounded, if that person's license or permit is denied,  
3 suspended or revoked. Such funds shall be paid to the commissioner for  
4 reimbursement of care and services provided during seizure and  
5 impoundment. If such person's license or permit is not denied, suspended  
6 or revoked, the commissioner shall pay the costs of care and services  
7 provided during seizure and impoundment.

8 Sec. 28. K.S.A. 2011 Supp. 47-1707 is hereby amended to read as  
9 follows: 47-1707. (a) In addition to or in lieu of any other civil or criminal  
10 penalty provided by law, the commissioner, upon a finding that a person  
11 has violated or failed to comply with any provision of the Kansas pet  
12 animal act or any rule and regulation adopted hereunder, may impose on  
13 such person a civil ~~fine~~ penalty not exceeding \$1,000 for each violation or  
14 ~~reimbursement require such person~~ to attend an educational course regarding  
15 animals and their care and treatment. If the commissioner imposes the  
16 educational course, such person may choose either the ~~fine~~ or the  
17 educational course. If such person chooses the fine, the commissioner shall  
18 establish the amount pursuant to the fine provisions of this section. The  
19 educational course shall be administered by the commissioner in  
20 consultation with Kansas state university college of veterinary medicine.

21 (b) Any imposition of a civil ~~fine~~ penalty pursuant to this section  
22 shall be only upon notice and *opportunity for a hearing* ~~entitled~~ in  
23 accordance with the Kansas administrative procedure act and shall be  
24 subject to review in accordance with the Kansas judicial review act.

25 (c) Whenever the commissioner has reasonable grounds to believe  
26 that a person or premises required to be licensed or permitted under the  
27 Kansas pet animal act has failed to comply with or has violated any  
28 provision of the Kansas pet animal act or any rule and regulation adopted  
29 hereunder and that the health, safety or welfare of animals in such person's  
30 possession, custody or care is endangered thereby, the commissioner shall  
31 seize and impound such animals using emergency adjudicative  
32 proceedings in accordance with the Kansas administrative procedure act.  
33 Except as provided by K.S.A. 2011 Supp. 21-6412, and amendments  
34 thereto, such animals may be returned to the person owning them if there  
35 is satisfactory evidence that the animals will receive adequate care by that  
36 person or such animals may be sold, placed or euthanized, at the discretion  
37 of the commissioner. Costs of care and services for such animals while  
38 seized and impounded shall be paid by the person from whom the animals  
39 were seized and impounded, if that person is found to be in violation of the  
40 Kansas pet animal act or any rules and regulations adopted hereunder.  
41 Such funds shall be paid to the commissioner for reimbursement of care  
42 and services provided during seizure and impoundment. If such person is  
43 not found to be in violation of the Kansas pet animal act or any rules and

penalty

1 regulations adopted hereunder, the commissioner shall pay the costs of  
2 care and services provided during seizure and impoundment.

3 Sec. 29. K.S.A. 2011 Supp. 47-1708 is hereby amended to read as  
4 follows: 47-1708. Any action of the commissioner pursuant to K.S.A. ~~47-~~  
5 ~~4705 47-1706~~ or ~~47-4706 47-1707~~, and amendments thereto, is subject to  
6 review in accordance with the Kansas judicial review act.

7 Sec. 30. K.S.A. 2011 Supp. 47-1709 is hereby amended to read as  
8 follows: 47-1709. (a) The commissioner or the commissioner's authorized,  
9 trained representatives shall make an inspection of the premises for which  
10 an application for an original license or permit is made under K.S.A. 47-  
11 1701 *et seq.*, and amendments thereto, before issuance of such license or  
12 permit. *No license or permit shall be issued by the commissioner to an*  
13 *applicant described in this subsection until the premises for which*  
14 *application is made has passed a licensing or permitting inspection.* The  
15 application for a license shall conclusively be deemed to be the consent of  
16 the applicant to the right of entry and inspection of the premises sought to  
17 be licensed or permitted by the commissioner or the commissioner's  
18 authorized, trained representatives at reasonable times with the owner or  
19 owner's representative present. Refusal of such entry and inspection shall  
20 be grounds for denial of the license or permit. Notice need not be given to  
21 any person prior to inspection.

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

36 (c) The commissioner or the commissioner's authorized, trained  
37 representatives shall make inspections of the premises of a person required  
38 to be licensed or permitted under K.S.A. 47-1701 *et seq.*, and amendments  
39 thereto, upon a determination by the commissioner that there are  
40 reasonable grounds to believe that the person is violating the provisions of  
41 K.S.A. 47-1701 *et seq.*, and amendments thereto, or rules and regulations  
42 adopted thereunder or that there are grounds for suspension or revocation  
43 of such person's license or permit.

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

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

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

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

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

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

24 (j) The commissioner ~~shall~~, in consultation with Kansas state  
25 university college of veterinary medicine, shall: (1) Continue procedures  
26 to provide for pet animal training or updated training for authorized trained  
27 representatives who inspect premises under the pet animal act and to allow  
28 the owners of such facilities licensed or permitted under the pet animal act  
29 to attend and participate at the training workshops for the authorized  
30 trained representatives; and (2) make available to such owners and other  
31 interested persons an inspection handbook describing the duties and  
32 responsibilities of such authorized trained representatives.

33 (k) *If the commissioner or the commissioner's authorized*  
34 *representative is denied access to any location where such access is*  
35 *sought for the purposes authorized under the Kansas pet animal act, the*  
36 *commissioner may apply to any court of competent jurisdiction for an*  
37 *administrative search warrant authorizing access to such location for such*  
38 *purposes. Upon such application and a showing of cause therefore, the*  
39 *court shall issue the search warrant for the purposes requested.*

40 Sec. 31. K.S.A. 47-1710 is hereby amended to read as follows: 47-  
41 1710. (a) An animal shall not be disposed of by an owner or operator of a  
42 pound or of an animal shelter as a pound until after expiration of a  
43 minimum of three full business days of custody during which the public

department of agriculture

1 has clear access to inspect and recover the animal through time periods  
2 ordinarily accepted as usual business hours. During such time of custody,  
3 any owner or operator of such facility shall attempt to notify the owner or  
4 custodian of any animal maintained or impounded by such facility if such  
5 owner or custodian is known or reasonably ascertainable. Such an animal  
6 may at any time be released to the legal owner, moved to a veterinary  
7 hospital for treatment or observation, released in any manner, if such  
8 animal was a gift animal to an animal shelter, or euthanized by a duly  
9 incorporated humane society or by a licensed veterinarian if it appears to  
10 an officer of such humane society or to such veterinarian that the animal is  
11 diseased or disabled beyond recovery for any useful purpose.

12 (b) After the expiration of the holding period established in  
13 subsection (a), the governing body of a political subdivision regulating the  
14 operation of a pound shall have ownership of such animal and shall  
15 determine the method of disposition of any animal. Any pound releasing  
16 live animals to prospective owners shall comply with the provisions  
17 established in K.S.A. 47-1731, and amendments thereto. Any *such*  
18 proceeds derived from the sale or other disposition of such animals shall  
19 be paid directly to the treasurer of the political subdivision, and no part of  
20 such proceeds shall accrue to any individual.

21 (c) After the expiration of the holding period established in  
22 subsection (a), the board of directors of any humane society operating an  
23 animal shelter as a pound, shall have ownership of such animal and shall  
24 determine the method of disposition of any animal. Any animal shelter  
25 releasing live animals to prospective owners shall comply with the  
26 provisions established in K.S.A. 47-1731, and amendments thereto. Any  
27 *such* proceeds derived from such sale or disposition shall be paid directly  
28 to the treasurer of the humane society and no part of such proceeds shall  
29 accrue to any individual.

30 Sec. 32. K.S.A. 47-1711 is hereby amended to read as follows: 47-  
31 1711. An animal control officer shall not be granted an animal distributor's,  
32 retail breeder's, hobby breeder's or a pet shop operator's license. Each  
33 application for any such license shall include a statement that neither the  
34 applicant nor any of the applicant's employees is an animal control officer.  
35 An animal control officer, upon taking custody of any animal in the course  
36 of such officer's official duties, shall immediately make a record which  
37 shall include the color, breed, sex, approximate weight and other  
38 description of the animal, the reason for seizure, the location of seizure,  
39 the owner's name and address, if known, the animal license number, and  
40 any other identification number. Complete information relating to the  
41 disposition of the animal shall be shown on the record; ~~this~~ and shall be  
42 added immediately following the disposition of the animal. *Such records*  
43 *shall be made available to the commissioner or the commissioner's*

animal breeder's,

1 *authorized representative upon request.*

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

19 (b) The commissioner shall only adopt as rules and regulations for  
20 United States department of agriculture licensed animal distributors and  
21 animal breeders, and animal distributor and animal breeder premises the  
22 rules and regulations promulgated by the secretary of the United States  
23 department of agriculture, cited at 9 C.F.R. §§ 3.1 through 3.12, pursuant  
24 to the provisions of the United States public law 91-579 (7 U.S.C. § 2131  
25 *et seq.*), commonly known as the animal welfare act.

26 ~~(c) Notwithstanding any provision in subsection (b), the~~  
27 ~~commissioner may adopt a requirement that each licensee and permittee~~  
28 ~~file with the commissioner evidence that animals entering or leaving the~~  
29 ~~state are free from any visible symptoms of communicable disease.~~

30 Sec. 34. K.S.A. 47-1723 is hereby amended to read as follows: 47-  
31 1723. (a) It shall be unlawful for any person, except a licensed  
32 veterinarian, to act as or be a *boarding or training* kennel operator unless  
33 such person has obtained from the commissioner a *boarding or training*  
34 kennel operator license for each premises operated by such person.  
35 Application for such license shall be made in writing on a form provided  
36 by the commissioner. The license period shall be for the license year  
37 ending on June 30 following the issuance date.

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

40 Sec. 35. K.S.A. 47-1725 is hereby amended to read as follows: 47-  
41 1725. (a) There is hereby created the Kansas pet animal advisory board,  
42 consisting of 10 members. Members shall be appointed by the governor as  
43 follows:

Keep subsection (c), don't strike



- 1 (1) One member shall be a representative of a licensed animal shelter  
2 or pound;
- 3 (2) one member shall be an employee of a licensed research facility;  
4 (3) one member shall be a licensed animal breeder;  
5 (4) one member shall be a licensed retail breeder;  
6 (5) one member shall be a licensed pet shop operator;  
7 (6) one member shall be a licensed veterinarian and shall be selected  
8 from a list of three names presented to the governor by the Kansas  
9 veterinary medical association;
- 10 (7) one member shall be a private citizen with no link to the industry;  
11 (8) one member shall be a licensed animal distributor;  
12 (9) one member shall be a licensed hobby breeder; and  
13 (10) one member shall be a licensed *boarding or training* kennel  
14 operator.
- 15 (b) ~~Of the members first appointed to the board, the governor shall~~  
16 ~~designate three whose terms shall expire June 30, 1992, three whose terms~~  
17 ~~shall expire June 30, 1993, and three whose terms shall expire June 30,~~  
18 ~~1994. After the expiration of such terms, Each member shall be appointed~~  
19 ~~for a term of three years and until a successor is appointed and qualified.~~  
20 (c) A vacancy on the board of a member shall be filled for the  
21 unexpired term by appointment by the governor.
- 22 (d) The board shall meet at least once every calendar quarter  
23 regularly or at such other times as the chairperson or a majority of the  
24 board members determine. A majority of the members shall constitute a  
25 quorum for conducting board business.
- 26 (e) The members of the board shall annually elect a chairperson.  
27 (f) The board shall have the following duties, authorities and powers:
- 28 (1) To advise the Kansas livestock commissioner on hiring a director  
29 to implement the Kansas pet animal act;  
30 (2) to review the status of the Kansas pet animal act;  
31 (3) to make recommendations on changes to the Kansas pet animal  
32 act; and  
33 (4) to make recommendations concerning the rules and regulations  
34 for the Kansas pet animal act.
- 35 (g) Board members who are required to be licensed except retail  
36 breeders shall be affiliated with or a member of an organized pet animal  
37 association which is representative of the position such person will hold on  
38 the board.
- 39 ~~(h) Upon the effective date of this act, the governor shall appoint a~~  
40 ~~licensed kennel operator. When the current board members' terms expire,~~  
41 ~~the governor shall appoint persons or representatives in accordance with~~  
42 ~~this section.~~  
43 Sec. 36. K.S.A. 47-1727 is hereby amended to read as follows: 47-

1 1727. Notwithstanding the existence or pursuit of any other remedy, when  
2 it appears to the commissioner ~~as head of the licensing and permitting~~  
3 ~~agency~~, that any person is violating any provisions of the Kansas pet  
4 animal act, the commissioner may ~~in that capacity~~ bring an action in a  
5 court of competent jurisdiction or other process against such person to  
6 enjoin, restrain or prevent such person from continuing operation in  
7 violation of the Kansas pet animal act without regard to whether  
8 administrative proceedings have been or may be instituted or whether  
9 criminal proceedings may be or have been instituted.

10 Sec. 37. K.S.A. 47-1801 is hereby amended to read as follows: 47-  
11 1801. As used in ~~this act~~ *K.S.A. 47-1802 and 47-1803, and amendments*  
12 *thereto*, unless the context clearly requires otherwise, the following words  
13 and phrases shall have the meanings ascribed to them in this section:

14 (a) "Livestock" means cattle, hogs, sheep, *goats, bison, camelids*, all  
15 creatures of the rattle family that are not indigenous to this state, including  
16 but not limited to ostriches, emus and rheas or domesticated deer;

17 (b) "slaughter" means killing livestock with the intent to process and  
18 distribute the meat and by-products of such livestock, regardless of the  
19 period of time elapsing between the purchase and the killing of such  
20 livestock;

21 (c) "person" means any individual, firm, partnership, corporation or  
22 other organization or business entity;

23 (d) "payment by check" means the actual delivery of the check to the  
24 seller or the seller's representative at the location where the transfer of  
25 ownership is accomplished. In the case of "grade and yield" selling,  
26 "payment by check" means making the check available at the packing  
27 plant, subject to the instructions of the seller or the seller's representative;

28 (e) "wire transfer" means any telephonic, telegraphic, electronic or  
29 similar communication between the bank of the purchaser and the bank of  
30 the seller which results in the transfer of funds or credits of the purchaser  
31 to an account of the seller.

32 (f) "Domesticated deer" means any member of the family cervidae  
33 which was legally obtained and is being sold or raised in a confined area  
34 for breeding stock; for any carcass, skin or part of such animal; for  
35 exhibition; or for companionship.

36 Sec. 38. K.S.A. 47-1804 is hereby amended to read as follows: 47-  
37 1804. As used in ~~this act~~ *K.S.A. 47-1805 through 47-1808, and*  
38 *amendments thereto*, unless the context otherwise requires:

39 (a) "Commissioner" means the ~~livestock animal health~~ commissioner  
40 of the ~~state of Kansas department of agriculture~~.

41 (b) "Livestock" means cattle, *bison*, swine, horses, sheep, goats,  
42 ~~ponies, camelids~~ and all creatures of the rattle family that are not  
43 indigenous to this state, including but not limited to ostriches, emus and

1 rhes and domesticated deer.

2 (c) "Livestock dealer" means any person engaged in the business of  
3 buying or selling livestock in commerce, either on that person's own  
4 account or as the employee or agent of the seller or purchaser, or any  
5 person engaged in the business of buying or selling livestock in commerce  
6 on a commission basis and shall include any person who buys or sells  
7 livestock with the use of a video. "Livestock dealer" does not include any  
8 person who buys or sells livestock as part of that person's own breeding,  
9 feeding or dairy operation, nor any person who receives livestock  
10 exclusively for immediate slaughter.

11 (d) "Person" means any individual, partnership, corporation,  
12 company, firm or association. "Person" does not include any public  
13 livestock market operator licensed under K.S.A. 47-1001 *et seq.*, and  
14 amendments thereto, or any feedlot operator licensed under K.S.A. 47-  
15 1501 *et seq.*, and amendments thereto.

16 (e) "Domesticated deer" means any member of the family cervidae  
17 which was legally obtained and is being sold or raised in a confined area  
18 for breeding stock; for any carcass, skin or part of such animal; for  
19 exhibition; or for companionship.

20 Sec. 39. K.S.A. 47-1807 is hereby amended to read as follows: 47-  
21 1807. (a) Any person violating or failing to comply with the provisions of  
22 ~~this act~~ K.S.A. 47-1805 through 47-1808, and amendments thereto, shall be  
23 deemed guilty of a class A misdemeanor.

24 (b) *The commissioner, after providing notice and opportunity for a*  
25 *hearing in accordance with the Kansas administrative procedure act, may*  
26 *assess a civil penalty against any person who violates or fails to comply*  
27 *with the requirements of this act, or any rules or regulations adopted*  
28 *hereunder, of not less than \$100 nor more than \$1,000 per violation. A*  
29 *separate civil penalty may be assessed for each separate violation. Such*  
30 *civil penalty may be assessed in addition to any other penalty provided by*  
31 *law.*

32 Sec. 40. K.S.A. 2011 Supp. 47-1809 is hereby amended to read as  
33 follows: 47-1809. (a) As used in this section, "feral swine" means any  
34 untamed or undomesticated hog, boar or pig; swine whose reversion from  
35 the domesticated state to the wild state is apparent; or an otherwise freely  
36 roaming swine having no visible tags, markings or characteristics  
37 indicating that such swine is from a domestic herd, and reasonable inquiry  
38 within the area does not identify an owner. *Feral swine includes members*  
39 *of the species sus scrofa lineas, including, but not limited to, swine*  
40 *commonly known as old world swine, Russian wild boar, European wild*  
41 *boar, Eurasian wild boar and razorbacks. Feral swine does not include*  
42 *members of the species sus domestica which are involved in domestic hog*  
43 *production.*

1 (b) No person shall import, transport or possess live feral swine in  
2 this state.

3 (c) No person shall intentionally or knowingly release any hog, boar,  
4 pig or swine to live in a wild or feral state upon public or private land.

5 (d) ~~No person shall engage in, sponsor, or assist in the operation of a  
6 contained hunting preserve of swine, whether such swine are feral or  
7 otherwise, within this state. For the purposes of this subsection, any tract  
8 of land on which a fence or other apparatus is used to prevent the free  
9 roaming of swine which are to be hunted and not used solely for domestic  
10 swine production shall be deemed to be a contained hunting preserve.~~

11 ~~(e) No person shall engage in, sponsor, instigate, assist or profit  
12 from the release, killing, wounding or attempted killing or wounding of  
13 feral swine for the purpose of sport, pleasure, amusement or production of  
14 a trophy.~~

15 ~~(f) Violation of subsection (b) or (c) or (d) may result in a civil  
16 penalty in the amount of not less than \$1,000 nor more than \$5,000 for  
17 each such violation. In the case of a continuing violation, every day such  
18 violation continues shall be deemed a separate violation.~~

19 ~~(g) Violation of subsection (d) (e) may result in a civil penalty of  
20 not less than \$250 nor more than \$2,500 for each such violation.~~

21 ~~(h) Any duly authorized agent of the livestock animal health  
22 commissioner, upon a finding that any person, or agent or employee  
23 thereof, has violated any of the provisions stated above, may impose a  
24 civil penalty upon such person as provided in this section.~~

25 ~~(i) No civil penalty shall be imposed pursuant to this section  
26 except upon the written order of the duly authorized agent of the livestock  
27 animal health commissioner to the person who committed the violation.~~

28 Such order shall state the violation, the penalty to be imposed and the right  
29 of the person ~~to appeal to the commissioner to request a hearing in the  
30 matter.~~ Any such person, within 20 days after notification, may make  
31 written request to the commissioner for a hearing in accordance with the  
32 provisions of the Kansas administrative procedure act. ~~The commissioner  
33 shall affirm, reverse or modify the order and shall specify the reasons  
34 therefor.~~

35 ~~(j) Any person aggrieved by an order of the commissioner made  
36 under this section may appeal such order to the district court in the manner  
37 provided by the Kansas judicial review act.~~

38 ~~(k) Any civil penalty recovered pursuant to the provisions of this  
39 section shall be remitted to the state treasurer in accordance with the  
40 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
41 each such remittance, the state treasurer shall deposit the entire amount in  
42 the state treasury to the credit of the state general fund.~~

43 ~~(l) The livestock animal health commissioner of the Kansas~~

Strike extra "to"

1 *department of agriculture, or the authorized representative of the livestock*  
2 *animal health commissioner, may destroy or require the destruction of any*  
3 *feral swine upon discovery of such swine.*  
4 ~~(j)~~ *(m)* The provisions of this section shall not be construed to prevent  
5 owners or legal occupants of land, the employees of such owners or legal  
6 occupants or persons designated by such owners or legal occupants from  
7 killing any feral swine when found on their premises or when destroying  
8 property. Such designees shall have a permit issued by the livestock-  
9 *animal health commissioner* in their possession at the time of the killing  
10 of the feral swine.  
11 ~~(n)~~ *(n)* The livestock animal health commissioner may adopt rules  
12 and regulations to carry out the provisions of this section.  
13 Sec. 41. K.S.A. 2011 Supp. 47-1826 is hereby amended to read as  
14 follows: 47-1826. As used in ~~this~~ *the farm animal and research facilities*  
15 *protection act:*  
16 (a) "Animal" means any warm or coldblooded animal used in food,  
17 fur or fiber production, agriculture, research, testing or education and  
18 includes dogs, cats, poultry, fish and invertebrates.  
19 (b) "Animal facility" includes any vehicle, building, structure,  
20 research facility or premises where an animal is kept, handled, housed,  
21 exhibited, bred or offered for sale.  
22 (c) "Consent" means assent in fact, whether express or apparent.  
23 (d) "Deprive" means to:  
24 (1) Withhold an animal or other property from the owner permanently  
25 or for so extended a period of time that a major portion of the value or  
26 enjoyment of the animal or property is lost to the owner;  
27 (2) restore the animal or other property only upon payment of reward  
28 or other compensation; or  
29 (3) dispose of an animal or other property in a manner that makes  
30 recovery of the animal or property by the owner unlikely.  
31 (e) "Effective consent" includes consent by a person legally  
32 authorized to act for the owner. Consent is not effective if:  
33 (1) Induced by force, *fraud, deception, duress* or threat;  
34 (2) given by a person the offender knows is not legally authorized to  
35 act for the owner; or  
36 (3) given by a person who by reason of youth, mental disease or  
37 defect or under the influence of drugs or alcohol is known by the offender  
38 to be unable to make reasonable decisions.  
39 (f) "Owner" means a person who has title to the property, possession  
40 of the property, whether lawful or not, or a greater right to possession of  
41 the property than the actor.  
42 (g) "Person" means any individual, state agency, corporation,  
43 association, nonprofit corporation, joint stock company, firm, trust,

1 partnership, two or more persons having a joint or common interest or  
2 other legal entity.

3 (h) "Possession" means actual care, custody, control or management.

4 (i) "Research facility" means any place, laboratory, institution,  
5 medical care facility, elementary school, secondary school, college or  
6 university, at which any scientific test, experiment or investigation  
7 involving the use of any living animal or field crop product is carried out,  
8 conducted or attempted.

9 Sec. 42. K.S.A. 47-2306 is hereby amended to read as follows: 47-  
10 2306. Any person who shall violate any of the provisions of ~~this act~~ *article*  
11 *chapter 47 of the Kansas Statutes Annotated, and amendments*  
12 *thereto*, shall be deemed guilty of a misdemeanor, and upon conviction  
13 shall be punished by a fine of not less than \$25 \$100 nor more than \$500  
14 \$1,000 or by imprisonment in the county jail for not less than 30 nor more  
15 than 90 days, or by both such fine and imprisonment.

16 Sec. 43. K.S.A. 47-120, 47-121, 47-122, 47-237, 47-238, 47-419, 47-  
17 422, 47-424, 47-619, 47-621, 47-636, 47-637, 47-638, 47-639, 47-641, 47-  
18 642, 47-643, 47-644, 47-647, 47-648, 47-649, 47-650, 47-651, 47-652, 47-  
19 653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-656, 47-666, 47-  
20 667, 47-668, 47-669, 47-670, 47-671, 47-921, 47-922, 47-923, 47-1001,  
21 47-1002, 47-1005, 47-1005b, 47-1010, 47-1102, 47-1213, 47-1217, 47-  
22 1219, 47-1301, 47-1305, 47-1306, 47-1509, 47-1701, 47-1710, 47-1711,  
23 47-1712, 47-1723, 47-1725, 47-1727, 47-1801, 47-1804, 47-1807 and 47-  
24 2306 and K.S.A. 2011 Supp. 47-672, 47-1008, 47-1302, 47-1307, 47-  
25 1706, 47-1707, 47-1708, 47-1709, 47-1809 and 47-1826 are hereby  
26 repealed.

27 Sec. 44. This act shall take effect and be in force from and after its  
28 publication in the statute book.

47-654, 47-655,