

## HOUSE BILL No. 2761

By Committee on Appropriations

2-20

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1 AN ACT concerning the Kansas department of agriculture; relating to  
2 changes due to the establishment of the division of animal health, the  
3 agriculture marketing and promotions program and the division of  
4 conservation; amending K.S.A. 2-909, 2-1903, 2-1904, 2-1907, 24-  
5 1211, 24-1212, 47-122a, 47-230, 47-239, 47-414, 47-414a, 47-416, 47-  
6 416a, 47-417, 47-418a, 47-420, 47-422, 47-428, 47-429, 47-432, 47-  
7 433, 47-434, 47-435, 47-441, 47-442, 47-446, 47-448, 47-605, 47-607,  
8 47-607a, 47-607d, 47-608, 47-610, 47-613, 47-616, 47-618, 47-619,  
9 47-620, 47-622, 47-626, 47-627, 47-629, 47-629a, 47-629b, 47-629c,  
10 47-631, 47-632, 47-632a, 47-633a, 47-634, 47-635, 47-646a, 47-650,  
11 47-651, 47-653, 47-653a, 47-653b, 47-653d, 47-653e, 47-653f, 47-  
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13 666, 47-667, 47-673, 47-1001, 47-1001d, 47-1501, 47-1506, 47-1511,  
14 47-1701, 47-1725, 47-1735, 47-1804, 47-1808, 47-1832, 49-603, 65-  
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16 3142, 82a-326, 82a-1607, 82a-1608, 82a-1609, 82a-1702, 82a-1703  
17 and 82a-1704 and K.S.A. 2011 Supp. 2-907, 2-1907c, 2-1915, 2-1930,  
18 2-1931, 32-951, 47-417a, 47-437, 47-611, 47-612, 47-624, 47-672, 47-  
19 674, 47-816, 47-1001e, 47-1008, 47-1011a, 47-1201, 47-1218, 47-  
20 1302, 47-1303, 47-1304, 47-1503, 47-1706a, 47-1709, 47-1721, 47-  
21 1731, 47-1805, 47-1809, 47-1831, 47-2101, 48-3502, 65-5721, 74-567,  
22 74-50,156, 74-50,163, 75-37,121, 82a-220, 82a-903, 82a-1602, 82a-  
23 1603, 82a-2007 and 82a-2101 and repealing the existing sections; also  
24 repealing K.S.A. 74-50,161 and K.S.A. 2011 Supp. 2-1932, 47-1307,  
25 74-50,157, 74-50,158, 74-50,159, 74-50,160 and 74-50,162.

26

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

28 Section 1. K.S.A. 2011 Supp. 2-907 is hereby amended to read as  
29 follows: 2-907. The Kansas poultry improvement association of  
30 Manhattan, ~~Kan~~ Kansas, whose articles of incorporation are recorded in  
31 the office of the secretary of state, is hereby designated and declared to be  
32 the official state agency for the state of Kansas, for the purpose of carrying  
33 out the national poultry improvement plan. The Kansas poultry  
34 improvement association shall cooperate with the United States  
35 department of agriculture, Kansas state university of agriculture and  
36 applied science, Kansas department of agriculture and the Kansas

1 ~~livestock~~ *animal health* commissioner for the purpose of promoting the  
2 poultry industry and its allied branches and shall supervise and administer  
3 the national improvement plan in this state.

4 Sec. 2. K.S.A. 2-909 is hereby amended to read as follows: 2-909. As  
5 used in the poultry disease control act, except where the context clearly  
6 requires a different meaning, the following words and phrases shall have  
7 the meaning ascribed thereto.

8 (a) "Commissioner" means the ~~livestock~~ *animal health* commissioner  
9 of the ~~state of~~ Kansas *department of agriculture*.

10 (b) "Fowl typhoid" means a disease of poultry caused by salmonella  
11 gallinarum.

12 (c) "Hatchery" means a premises with equipment which is operated or  
13 controlled by a person for the production of baby poultry.

14 (d) "Person" means any individual, partnership, firm or corporation.

15 (e) "Plan" means the national poultry improvement plan contained in  
16 sections 145.1 ~~to through~~ 145.54, ~~inclusive~~, of title 9 of the code of federal  
17 regulations and the auxiliary provisions thereto which are contained in  
18 sections 147.1 ~~to through~~ 147.48, ~~inclusive~~, of title 9 of the code of federal  
19 regulations, and ~~any amendments or supplements to such plan or~~  
20 ~~provisions thereto~~.

21 (f) "Poultry" means any domesticated birds which are bred for the  
22 primary purpose of producing eggs or meat or of being exhibited and  
23 which may include chickens, turkeys, waterfowl and game birds, but  
24 which shall not include doves or pigeons.

25 (g) "Pullorum" means a disease of poultry caused by salmonella  
26 pullorum.

27 Sec. 3. K.S.A. 2011 Supp. 32-951 is hereby amended to read as  
28 follows: 32-951. (a) Except as provided further, a game breeder permit is  
29 required to engage in the business of raising and selling game birds, game  
30 animals, furbearing animals or such other wildlife as required by rules and  
31 regulations adopted by the secretary in accordance with K.S.A. 32-805,  
32 and amendments thereto.

33 (b) Any person who desires to engage in the business described in  
34 subsection (a) may apply to the secretary for a game breeder permit. The  
35 application shall give the name and residence of the applicant, the  
36 description of the premises, the number and kind of birds or animals which  
37 it is proposed to propagate and any other information required by the  
38 secretary. The fee prescribed pursuant to K.S.A. 32-988, and amendments  
39 thereto, shall accompany the application.

40 (c) If the secretary determines that the application is made in good  
41 faith and that the premises are suitable for engaging in the business  
42 described in subsection (a), the secretary may issue such permit. The  
43 permit shall expire on June 30 of each year.

1 (d) Game breeders shall make such reports of their activities to the  
2 secretary as required by rules and regulations adopted by the secretary in  
3 accordance with K.S.A. 32-805, and amendments thereto. In addition to  
4 any other penalty prescribed by law, failure to make such reports or to  
5 comply with the laws of the state of Kansas or rules and regulations of the  
6 secretary shall be grounds for the secretary to refuse to issue, refuse to  
7 renew, suspend or revoke such permit.

8 (e) The secretary shall adopt, in accordance with K.S.A. 32-805, and  
9 amendments thereto, such rules and regulations as necessary to implement  
10 the provisions of this section.

11 (f) Any person who is engaged in the business of raising  
12 domesticated deer shall not be required to have a game breeder permit as  
13 required by this section. As used in this section, "domesticated deer"  
14 means any member of the family cervidae which was legally obtained and  
15 is being sold or raised in a confined area for: (1) Breeding stock; ~~for~~ (2)  
16 any carcass, skin or part of such animal; ~~for~~ (3) exhibition; or ~~for~~ (4)  
17 companionship.

18 (g) The secretary, on a quarterly basis, shall transmit to the ~~livestock~~  
19 *animal health* commissioner a current list of persons issued a game  
20 breeder permit issued pursuant to this section who are raising or selling  
21 any member of the family cervidae.

22 (h) Any person holding a game breeder permit from the secretary is  
23 hereby authorized to recapture any game bird that such game breeder is  
24 permitted to raise or sell whenever any such game bird has escaped from  
25 confinement for any reason. The authorized area for such recapture is  
26 hereby limited to a one-quarter mile radius of the game breeder's operation  
27 from which the escape from confinement occurred, provided the game  
28 breeder has the prior approval of the owner of the land upon which the  
29 recapture will occur and has notified the department prior to the recapture.

30 Sec. 4. K.S.A. 47-122a is hereby amended to read as follows: 47-  
31 122a. (a) Whenever the owner or the owner's authorized agent allows any  
32 livestock to run at large, in violation of K.S.A. 47-122, and amendments  
33 thereto, and such livestock remains on the property of another person, ~~the~~  
34 ~~sheriff of the county in which such livestock are running at large,~~ at the  
35 request of such person upon whose property the livestock are running at  
36 large, *the sheriff of the county in which such livestock are running at large*  
37 may take such livestock into custody and retain them in a secure holding  
38 area.

39 (b) The county sheriff shall give notice to the owner or the owner's  
40 authorized agent within 24 hours after taking such livestock into custody  
41 that the owner or the owner's authorized agent has 10 days within which to  
42 claim such livestock and to pay all actual costs for taking up, keeping and  
43 feeding of such livestock.

1 (c) If the owner or the owner's authorized agent fails to claim the  
2 livestock and to pay all actual costs within the ten-day period, the county  
3 sheriff shall cause the livestock to be delivered to a public livestock market  
4 or to a secure holding area approved by the ~~livestock~~ *animal health*  
5 commissioner. If the livestock is delivered to the market, the county sheriff  
6 shall cause such livestock to be sold at such market to the highest bidder  
7 for cash. Livestock held in a secure holding area other than a livestock  
8 market shall be advertised by the county sheriff in the official county  
9 newspaper and sold to the highest bidder for cash.

10 (d) The county sheriff shall pay out of the proceeds from the sale of  
11 such livestock, all actual costs for taking up, keeping and feeding of such  
12 livestock. Any proceeds remaining in the hands of the sheriff after  
13 payment of all actual costs, shall be paid to the owner of the livestock or  
14 the owner's authorized agent. If the owner or the owner's authorized agent  
15 is not known or cannot be located, the proceeds remaining after the  
16 payment of actual costs shall be paid to the county treasurer of the county  
17 in which the livestock were running at large. Such funds shall be  
18 deposited by the county treasurer in the county's special stray fund  
19 provided for in K.S.A. 47-239, and amendments thereto.

20 (e) In counties having a consolidated law enforcement department,  
21 the provisions of this section relating to sheriffs shall be deemed to refer to  
22 such department.

23 Sec. 5. K.S.A. 47-230 is hereby amended to read as follows: 47-230.

24 (a) Any person may take up any stray found upon ~~his~~ *such person's*  
25 premises; or upon any public thoroughfare adjoining thereto, ~~and he~~.  
26 *Within 24 hours after taking up the stray, such person shall report such the*  
27 *taking up to the sheriff of the county in which the stray is taken up within*  
28 *twenty-four (24) hours after the taking up of such stray. In giving such*  
29 *notice, the taker-up shall describe said stray to the sheriff by stating the*  
30 *kind. The report shall include a description of the stray, including the type*  
31 *of animal, color, weight, size, sex and, age, the marks, brands or other*  
32 *distinguishing features of the animal, if any there may be, the place where*  
33 *the animal is kept and the address of the taker-up such person who took up*  
34 *the stray. The sheriff upon being given such notice shall then notify*  
35 *the state livestock animal health commissioner and the owners of all*  
36 *registered brands found on said animal the stray. If the sheriff and the*  
37 *livestock animal health commissioner or his, or the commissioner's duly*  
38 *authorized representatives find and establish the ownership of said animal*  
39 *owner of the stray, a record to that effect shall be kept, and said animal*  
40 *shall be then released to the established owner. Provided, That said owner*  
41 *has paid all costs accrued in said stray proceeding and has paid to the*  
42 *taker-up reasonable compensation for keeping and feeding said stray, as*  
43 *determined and agreed to by both the sheriff and the state livestock*

1 commissioner or his authorized representative, together with the cost for  
2 any damage which said stray may have caused.

3 (b) Subject to the agreement of both the sheriff and the animal health  
4 commissioner, or the commissioner's duly authorized representative, the  
5 stray shall be released to the established owner upon payment of:

6 (1) All costs accrued in the stray proceeding, including the cost for  
7 any damage which the stray may have caused while in the sheriff's  
8 control; and

9 (2) reasonable compensation to the person taking up the stray for the  
10 costs of keeping and feeding such stray, including the cost for any damage  
11 which the stray may have caused.

12 Sec. 6. K.S.A. 47-239 is hereby amended to read as follows: 47-239.

13 (a) The notice for the sale of the stray shall be published for one (1) issue  
14 in a publication or publications having general circulation in the area  
15 where said such stray was taken up, which. Such notice shall describe the  
16 stray animal by stating the kind of animal, sex, age, and brands. The notice  
17 shall not contain any statement as to the color of the stray animal, or as to  
18 any marks or other distinguishing features; and it shall not contain the  
19 name or address of the taker-up of such animal person who took up such  
20 stray. Out of the proceeds from the sale of said stray animal such stray, the  
21 sheriff shall pay the taker-up of such animal person who took up such  
22 stray, reasonable compensation for his keeping and feeding of the same,  
23 and the stray. The sheriff also shall pay all costs of the stray proceedings.  
24 Any proceeds remaining in the hands of the sheriff after payment of  
25 feeding and sale costs, shall be paid by him the sheriff to the treasurer of  
26 the county in which the stray animal was taken up. Such funds shall be  
27 placed by the county treasurer in a special stray fund.

28 (b) At any time prior to the expiration to six (6) months following the  
29 date of such deposit with the county treasurer, a claimant may appear  
30 before the sheriff and submit evidence of ownership of said stray animal  
31 such stray. If such evidence is acceptable and satisfactory to the sheriff and  
32 to the state livestock animal health commissioner or his the  
33 commissioner's authorized representative, for purpose of establishing  
34 ownership of said stray animal such stray, the sheriff shall direct the  
35 county treasurer to disburse the remainder of the proceeds from the sale of  
36 said stray animal to said such stray to the claimant.

37 (c) Upon the expiration of a period of six (6) months following the  
38 receipt of deposit of proceeds from the sale of any stray animal, without  
39 any such directive having been received from the sheriff, the county  
40 treasurer shall pay the remaining proceeds to the livestock animal health  
41 commissioner to be remitted, deposited and credited as provided by K.S.A.  
42 47-417a, and amendments thereto.

43 Sec. 7. K.S.A. 47-414 is hereby amended to read as follows: 47-414.

1 As used in this act, except where the context clearly indicates a different  
2 meaning:

3 (a) "Person" means every natural person, firm, copartnership,  
4 association or corporation;

5 (b) "livestock" means cattle, sheep, horses, mules or asses;

6 (c) "brand" means any permanent identifying mark upon the surface  
7 of any livestock, except upon horns and hoofs, made by any acid,  
8 chemical, a hot iron or cryogenic branding; and, also in the case of sheep  
9 shall include the identifying marks made by paint or tar;

10 (d) "commissioner" means the ~~livestock~~ *animal health* commissioner  
11 *of the Kansas department of agriculture*;

12 (e) "board" means the animal health board, created in K.S.A. 74-  
13 4001, and amendments thereto;

14 (f) "cryogenic branding" means a brand produced by application of  
15 extreme cold temperature.

16 Sec. 8. K.S.A. 47-414a is hereby amended to read as follows: 47-  
17 414a. (a) Whenever in any statutes of this state the terms "*livestock*  
18 *commissioner*," "livestock brand commissioner" or "brand commissioner"  
19 are used, or the term "commissioner" is used to refer to the livestock brand  
20 commissioner, such terms shall be construed to mean the ~~livestock animal~~  
21 *health* commissioner appointed by the ~~Kansas animal health board~~  
22 *secretary of agriculture* pursuant to K.S.A. ~~75-1901~~ *74-5,119*, and  
23 *amendments thereto*.

24 (b) Whenever the term "board" is used in the acts contained in K.S.A.  
25 47-414 ~~to through~~ 47-433, ~~inclusive, and any acts amendatory thereof and~~  
26 *amendments thereto*, such term shall be construed to mean the Kansas  
27 animal health board created in K.S.A. 74-4001, *and amendments thereto*.

28 Sec. 9. K.S.A. 47-416 is hereby amended to read as follows: 47-416.  
29 It shall be the duty of the ~~livestock animal health~~ commissioner to keep all  
30 books and records and to record all brands used for the branding or  
31 marking of livestock in Kansas. The commissioner shall receive  
32 applications for the recording of any and all brands and the commissioner  
33 shall decide on the availability and desirability of any brand or brands sent  
34 in for recording.

35 The commissioner may appoint an assistant commissioner in charge of  
36 brands and brand inspectors, special investigators, examiners, deputy  
37 assistants and employees necessary to carry out the provisions of the acts  
38 contained in article 4 of chapter 47 of the Kansas Statutes Annotated, and  
39 ~~any acts amendatory thereof~~ *amendments thereto*, subject to approval of  
40 the board.

41 Sec. 10. K.S.A. 47-416a is hereby amended to read as follows: 47-  
42 416a. Each special investigator, appointed by the ~~livestock animal health~~  
43 commissioner, pursuant to K.S.A. 47-416, and amendments thereto, shall

1 have the authority to make arrests, conduct searches and seizures and carry  
2 firearms while investigating violations of the provisions of article 4 of  
3 chapter 47 of the Kansas Statutes Annotated and ~~acts amendatory of the,~~  
4 ~~provisions thereof and supplemental~~ *amendments* thereto, and while  
5 investigating livestock theft. The director as defined in K.S.A. 74-5602,  
6 and amendments thereto, is authorized to offer and carry out a special  
7 course of instruction for special investigators performing law enforcement  
8 duties under authority of this section. Such special investigators shall not  
9 carry firearms without having first successfully completed such special  
10 law enforcement training course.

11 Sec. 11. K.S.A. 47-417 is hereby amended to read as follows: 47-417.

12 (a) Any person may adopt a brand for the purpose of branding livestock in  
13 accordance with authorized rules and regulations of the ~~livestock animal~~  
14 ~~health~~ commissioner of the Kansas ~~animal health department~~ *department*  
15 *of agriculture division of animal health*. Such person shall have the  
16 exclusive right to use such brand in this state, after registering such brand  
17 with the ~~livestock animal health~~ commissioner.

18 (b) Any person desiring to register a livestock brand shall forward to  
19 the commissioner a facsimile of such brand and shall accompany the same  
20 with the registration fee in the amount provided under this section. Each  
21 person making application for the registering of ~~a~~ *an available* livestock  
22 brand ~~which is available~~ shall be issued a certificate of brand title ~~which~~.  
23 *Such brand title* shall be valid for a period ending four years subsequent to  
24 the next April 1; following date of issuance.

25 (c) For the purpose of revising the brand records, the ~~livestock~~  
26 ~~animal health~~ commissioner shall collect a renewal fee in the amount  
27 provided under this section on all brands upon which *the* recording period  
28 expires. Any person submitting such renewal fee shall be entitled to a  
29 renewal of registration of such person's livestock brand for a five-year  
30 period from the date of expiration of registration of such person's livestock  
31 brand as shown by such person's last certificate of brand title.

32 (d) The livestock brand of any person whose registration expires and  
33 who fails to pay such renewal fee within a grace period of 60 days after  
34 expiration of the registration period shall be placed in a delinquency status.  
35 The use of a delinquent brand shall be unlawful. If the owner of any  
36 delinquent registered brand the registration of which has expired fails to  
37 renew registration of such brand within 120 days after such brand became  
38 delinquent, such failure shall constitute an abandonment of all claim to any  
39 property right in such brand.

40 (e) Upon the expiration of such delinquency period without any  
41 request for renewal and required remittance from the last record owner of  
42 a brand; or such owner's heirs, legatees or assigns, and with the  
43 termination of property rights by abandonment, the ~~livestock animal~~

1 *health* commissioner is authorized to receive and accept an application for  
2 such brand to the same extent as if such brand had never been issued to  
3 anyone as a registered brand.

4 (f) The ~~livestock~~ *animal health* commissioner shall determine  
5 annually the amount of funds which will be required for the purposes for  
6 which the brand registration and renewal fees are charged and collected  
7 and shall fix and adjust from time to time each such fee in such reasonable  
8 amount as may be necessary for such purposes, except that in no case shall  
9 either the brand registration fee or the renewal fee exceed \$55. The  
10 amounts of the brand registration fee and the renewal fee in effect on the  
11 day preceding the effective date of this act shall continue in effect until the  
12 ~~livestock~~ *animal health* commissioner fixes different amounts for such  
13 fees under this section.

14 Sec. 12. K.S.A. 2011 Supp. 47-417a is hereby amended to read as  
15 follows: 47-417a. (a) The ~~livestock~~ *animal health* commissioner ~~may~~,  
16 when brand inspectors or examiners are available, *may* provide brand  
17 inspection. When brand inspection is requested and provided, the ~~livestock~~  
18 *animal health* commissioner shall charge and collect from the person  
19 making the request, a brand inspection fee of not to exceed \$.75 per head  
20 on cattle and \$.05 per head on sheep and other livestock. No inspection  
21 charge shall be made or collected at any licensed livestock market where  
22 brand inspection is otherwise available.

23 (b) The ~~livestock~~ *animal health* commissioner shall remit all moneys  
24 received under the statutes contained in article 4 of chapter 47 of the  
25 Kansas Statutes Annotated, and amendments thereto, except K.S.A. 47-  
26 434 through 47-445, and amendments thereto, to the state treasurer in  
27 accordance with the provisions of K.S.A. 75-4215, and amendments  
28 thereto. Upon receipt of each such remittance, the state treasurer shall  
29 deposit the entire amount in the state treasury to the credit of the livestock  
30 brand fee fund. All expenditures from such fund shall be made in  
31 accordance with appropriation acts upon warrants of the director of  
32 accounts and reports issued pursuant to vouchers approved by the  
33 ~~livestock~~ *animal health* commissioner or by a person or persons  
34 designated by the commissioner.

35 Sec. 13. K.S.A. 47-418a is hereby amended to read as follows: 47-  
36 418a. Any person who willfully brands or causes to be branded any cattle  
37 in any manner other than as required or authorized by K.S.A. 47-418, and  
38 amendments thereto, or as required by the laws of this state and the rules  
39 and regulations of the ~~livestock~~ *animal health* commissioner, or any person  
40 who falsely brands or causes to be falsely branded any cattle in such a  
41 manner as to incorrectly designate the disease control identification or  
42 ownership of livestock, shall be deemed guilty of a class A misdemeanor.

43 Sec. 14. K.S.A. 47-420 is hereby amended to read as follows: 47-420.



1 (a) It shall be unlawful for any person to use any brand for branding any  
2 livestock unless such brand has been duly registered in the office of the  
3 ~~livestock animal health~~ commissioner at Topeka, except: (1) The use of a  
4 single numeral digit ~~(0 to 9)~~, *zero to nine*, in conjunction with the  
5 registered brand of the owner may be used; for the purpose of determining  
6 the age of the branded animal, such number to be applied at least six  
7 inches from such registered brand; (2) the use of serial numbers in  
8 conjunction with the registered brand of the owner may be used for the  
9 purpose of identifying individual animals, such numbers to be applied at  
10 least six inches from the registered brand; (3) the use of numbers in  
11 conjunction with the registered brand of the owner may be used for the  
12 purpose of identifying herds of the same owner for feeding or  
13 experimental purposes, such numbers to be applied at least six inches from  
14 the registered brand; and (4) the use of a digital system of branding  
15 livestock may be used for the purpose of identifying animals in a licensed  
16 feedlot. Such feedlot brand may be used in conjunction with the registered  
17 brand of the owner, such brand to be applied at least six inches from such  
18 registered brand or may be used on animals which are not branded with a  
19 registered brand of the owner, subject to conditions, limitations and  
20 requirements applicable to the use of a feedlot brand as prescribed in  
21 K.S.A. 47-446, and amendments thereto. The age, serial, herd or feedlot  
22 brand shall not be construed as a part of the registered brand; and the use  
23 of such numeral or numerals in conjunction with a registered brand shall  
24 not be unlawful. Before any person uses any such serial or herd brand in  
25 conjunction with a registered brand, such person shall first obtain a permit  
26 from the ~~livestock animal health~~ commissioner authorizing such use.

27 (b) The ~~livestock animal health~~ commissioner is authorized to receive  
28 applications for permits for such serial or herd brands and issue permits  
29 thereon. All applications for such permits shall be accompanied by a  
30 permit fee of \$1.50. No such fee shall be required if the application for  
31 such permit is submitted in conjunction with an original application for the  
32 registered brand or in conjunction with a request for renewal of  
33 registration of a registered brand.

34 Sec. 15. K.S.A. 47-422 is hereby amended to read as follows: 47-422.  
35 Any brand ~~recorded with the Kansas animal health board~~ *registered with*  
36 *the animal health commissioner of the Kansas department of agriculture* in  
37 compliance with the requirements of this act shall be the property of the  
38 person causing such record to be made ~~and~~. *Such brand* shall be subject to  
39 sale, assignment, transfer, devise, and descent as other personal property.  
40 Instruments of writing evidencing the sale, assignment or transfer of such  
41 brand shall be recorded by the ~~livestock animal health~~ commissioner, ~~and~~.  
42 The fee for recording such instruments of writing shall be \$15. Such  
43 instruments shall have the same force and effect as recorded instruments

1 affecting real estate, ~~and~~. A certified copy of the record of any such  
2 instrument may be introduced in evidence the same as ~~is now provided for~~  
3 certified copies of instruments affecting real estate. Any brand recorded  
4 with the Kansas ~~animal health department~~ *department of agriculture*  
5 *division of animal health* shall not be used by any person other than the  
6 recorded owner. Any person violating any provision of this section shall be  
7 guilty of a class C misdemeanor.

8 Sec. 16. K.S.A. 47-428 is hereby amended to read as follows: 47-428.  
9 The ~~livestock~~ *animal health* commissioner and the commissioner's  
10 deputies or assistants are hereby authorized to enter upon any private lands  
11 to make any inspections necessary for the purpose of carrying out the  
12 provisions of this act or any of the provisions of article 4 of chapter 47 of  
13 the Kansas Statutes Annotated ~~or any, and~~ amendments thereto. The  
14 commissioner and the commissioner's deputies or assistants may accept  
15 proof of ownership of livestock from any person in possession of animals  
16 bearing the recorded brands of another party as sufficient to exclude and  
17 exempt such animals from being classified as stray animals under the  
18 provisions of this act.

19 Sec. 17. K.S.A. 47-429 is hereby amended to read as follows: 47-429.  
20 All moneys received from the sale of branded stray livestock shall be paid  
21 to the state ~~livestock~~ *animal health* commissioner, ~~regardless of the~~  
22 ~~provisions of notwithstanding~~ article 2 of chapter 47 of the Kansas Statutes  
23 Annotated ~~and acts amendatory, and amendments~~ thereto, or any other  
24 provision of law relating to the disposition of the moneys received from  
25 the sale of branded stray animals. The commissioner or the commissioner's  
26 deputies are hereby authorized and directed to receive and receipt for all  
27 moneys received from the sale of branded stray livestock and shall pay the  
28 same to the state treasurer, ~~and~~. The state treasurer shall credit ~~the such~~  
29 amount ~~so paid~~ to the livestock brand fee fund.

30 Sec. 18. K.S.A. 47-432 is hereby amended to read as follows: 47-432.  
31 There is hereby created a livestock brand emergency revolving fund for  
32 the use of the state ~~livestock~~ *animal health* commissioner for the purpose  
33 of paying expenses and costs of establishing the ownership of livestock  
34 which are mingled as a result of sudden or extreme storm conditions or  
35 other unforeseen occurrences.

36 Sec. 19. K.S.A. 47-433 is hereby amended to read as follows: 47-433.  
37 The livestock brand emergency revolving fund may be used to provide for  
38 the compensation, subsistence and travel of emergency livestock brand  
39 inspectors and other necessary temporary employees and to provide for  
40 such transactions which demand immediate attention. Emergency livestock  
41 brand inspectors and other needed personnel may be employed by the  
42 ~~livestock animal health~~ commissioner, Kansas ~~animal health department,~~  
43 *department of agriculture division of animal health* or by the assistant

1 commissioner in charge of brands, on a temporary basis for services in the  
2 establishment of the ownership of livestock which may have been mingled  
3 as a result of sudden or extreme storm conditions; or other unforeseen  
4 occurrences. Personnel employed under this act shall be in the unclassified  
5 service and shall be exempt from the provisions of subsection (b) of  
6 K.S.A. 75-2935, *and amendments thereto*, requirements of the civil service  
7 law and processing by the division of personnel services of the department  
8 of administration. Such revolving fund shall not be used to pay any regular  
9 employees, or for current accounts, which are payable monthly. Advanced  
10 payments may be made from such revolving fund by the commissioner or  
11 assistant commissioner for subsistence and travel of employees and for  
12 other necessary emergency purposes when deemed necessary. A  
13 settlement, based on an approved accounting for any advance payments,  
14 shall be completed prior to the certification to the director of accounts and  
15 reports for payment of any compensation earned. The assistant  
16 commissioner shall comply with supplemental procedures as the controller  
17 may require, but payments for services, subsistence and travel from the  
18 livestock brand emergency revolving fund shall be made by voucher  
19 method, showing periods of time worked.

20 Sec. 20. K.S.A. 47-434 is hereby amended to read as follows: 47-434.  
21 As used in this act:

22 (a) "Commissioner" means the state ~~livestock~~ *animal health*  
23 commissioner;

24 (b) "brand inspection area" means any county which has been  
25 designated as such by the board of county commissioners of such county  
26 in the manner provided by K.S.A. 47-435, and amendments thereto;

27 (c) "resident owner of cattle " means any resident of a county who  
28 has owned one or more head of cattle at any time during the 12 preceding  
29 months;

30 (d) "brand inspection" means the inspection of brands, marks; and  
31 other identifying characteristics of cattle or sheep, or both, for the purpose  
32 of determining the ownership thereof; and

33 (e) "person" means any individual, firm, association, partnership or  
34 corporation.

35 Sec. 21. K.S.A. 47-435 is hereby amended to read as follows: 47-435.

36 (a) Whenever a petition is submitted to the board of county  
37 commissioners, signed by not less than 51% of the resident owners of  
38 cattle, as determined by an enumeration taken and verified for this purpose  
39 by a qualified elector of the county, requesting that the county be  
40 designated a brand inspection area, it shall be the duty of the board of  
41 county commissioners, within 10 days after receipt of such petition, to  
42 make a determination as to the sufficiency of the qualifications and  
43 numbers of signers. If such petition is found sufficient the board shall

1 adopt a resolution declaring the county a brand inspection area, and shall  
2 immediately file a certified copy of such resolution with the ~~livestock~~  
3 *animal health* commissioner. In every case, the date of filing of the  
4 certified copy of the resolution of the board of county commissioners  
5 declaring the county a brand inspection area with the commissioner shall  
6 be the date the county shall qualify as a brand inspection area.

7 (b) Any and all counties which have been ~~so~~ designated as a brand  
8 inspection area; and which are adjacent to and contiguous with other  
9 counties so designated, shall ~~be and~~ constitute a part of a basic brand  
10 inspection area. From and after the effective date of this act, the counties  
11 of Hamilton, Kearny and Wichita shall be and are hereby designated and  
12 declared to be a part of a basic brand inspection area. Such basic brand  
13 inspection area shall be subject to enlargement by the addition of other  
14 contiguous counties.

15 (c) Whenever a petition is submitted to the board of county  
16 commissioners, signed by not less than 51% of the resident owners of  
17 cattle, as determined by an enumeration taken and verified for this purpose  
18 by a qualified elector of the county, requesting that the county no longer be  
19 designated a brand inspection area and that its status as a brand inspection  
20 area be terminated, it shall be the duty of the board of county  
21 commissioners, within 10 days after receipt of such petition, to make a  
22 determination as to the sufficiency of the qualifications and numbers of  
23 signers. If such petition is found sufficient the board shall adopt a  
24 resolution declaring that the county is no longer a brand inspection area;  
25 and shall immediately file a certified copy of such resolution with the  
26 ~~livestock~~ *animal health* commissioner. Thereupon the county shall be  
27 terminated as a brand inspection area, but the termination as a brand  
28 inspection area by a county within a basic brand inspection area shall not  
29 affect the existence of such basic brand inspection area as to the remaining  
30 counties therein.

31 Sec. 22. K.S.A. 2011 Supp. 47-437 is hereby amended to read as  
32 follows: 47-437. (a) The ~~livestock~~ *animal health* commissioner shall  
33 charge and collect a fee of not to exceed \$.75 per head on all cattle and not  
34 to exceed \$.05 per head on all sheep inspected in brand inspection areas of  
35 the state. In addition to the per head fee, the ~~livestock~~ *animal health*  
36 commissioner may charge and collect an on-site inspection fee and a  
37 mileage fee for each mile necessarily and actually traveled in going to and  
38 returning from the place of inspection. The ~~livestock~~ *animal health*  
39 commissioner, when brand inspectors are available, may provide brand  
40 inspection in other areas where brand inspection is requested and the  
41 commissioner shall charge and collect inspection fees in the same manner  
42 as prescribed for the collection of such fees in brand inspection areas. The  
43 owner or seller of cattle or sheep inspected shall be responsible for the

1 payment of the inspection fees and such fees shall be collected in such  
2 manner as the ~~livestock animal health~~ commissioner shall prescribe or  
3 authorize by rule or regulation.

4 (b) When the ~~livestock animal health~~ commissioner determines that  
5 the fees collected under this section are yielding more than is required for  
6 the purposes for which such fees are collected, the commissioner may  
7 reduce such fees for such period as the commissioner deems justified. In  
8 the event the ~~livestock animal health~~ commissioner, after reducing such  
9 fees, finds that sufficient revenues are not being produced by the reduced  
10 fees to properly administer and enforce this act and acts of which this  
11 section is amendatory or supplemental, the commissioner may increase  
12 such fees to such rate as will, in the commissioner's judgment, produce  
13 sufficient revenue for the purposes provided in this section, but not  
14 exceeding \$.75 per head on cattle and not to exceed \$.05 per head on  
15 sheep.

16 (c) The ~~livestock animal health~~ commissioner shall remit all moneys  
17 received under K.S.A. 47-434 through 47-445, and amendments thereto, to  
18 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
19 and amendments thereto. Upon receipt of each such remittance, the state  
20 treasurer shall deposit the entire amount in the state treasury to the credit  
21 of the county option brand fee fund, except any amounts received for  
22 brand inspection services of livestock outside of a county option area. All  
23 expenditures from such fund shall be made in accordance with  
24 appropriation acts upon warrants of the director of accounts and reports  
25 issued pursuant to vouchers approved by the ~~livestock animal health~~  
26 commissioner or by a person or persons designated by the commissioner.  
27 All amounts received for inspection of livestock outside of a county option  
28 area shall be deposited to the credit of the livestock brand fee fund.

29 Sec. 23. K.S.A. 47-441 is hereby amended to read as follows: 47-441.  
30 It shall be unlawful for any person in any brand inspection area, including  
31 the owner of cattle, the shipper, motor carrier, railroad company, other  
32 carrier or corporation, or the agent or servant of any such person, carrier or  
33 corporation, to move, drive, ship or transport, in any manner, any cattle  
34 from any point in a brand inspection area, to any point outside such area  
35 other than another brand inspection area, unless such cattle ~~shall have~~  
36 *have* been inspected for brands by the state ~~livestock animal health~~  
37 commissioner, the commissioner's inspectors or examiners; or some person  
38 deputized by the commissioner to perform such inspection, unless such  
39 cattle are accompanied by a brand inspection certificate. The ~~livestock~~  
40 *animal health* commissioner and the commissioner's inspectors and  
41 deputies may give permission for such movement of cattle without  
42 inspection when: (1) There is no change of ownership involved; or (2)  
43 shipment of such cattle is to a market where Kansas brand inspection is

1 maintained. No such inspection shall be required in any case where any  
 2 such cattle are being moved from a feedlot the operator of which has been  
 3 licensed pursuant to K.S.A. 47-1503, and amendments thereto. It shall be  
 4 unlawful for any motor carrier, railroad company or other carrier  
 5 transporting any cattle from any brand inspection area to any market to  
 6 permit the owner, the shipper or the party in charge of cattle to change the  
 7 billing from consignment point to a point other than to a market where  
 8 Kansas brand inspection is maintained, unless such carrier has or first  
 9 secures an authorized brand inspection certificate for such cattle.

10 Sec. 24. K.S.A. 47-442 is hereby amended to read as follows: 47-442.

11 (a) It shall be unlawful for any person in any brand inspection area to  
 12 move any cattle within such area unless such cattle have been first  
 13 inspected for brands by the ~~livestock~~ *animal health* commissioner or the  
 14 commissioner's inspectors or deputies except that cattle may be moved  
 15 without such inspection when: (1) Cattle are moved to a market where  
 16 Kansas brand inspection is maintained; or (2) cattle are moved from a  
 17 feedlot the operator of which has been licensed pursuant to K.S.A. 47-  
 18 1503, and amendments thereto, except that when any such cattle are  
 19 moved to any such feedlot the ~~same cattle~~ shall be inspected at the time  
 20 they enter such feedlot. ~~The livestock commissioner shall have the~~  
 21 ~~authority~~

22 (b) In any case where as a result of a natural or man-made disaster  
 23 cattle have strayed or have become mixed, *the animal health*  
 24 *commissioner shall have the authority* to conduct a one time brand  
 25 inspection of the cattle in any such feedlot.

26 (c) Any person who purchases cattle from within a brand inspection  
 27 area without receiving a bill of sale and a brand inspection certificate shall  
 28 be deemed as counseling, aiding and abetting the seller in the unlawful  
 29 sale of such livestock.

30 Sec. 25. K.S.A. 47-446 is hereby amended to read as follows: 47-446.

31 Feedlot brands may be lawfully applied to livestock which ~~livestock~~  
 32 are not branded with a registered brand of the owner and which are in the  
 33 custody of, and upon the premises of, a feedlot operator licensed under the  
 34 provisions of article 15 of chapter 47 of the Kansas Statutes Annotated,  
 35 and ~~acts amendatory thereof or supplemental~~ *amendments* thereto, subject  
 36 to the following conditions, limitations and requirements: (1) Such feedlot  
 37 brand shall not be construed as evidence of ownership identification; (2)  
 38 livestock which are branded with a feedlot brand shall be held by the  
 39 licensed feedlot operator under quarantine upon ~~said feed lot~~ *such feedlot*  
 40 premises until (a) ~~either~~ released by ~~said~~ *such* feedlot operator for  
 41 movement to slaughter or (b) released by the ~~livestock~~ *animal health*  
 42 commissioner; or ~~his~~ *such commissioner's* authorized representative, by  
 43 issuance of a permit authorizing such livestock to be moved from the

1 feedlot premises for grazing purposes; Any such permit, if issued, shall be  
2 subject to the requirement that only shall be issued if such livestock, have  
3 been branded with a registered brand of the owner of the livestock before  
4 release from licensed feedlot premises, shall be branded with a registered  
5 brand of the owner of the livestock.

6 Sec. 26. K.S.A. 47-448 is hereby amended to read as follows: 47-448.  
7 The ~~livestock~~ *animal health* commissioner is authorized to enter into  
8 reciprocity agreements with any livestock commissioner or brand  
9 inspection agency of any other state or the United States, for cooperation  
10 in the administration of brand inspection laws and laws for the control,  
11 suppression and eradication of contagious diseases among domestic  
12 animals.

13 The ~~livestock~~ *animal health* commissioner may set and charge fees for  
14 brand inspection of animals subject to any reciprocity agreement, ~~and~~  
15 Such fees shall not be limited by or subject to the provisions of K.S.A. 47-  
16 417a or 47-437, ~~and amendments thereto~~, or any other law prescribing fees  
17 for brand inspection.

18 Sec. 27. K.S.A. 47-605 is hereby amended to read as follows: 47-605.  
19 For the purpose of this act, the ~~livestock~~ *animal health* commissioner is  
20 hereby authorized and empowered to administer oaths and affirmations.

21 Sec. 28. K.S.A. 47-607 is hereby amended to read as follows: 47-607.  
22 (a) It shall be unlawful for any person or persons to bring, drive or  
23 transport any cattle, calves, sheep, swine, horses, mules, goats,  
24 domesticated deer, as defined in K.S.A. 47-1001, and amendments thereto,  
25 any creature of the ratite family that is not indigenous to this state,  
26 including, but not limited to, ostriches, emus and rheas, or any other  
27 animal that may be used in the preparation of meat or meat products into  
28 the state of Kansas, without first having caused such animal or animals to  
29 be inspected and passed under certificate of health as required by the  
30 ~~livestock~~ *animal health* commissioner of this state.

31 (b) All shipments and movements of livestock into the state of  
32 Kansas upon a public highway shall be accompanied by any such  
33 certificates of health or permits required by the ~~livestock~~ *animal health*  
34 commissioner. The ~~livestock~~ *animal health* commissioner shall prescribe,  
35 by rules and regulations, procedure whereby certificates of health and  
36 other required statements and declarations may be submitted to the  
37 commissioner at the time of shipment.

38 (c) The ~~livestock~~ *animal health* commissioner is authorized to issue a  
39 special quarantine on such conditions as the commissioner deems  
40 necessary to prevent the spread of infectious and contagious diseases in the  
41 state of Kansas and on the condition that, if any such livestock upon  
42 inspection by an authorized veterinarian are found not to be free and clear  
43 of infectious and contagious diseases, ~~the same such livestock~~ shall be: (+)

1 ~~Forthwith~~

2 (1) Disposed of by the owner or possessor ~~thereof~~ either by: (A) Sale  
3 at a public market for immediate slaughter; (B) delivery at a licensed  
4 disposal plant; or (C) return to place of origin; or

5 (2) held by the owner or possessor thereof under quarantine of and  
6 subject to the orders and rules and regulations of the ~~livestock animal~~  
7 *health* commissioner.

8 Sec. 29. K.S.A. 47-607a is hereby amended to read as follows: 47-  
9 607a. When the ~~livestock animal health~~ commissioner of this state  
10 determines that a special permit is required to move any or all kinds or  
11 species of livestock into or through the state of Kansas, the ~~livestock~~  
12 *animal health* commissioner may declare that no person or persons, firm,  
13 corporation, railway, aerial or motor transportation company, or individual  
14 owner of a truck, or the agents thereof, shall ship, trail, permit to cross the  
15 state line or in any manner transport any class of livestock into the state of  
16 Kansas from any other area, state or states designated by the ~~livestock~~  
17 *animal health* commissioner, without first obtaining a special permit, by  
18 wire, letter or telephone, from the ~~livestock animal health~~ commissioner at  
19 Topeka, Kansas. Such special permit or the authorized permit number of  
20 such special permit shall accompany such shipment of livestock into the  
21 state of Kansas.

22 Sec. 30. K.S.A. 47-607d is hereby amended to read as follows: 47-  
23 607d. The ~~livestock animal health~~ commissioner may adopt such rules and  
24 regulations as necessary to carry out the purposes of this act.

25 Sec. 31. K.S.A. 47-608 is hereby amended to read as follows: 47-608.  
26 The ~~livestock animal health~~ commissioner is hereby authorized and  
27 directed to cooperate with the secretary of agriculture of the United States;  
28 or any officer or authority of the general government, in the suppression  
29 and extirpation of contagious diseases among domestic animals and in the  
30 enforcement and execution of all acts of congress to prevent the  
31 importation and exportation of diseased animals and the spread of  
32 infectious or contagious diseases among domestic animals.

33 Sec. 32. K.S.A. 47-610 is hereby amended to read as follows: 47-610.  
34 The state ~~livestock animal health~~ commissioner is hereby directed to  
35 protect the health of domestic animals of the state from all contagious or  
36 infectious diseases and for this purpose is hereby authorized and  
37 empowered to establish, maintain and enforce such quarantine, sanitary  
38 and other regulations as necessary. If the ~~livestock animal health~~  
39 commissioner requires the assistance of technical knowledge, experience  
40 or skill to carry out the duties of the ~~livestock animal health~~ commissioner,  
41 the ~~livestock animal health~~ commissioner may command the services of  
42 any competent veterinarian or may call upon the dean of the college of  
43 veterinary medicine, Kansas state university at Manhattan, Kansas, for that



1 purpose. In case the dean of the college of veterinary medicine, Kansas  
2 state university is called, the dean shall receive actual and necessary  
3 expenses in the performance of such duties as full compensation for such  
4 services. If any other veterinarian is employed, such veterinarian shall  
5 receive such actual and necessary expenses and reasonable compensation  
6 for such services.

7 Sec. 33. K.S.A. 2011 Supp. 47-611 is hereby amended to read as  
8 follows: 47-611. (a) When the *animal health* commissioner determines that  
9 a quarantine and other regulations are necessary to prevent the spread  
10 among domestic animals of any contagious or infectious disease, the  
11 commissioner shall notify the governor of such determination, and the  
12 governor shall issue a proclamation announcing the boundary of such  
13 quarantine and the orders and rules and regulations prescribed by the  
14 commissioner, ~~which~~. *Such* proclamation shall be published in the Kansas  
15 register, except that the commissioner, if the area affected by the  
16 quarantine is limited in extent, may dispense with the proclamation of the  
17 governor and give such notice as the commissioner shall deem sufficient to  
18 make the quarantine effective.

19 (b) Upon a determination by the governor that a quarantine or other  
20 regulations are necessary to prevent the spread among domestic animals of  
21 any contagious or infectious disease, the governor shall direct the  
22 commissioner to establish a quarantine pursuant to this section.

23 (c) The governor may require and direct the cooperation and  
24 assistance of any state agency in enforcing such quarantine or other  
25 regulations pursuant to subsection (a) or (b).

26 (d) The commissioner shall establish such quarantine immediately  
27 and shall give and enforce such directions, rules and regulations as to  
28 separating, isolating, handling and treating, feeding and caring for such  
29 diseased animals, animals exposed to the disease and animals within the  
30 quarantine which have not been immediately exposed, as the  
31 commissioner deems necessary to prevent those classes of animals from  
32 coming into contact with one another.

33 (e) The ~~livestock~~ *animal health* commissioner or the commissioner's  
34 designee is hereby authorized and empowered to enter any grounds and  
35 premises to carry out the provisions of this act.

36 Sec. 34. K.S.A. 2011 Supp. 47-612 is hereby amended to read as  
37 follows: 47-612. Whenever the ~~livestock~~ *animal health* commissioner  
38 determines that certain animals within the state are capable of  
39 communicating infectious or contagious disease, the commissioner may  
40 issue an order to the sheriff of the county or to any agent, inspector or  
41 authorized representative of the ~~livestock~~ *animal health* commissioner in  
42 which such animals are found, commanding such individuals to take into  
43 custody and keep such animals subject to such quarantine regulations as

1 the ~~livestock~~ *animal health* commissioner may prescribe, until such time  
2 as the commissioner directs such person to deliver such animals to their  
3 owner or owners or to the agent of the owner or owners. Before any  
4 animals are delivered, ~~there shall be paid by~~ the owner of such animals  
5 *shall pay* to the ~~livestock~~ *animal health* commissioner all the fees, costs  
6 and expenses of taking, detaining and holding and caring for the animals.  
7 In case such fees, costs and expenses are not paid at the time fixed by the  
8 ~~livestock~~ *animal health* commissioner, the officer having custody of such  
9 animals shall advertise, in the same manner as provided by law in case of  
10 sale of personal property on execution, that the officer will sell such  
11 animals or such portion of such animals as may be necessary to pay such  
12 fees, costs and expenses, together with the costs and expenses of such sale.  
13 At the time and place advertised the officer shall sell as many of the  
14 animals as may be necessary to pay for such fees, costs and expenses and  
15 the costs and expenses of such sale. Upon such sale the officer shall  
16 without delay pay to the owner any amount received in excess of the fees,  
17 costs and expenses, including, but not limited to, legal fees of such officer.  
18 Any officer performing any of the duties directed in this section or any  
19 other section of this act shall receive the same compensation for such  
20 services as is prescribed by law for similar services. In case such fees,  
21 costs and expenses cannot be collected by sale of such animals, such fees,  
22 costs and expenses shall be paid by the state of Kansas unless payment or  
23 indemnity for the costs of taking into custody, keeping and selling such  
24 animals may be obtained from the United States government.

25 Sec. 35. K.S.A. 47-613 is hereby amended to read as follows: 47-613.  
26 The sheriff to whom the existence of any contagious or infectious disease  
27 of domestic animals is reported shall proceed without delay to the place  
28 where such domestic animal or animals are and examine the same, and  
29 shall report immediately the result of such examination to the ~~livestock~~  
30 *animal health* commissioner. The sheriff shall enforce such temporary  
31 quarantine regulations as the ~~livestock~~ *animal health* commissioner may  
32 direct to prevent the spread of such disease, until the ~~livestock~~ *animal*  
33 *health* commissioner provides and orders suitable permanent quarantine  
34 rules and regulations. No sheriff who takes or detains such animals under  
35 the provisions of this act shall be liable to the owner or owners of such  
36 animals for any damages by reason of such taking or detention or by  
37 reason of the performance of any other duties directed by law.

38 Sec. 36. K.S.A. 47-616 is hereby amended to read as follows: 47-616.  
39 When any animal or animals are killed under the provisions of this act by  
40 order of the commissioner, the owner of such animal or animals shall be  
41 paid for such animal or animals such proportion of the appraised value as  
42 fixed by the appraisal as provided by law. The right of indemnity on  
43 account of animals killed by order of the commissioner under the

1 provisions of this act shall not extend to: (a) ~~To~~ Animals killed on account  
2 of rabies; (b) ~~to~~ the owner of animals which have been brought into the  
3 state in a diseased condition, or from a state, country, territory or district in  
4 which the disease with which the animal is infected or to which it has been  
5 exposed exists; (c) ~~to~~ any animal which has been brought into the state in  
6 violation of any law or quarantine regulations thereof, or the owner of  
7 which has violated any of the provisions of this act or disregarded any rule  
8 and regulation or order of the ~~livestock~~ *animal health* commissioner; (d) ~~to~~  
9 any animal which came into the possession of the claimant with the  
10 claimant's knowledge that such animal was diseased or was suspected of  
11 being diseased or of having been exposed to any contagious or infectious  
12 disease; ~~nor~~ or (e) ~~to~~ any animal belonging to the United States.

13 Sec. 37. K.S.A. 47-618 is hereby amended to read as follows: 47-618.  
14 The *animal health* commissioner shall have power to call upon any sheriff,  
15 undersheriff or deputy sheriff to execute ~~his~~ *the commissioner's* orders;  
16 ~~and~~. Such officers shall obey the orders of ~~said~~ *the* commissioner; and for  
17 performing such services shall receive mileage and fees as is now provided  
18 for service in process in civil actions; ~~and in addition thereto shall receive~~.  
19 For killing and disposing of diseased animals, in accordance with the rules  
20 prescribed by the ~~livestock~~ *animal health* commissioner, *such officers*  
21 *shall receive* the following fees: (1) For the first animal, not to exceed ~~five~~  
22 ~~dollars~~ (~~\$5~~); \$5; (2) for each additional animal, not to exceed ~~two~~  
23 ~~dollars~~ (~~\$2~~) \$2; but in no case shall the amount exceed the actual cost of doing  
24 such work; ~~and~~. Such fees shall be paid by the board of county  
25 commissioners of the county in which the services are rendered. Any such  
26 officer may arrest on view and take before any judge of a court of  
27 competent jurisdiction of the county any person found violating the  
28 provisions of this act, and such officer shall immediately notify the county  
29 or district attorney of such arrest, and ~~he~~ *such county or district attorney*  
30 shall prosecute the person so offending according to law.

31 Sec. 38. K.S.A. 47-619 is hereby amended to read as follows: 47-619.  
32 ~~The owner or owners of any stockyards doing business in this state~~, When  
33 requested by the ~~livestock~~ *animal health* commissioner, *the owner or*  
34 *owners of any stockyards doing business in this state* shall keep constantly  
35 in their employ a competent inspector of livestock appointed by the  
36 commissioner whose compensation shall be fixed and duties prescribed by  
37 the ~~livestock~~ *animal health* commissioner. The ~~livestock~~ *animal health*  
38 commissioner shall prescribe that portion of the compensation which shall  
39 be paid by the owner or owners of the stockyards. It shall be the duty of  
40 such inspector to work in conjunction with the United States government  
41 authorities to prohibit and prevent any stock affected with any contagious  
42 or infectious disease to be driven or shipped out of any such stockyards  
43 except to some licensed rendering establishment.

1       Sec. 39. K.S.A. 47-620 is hereby amended to read as follows: 47-620.  
2 Whenever the state ~~livestock animal health~~ commissioner has good reason  
3 to believe that any contagious or infectious disease has become epidemic  
4 in certain localities in other states, territories or countries, or that there are  
5 conditions which render domestic animals from such infected districts  
6 liable to convey such disease, the ~~livestock animal health~~ commissioner  
7 shall publish an order prohibiting the entrance of any livestock of the kind  
8 diseased into the state from such infected district.

9       Sec. 40. K.S.A. 47-622 is hereby amended to read as follows: 47-622.  
10 It shall be the duty of the owner or person in charge of any domestic  
11 animal or animals who discovers, or has reason to believe that any  
12 domestic animal owned by such person or in such person's charge or  
13 keeping is affected with any contagious or infectious disease, to  
14 immediately report such fact or belief to the ~~livestock animal health~~  
15 commissioner. It shall be the duty of any person who discovers the  
16 existence of any such contagious or infectious disease among the domestic  
17 animals of any person to *immediately* report this information ~~at once~~ to the  
18 ~~livestock animal health~~ commissioner.

19       Sec. 41. K.S.A. 2011 Supp. 47-624 is hereby amended to read as  
20 follows: 47-624. (a) In addition to any other penalty provided by law, any  
21 person who has in such person's possession any domestic animal affected  
22 with any contagious or infectious disease, knowing such animal to be so  
23 affected, ~~who may incur a civil penalty imposed under subsection (b) if~~  
24 ~~such person:~~

25       (1) Permits such animal to run at large; ~~or who~~  
26       (2) keeps such animal where other domestic animals, not affected  
27 with or previously exposed to such disease, may be exposed to such  
28 contagious or infectious disease; ~~or who~~  
29       (3) sells, ships, drives, trades or gives away such diseased and  
30 infected animal or animals which have been exposed to such infection or  
31 contagion, except by sale, trade or gift to a regularly licensed disposal  
32 plant; ~~or who~~  
33       (4) moves or drives any domestic animal in violation of the rules and  
34 regulations, directions or orders establishing and regulating quarantine  
35 ~~may incur a civil penalty imposed under subsection (b) in the amount of~~  
36 ~~not less than \$250 nor more than \$1,000 for each such violation and, in the~~  
37 ~~case of a continuing violation, every day such violation continues shall be~~  
38 ~~deemed a separate violation.~~

39       (b) Any owner of any domestic animal which has been affected with  
40 or exposed to any contagious or infectious disease may dispose of the  
41 same after such owner obtains from the ~~livestock animal health~~  
42 commissioner a bill of health for such animal.

43       ~~(b)~~ (c) Any duly authorized agent of the commissioner, upon a

1 finding that any person, or agent or employee thereof, has violated any of  
2 the provisions ~~stated above~~ of subsection (a), may impose a civil penalty  
3 upon such person as provided in this section. *Such penalty shall be an*  
4 *amount not less than \$250 nor more than \$1,000 for each such violation*  
5 *and in the case of a continuing violation, every day such violation*  
6 *continues shall be deemed a separate violation.*

7 (e) (d) No civil penalty shall be imposed pursuant to this section  
8 except upon the written order of the duly authorized agent of the  
9 commissioner to the person who committed the violation. Such order shall  
10 state the violation, the penalty to be imposed and the right of the person to  
11 appeal to the commissioner. Any such person, within 20 days after  
12 notification, may make written request to the commissioner for a hearing  
13 in accordance with the provisions of the Kansas administrative procedure  
14 act. The commissioner shall affirm, reverse or modify the order and shall  
15 specify the reasons therefor.

16 (d) (e) Any person aggrieved by an order of the commissioner made  
17 under this section may appeal such order to the district court in the manner  
18 provided by the Kansas judicial review act.

19 (e) (f) Any civil penalty recovered pursuant to the provisions of this  
20 section shall be remitted to the state treasurer in accordance with the  
21 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
22 each such remittance, the state treasurer shall deposit the entire amount in  
23 the state treasury to the credit of the state general fund.

24 Sec. 42. K.S.A. 47-626 is hereby amended to read as follows: 47-626.  
25 The state ~~livestock~~ *animal health* commissioner may employ such persons  
26 and purchase such supplies, appliances and materials as may be necessary  
27 to carry into full effect all the orders given by the ~~livestock~~ *animal health*  
28 commissioner as provided by law. No labor shall be employed and no  
29 material or supplies purchased by the ~~livestock~~ *animal health*  
30 commissioner except such additional labor, material and supplies as may  
31 be necessary to carry into effect the quarantine and other regulations  
32 prescribed by the commissioner. The director of accounts and reports shall  
33 draw warrants upon the treasurer of state for the necessary amount upon  
34 vouchers properly verified by the person performing such labor or  
35 furnishing such material and approved by the ~~livestock~~ *animal health*  
36 commissioner.

37 Sec. 43. K.S.A. 47-627 is hereby amended to read as follows: 47-627.  
38 If the ~~livestock~~ *animal health* commissioner finds the disease known as the  
39 itch or mange existing among domestic animals, the ~~livestock~~ *animal*  
40 *health* commissioner shall order all animals so affected to be properly  
41 treated as the commissioner deems necessary.

42 Sec. 44. K.S.A. 47-629 is hereby amended to read as follows: 47-629.  
43 It shall be unlawful for any person to inject any virulent hog cholera virus

1 into any hog; in the state of Kansas; unless such person first obtains a  
2 permit from the ~~livestock animal health~~ commissioner authorizing such  
3 injection. A permit to inject virulent hog cholera virus may be issued by  
4 the ~~livestock animal health~~ commissioner upon application to the ~~livestock~~  
5 ~~animal health~~ commissioner upon a form provided by the ~~livestock animal~~  
6 ~~health~~ commissioner. Such permit shall be issued only to persons who are  
7 sufficiently informed as to qualify to safely handle and use such virus;  
8 ~~and~~. Such permit shall state ~~such~~ the conditions, limitations and  
9 regulations as the ~~livestock animal health~~ commissioner deems necessary  
10 for the protection of the health of the domestic animals of this state from  
11 infectious or contagious diseases. Such permit shall be issued for a definite  
12 period which duration shall be fixed by the ~~livestock animal health~~  
13 commissioner as the ~~livestock animal health~~ commissioner deems  
14 necessary to prevent the spread of infectious or contagious diseases. The  
15 permit holder shall comply with the requirements of such permit.

16 Sec. 45. K.S.A. 47-629a is hereby amended to read as follows: 47-  
17 629a. It shall be unlawful for any person to sell or offer for sale virulent  
18 hog cholera virus to another unless the vendor is: (1) A manufacturer  
19 thereof; or (2) a distributor of veterinarian supplies, authorized by the  
20 ~~livestock animal health~~ commissioner to handle and sell such virus; or (3)  
21 a veterinarian licensed under the Kansas veterinary practice act.

22 Sec. 46. K.S.A. 47-629b is hereby amended to read as follows: 47-  
23 629b. It shall be unlawful for any person to sell; or offer for sale; any  
24 virulent hog cholera virus to another unless the purchaser is: (1) A holder  
25 of a permit from the ~~livestock animal health~~ commissioner, currently in  
26 effect, authorizing such person to inject virulent hog cholera virus; or (2) a  
27 distributor of veterinarian supplies authorized by the ~~livestock animal~~  
28 ~~health~~ commissioner to handle and sell such virus.

29 Sec. 47. K.S.A. 47-629c is hereby amended to read as follows: 47-  
30 629c. Any person who violates any provision of this act, or any provision  
31 of a permit to inject virulent hog cholera virus issued by the ~~livestock~~  
32 ~~animal health~~ commissioner, and any person who fails to comply with any  
33 provision of this act or any provision of such a permit, shall be guilty of a  
34 misdemeanor and upon conviction shall be fined ~~in a sum of~~ not less than  
35 \$25 or more than \$500 or shall be imprisoned in the county jail for not  
36 more than six months, or both.

37 Sec. 48. K.S.A. 47-631 is hereby amended to read as follows: 47-631.  
38 (a) The ~~livestock animal health~~ commissioner, whenever the ~~livestock~~  
39 ~~animal health~~ commissioner deems it necessary, shall formulate and  
40 announce the rules under which the tuberculin test for tuberculosis in  
41 domestic animals shall be applied ~~and~~. For all proceedings ~~subsequent to~~  
42 ~~pursuant to~~ such application:

43 (1) No tuberculin shall be used other than that furnished by the

1 United States government;

2 (2) no person other than one indicated for that purpose by the  
3 ~~livestock animal health~~ commissioner shall inject any tuberculin into any  
4 animal in this state; and

5 (3) all charts giving the temperature and conditions existing at the  
6 time the animal was tested, accompanied by a history and description of  
7 the animal, shall be submitted, immediately after the test is made, to the  
8 state ~~livestock animal health~~ commissioner, ~~who shall thereupon~~. *The*  
9 *animal health commissioner shall then render an opinion a decision*  
10 ~~thereon, which decision shall be final and shall be recorded in the office of~~  
11 ~~the livestock animal health commissioner.~~

12 (b) The state ~~livestock animal health~~ commissioner shall ~~at once~~  
13 *immediately* apply the quarantine and other regulations issued under the  
14 provisions of this act to animals found infected with tuberculosis.

15 Sec. 49. K.S.A. 47-632 is hereby amended to read as follows: 47-632.  
16 Whenever the ~~livestock animal health~~ commissioner ~~shall have decided~~  
17 *determines* that any domestic animal is affected with tuberculosis ~~he or she~~  
18 ~~shall at once, the commissioner shall immediately~~ condemn ~~said such~~  
19 animal and quarantine the herd ~~wherein~~ *in which* it is found. Whereupon,  
20 the owner shall sell such diseased animal for immediate slaughter under  
21 state or federal inspection, subject to a post-mortem examination under the  
22 direction of the ~~livestock animal health~~ commissioner. ~~Said Such~~ owner  
23 shall be indemnified by the state ~~livestock animal health~~ commissioner,  
24 from funds appropriated therefor, in an amount equal to ~~one hundred~~  
25 ~~dollars (\$100)~~ *\$100* for each condemned grade bovine animal and ~~two~~  
26 ~~hundred dollars (\$200)~~ *\$200* for each registered bovine animal.

27 Sec. 50. K.S.A. 47-632a is hereby amended to read as follows: 47-  
28 632a. The ~~livestock animal health~~ commissioner shall not be required to  
29 examine the records in the county where condemned animals are situated  
30 to determine names and rights of lien claimants or mortgagees.

31 Sec. 51. K.S.A. 47-633a is hereby amended to read as follows: 47-  
32 633a. The ~~livestock animal health~~ commissioner may order the  
33 condemnation of an entire herd of domestic animals when tuberculosis of  
34 any animal within such herd has been diagnosed. In such event, the  
35 ~~livestock animal health~~ commissioner shall indemnify the owner of such  
36 herd in an amount not to exceed ~~fifty percent (50%)~~ *50%* of the difference  
37 between the salvage value and the appraised value of the animals in the  
38 condemned herd. Such payment by the commissioner shall be from funds  
39 appropriated therefor, but in no event shall such payment exceed the sum  
40 of ~~four hundred dollars (\$400)~~ *\$400* per head for registered bovine  
41 animals, the sum of ~~two hundred dollars (\$200)~~ *\$200* per head for grade  
42 bovine animals. Such compensation shall not be paid, and the premises  
43 from which the herd was taken shall not be restocked, until such premises

1 have been cleaned and disinfected and, ~~subsequent thereto~~, have been  
2 inspected and approved by the ~~livestock animal health~~ commissioner, or  
3 ~~his or her~~ *the commissioner's* authorized representative. Appraisals of  
4 animals condemned shall be made by the ~~livestock animal health~~  
5 commissioner, or ~~his or her~~ *the commissioner's* authorized representative,  
6 and by the owner. If ~~said~~ *such* appraisers cannot agree, a disinterested third  
7 party, who has knowledge of livestock values in such locality, shall be  
8 selected as an arbitrator by the commissioner and the owner, at the expense  
9 of the owner. The determination of values by ~~said~~ *such* arbitrator shall be  
10 final.

11 Sec. 52. K.S.A. 47-634 is hereby amended to read as follows: 47-634.  
12 The disinfection of the premises where a diseased animal or animals  
13 coming within the provisions of this act have been kept shall be under the  
14 supervision of the ~~livestock animal health~~ commissioner, or the designee  
15 of the ~~livestock animal health~~ commissioner. The ~~livestock animal health~~  
16 commissioner, ~~in addition~~, shall designate the materials to be used and the  
17 method of their application. The cost of such material together with the  
18 necessary labor of disinfecting shall be paid by the owner of such animals.  
19 Except for disinfection, the premises shall be kept in quarantine until such  
20 time as the ~~livestock animal health~~ commissioner may determine.

21 Sec. 53. K.S.A. 47-635 is hereby amended to read as follows: 47-635.  
22 The provisions of this act shall ~~be construed to~~ include all contagious or  
23 infectious diseases among all kinds of domestic animals, including, but not  
24 limited to, horses, mules, asses, cattle, sheep, goats, llamas, swine, dogs,  
25 cats, poultry, birds, nonhuman primates, ferrets, domesticated deer, as  
26 defined in K.S.A. 47-1001, and amendments thereto, all creatures of the  
27 ratite family, including, but not limited to, ostriches, emus and rheas and  
28 exotic animals as defined by rules and regulations in 9 C.F.R. § 1.1,  
29 pursuant to 7 U.S.C. § 2131 *et seq.* The state ~~livestock animal health~~  
30 commissioner is given the same power over any domestic animal afflicted  
31 with rabies as is conferred upon the ~~livestock animal health~~ commissioner  
32 in relation to other diseases of domestic animals.

33 Sec. 54. K.S.A. 47-646a is hereby amended to read as follows: 47-  
34 646a. It shall be lawful for any authorized representative of the ~~livestock~~  
35 *animal health* commissioner, any sheriff, any city marshal or any law  
36 enforcement officer at any time to kill any dog which may be found  
37 unconfined in violation of any rabies quarantine or other quarantine order  
38 issued by the state ~~livestock animal health~~ commissioner or issued by the  
39 secretary of health and environment.

40 Sec. 55. K.S.A. 47-650 is hereby amended to read as follows: 47-650.  
41 Upon the presentation to the state ~~livestock animal health~~ commissioner of  
42 a petition signed by 50 farmers who are resident taxpayers of any county  
43 in this state asking that they be permitted to establish a county hog



1 cholera-control organization in their county, such commissioner shall  
2 notify in writing the president of Kansas state university; and the inspector  
3 in charge of the office of the United States department of agriculture,  
4 animal plant health inspection service, veterinary services, that a meeting  
5 will be held at the county seat of the county at a certain date and hour to  
6 perfect the organization prayed for in the petition. All persons attending  
7 such meeting shall proceed to perfect the establishment of the \_\_\_\_\_  
8 county hog cholera-control organization by choosing a president, vice-  
9 president, secretary and treasurer and one farmer from each township in  
10 the county, who ~~shall~~, in connection with such officers, *shall* constitute the  
11 executive board of the \_\_\_\_\_ county hog cholera-control organization.

12 Sec. 56. K.S.A. 47-651 is hereby amended to read as follows: 47-651.  
13 Upon the completion of the establishment of such organization, the state  
14 ~~livestock animal health~~ commissioner ~~shall~~, upon the recommendation of  
15 the executive board, *shall* appoint a competent person as deputy state  
16 ~~livestock animal health~~ commissioner for the county. Such county deputy  
17 ~~livestock animal health~~ commissioner shall perform all services and  
18 discharge all duties in the county hog cholera control work in exact  
19 conformity with the rules and regulations promulgated by the ~~livestock~~  
20 ~~animal health~~ commissioner.

21 Sec. 57. K.S.A. 47-653 is hereby amended to read as follows: 47-653.  
22 The county deputy ~~livestock animal health~~ commissioner shall receive a  
23 reasonable compensation, to be determined by the state ~~livestock animal~~  
24 ~~health~~ commissioner, in an amount not to exceed \$100 per month and  
25 necessary travel expenses while absent from home in the discharge of the  
26 duties of such position.

27 Sec. 58. K.S.A. 47-653a is hereby amended to read as follows: 47-  
28 653a. It shall be unlawful for any person to sell or to use hog cholera  
29 vaccines in the state of Kansas unless the hog cholera vaccine is first  
30 approved by the state ~~livestock animal health~~ commissioner.

31 Sec. 59. K.S.A. 47-653b is hereby amended to read as follows: 47-  
32 653b. The state ~~livestock animal health~~ commissioner is hereby authorized  
33 and empowered to adopt rules and regulations designating which hog  
34 cholera vaccines may be sold or used in this state.

35 Sec. 60. K.S.A. 47-653d is hereby amended to read as follows: 47-  
36 653d. In order to prevent the spread of hog cholera; and to reduce the  
37 danger of the spread thereof, the ~~livestock animal health~~ commissioner, or  
38 the authorized representative of the ~~livestock animal health~~ commissioner,  
39 may destroy or require the destruction of any swine which the ~~livestock~~  
40 ~~animal health~~ commissioner has determined to be affected with or exposed  
41 to hog cholera. Prior to such destruction there shall be an appraisal of the  
42 value of any swine, which shall be made jointly by the owner of such  
43 swine and the ~~livestock animal health~~ commissioner, or the authorized

1 representative of the ~~livestock~~ *animal health* commissioner. If the  
2 appraisers cannot agree, a disinterested third party who has knowledge of  
3 livestock values in such locality shall be selected by the commissioner and  
4 the owner, at the expense of the owner, as an arbitrator. The arbitrator's  
5 determination of the value of such swine shall be final.

6 Sec. 61. K.S.A. 47-653e is hereby amended to read as follows: 47-  
7 653e. The owner or custodian of such swine, immediately after the  
8 determination of its appraised value, shall cause such swine to be disposed  
9 of in the manner directed by the ~~livestock~~ *animal health* commissioner or  
10 the authorized representative of the ~~livestock~~ *animal health* commissioner.  
11 Any owner or custodian of swine who fails to dispose of swine as directed  
12 by the ~~livestock~~ *animal health* commissioner, upon conviction, shall be  
13 guilty of a misdemeanor and shall be punished in the manner provided in  
14 K.S.A. 47-607c, and amendments thereto.

15 Sec. 62. K.S.A. 47-653f is hereby amended to read as follows: 47-  
16 653f. On presentation to the ~~livestock~~ *animal health* commissioner of  
17 acceptable evidence that disposition of such swine has been made in the  
18 prescribed manner, the owner of such swine shall be entitled to indemnity,  
19 to be paid by the state, in an amount equal to the amount of indemnity paid  
20 by the federal government for such destruction of swine. Such  
21 indemnification by the state shall not exceed \$40 per head for grade swine  
22 and shall not exceed \$60 per head for purebred swine. Indemnities shall  
23 not be paid on swine which have been brought or moved into Kansas in  
24 violation of the import regulations of this state; and indemnity shall not be  
25 paid on any swine which have been allowed to mingle with swine so  
26 brought or moved into Kansas.

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

33 Sec. 63. K.S.A. 47-653g is hereby amended to read as follows: 47-  
34 653g. The ~~livestock~~ *animal health* commissioner is hereby authorized to  
35 cooperate with any department, agency or officer of the federal  
36 government in the control and eradication of hog cholera, including the  
37 sharing in the payment of indemnities for swine destroyed pursuant to this  
38 act.

39 Sec. 64. K.S.A. 47-653h is hereby amended to read as follows: 47-  
40 653h. Any motor vehicle used in the hauling or transporting of swine from  
41 the premises where diseased or exposed swine have been under hog  
42 cholera quarantine to a destination where such swine are to be slaughtered,  
43 including a licensed disposal plant, shall be thoroughly cleaned and

1 disinfected after unloading such swine. Such cleaning and disinfection  
2 shall be made under the supervision of the ~~livestock~~ *animal health*  
3 commissioner, or the authorized representative of the ~~livestock~~ *animal*  
4 *health* commissioner, ~~and~~ with a disinfectant which has been approved by  
5 the ~~livestock~~ *animal health* commissioner.

6 Sec. 65. K.S.A. 47-654 is hereby amended to read as follows: 47-544.  
7 It shall be unlawful for any person to ship into Kansas or offer for sale in  
8 Kansas any food for livestock contained in sacks which have not been first  
9 thoroughly disinfected or fumigated in accordance with the requirements  
10 of the ~~livestock~~ *animal health* commissioner. It shall be unlawful for any  
11 person to offer for sale in Kansas any food for livestock manufactured  
12 within the state that is contained in sacks which have not been first  
13 thoroughly disinfected or fumigated in accordance with the requirements  
14 of the ~~livestock~~ *animal health* commissioner.

15 Sec. 66. K.S.A. 47-655 is hereby amended to read as follows: 47-655.  
16 It shall be unlawful for any person to sell or offer for sale any old or  
17 secondhand sacks until ~~the same such sacks~~ have been thoroughly  
18 disinfected or fumigated as required by the ~~livestock~~ *animal health*  
19 commissioner.

20 Sec. 67. K.S.A. 47-657 is hereby amended to read as follows: 47-657.  
21 (a) The state ~~livestock~~ *animal health* commissioner, whenever the  
22 commissioner deems it necessary, shall formulate and announce the rules  
23 under which approved test for brucellosis in cattle shall be applied and for  
24 all proceedings subsequent to such application:

25 (1) No person or laboratory other than those indicated for that  
26 purpose by the ~~livestock~~ *animal health* commissioner shall test cattle for  
27 brucellosis;

28 (2) all charts showing result of test and conditions existing at the time  
29 of test, together with a history and description of cattle, shall be submitted  
30 to the ~~livestock~~ *animal health* commissioner immediately upon completion  
31 of test and the ~~livestock~~ *animal health* commissioner shall render an  
32 opinion thereon, ~~which~~. *Such* decision shall be final; and shall be recorded  
33 in the office of the ~~livestock~~ *animal health* commissioner.

34 (b) The ~~livestock~~ *animal health* commissioner may at once apply the  
35 quarantine and other regulations issued under the provisions of law to  
36 animals found infected with brucellosis.

37 Sec. 68. K.S.A. 47-658a is hereby amended to read as follows: 47-  
38 658a. Whenever the state ~~livestock~~ *animal health* commissioner ~~shall have decided~~  
39 *animal health* commissioner determines that any domestic animal is  
40 affected with brucellosis, ~~he or his authorized representatives~~ *the animal*  
41 *health* commissioner or the authorized representative of the *animal health*  
42 commissioner, may proceed at once to identify such reactor animal by  
43 causing said *such* reactor animal to be branded with the letter "B" on the

1 left jaw by hot iron: ~~Provided~~. The livestock commissioner may approve  
2 the use of other methods for the identification of brucellosis reactors.

3 Sec. 69. K.S.A. 47-658b is hereby amended to read as follows: 47-  
4 658b. Any animal determined to be a reactor animal to brucellosis shall be  
5 sold for slaughter within ~~fifteen (15)~~ 15 days after being properly  
6 identified. Such animal being shipped to be sold for slaughter shall be  
7 accompanied by an official shipping permit issued by the ~~livestock animal~~  
8 *health* commissioner or ~~his~~ *the* authorized representative of the *animal*  
9 *health commissioner*. Under unusual circumstances, the ~~livestock animal~~  
10 *health* commissioner may extend the period for sale for slaughter up to a  
11 maximum of an additional ~~thirty (30)~~ 30 days following the proper  
12 identification of such reactor.

13 Sec. 70. K.S.A. 47-660 is hereby amended to read as follows: 47-660.  
14 The secretary of agriculture of the United States, authorized officers of the  
15 bureau of animal industry of such department, the state ~~livestock animal~~  
16 *health* commissioner of Kansas and the authorized deputies of such  
17 officials shall have free access to enter upon the premises of any and all  
18 persons who own or are in possession of domestic animals and free access  
19 to inspect and examine all such domestic animals *which are*:

20 (a) ~~Which are~~ Affected with any infectious or contagious disease; ~~or~~  
21 (b) ~~which are~~ suspected or reported to be affected with any infectious  
22 or contagious disease; ~~or~~

23 (c) ~~which are~~ located within any area which has been designated as a  
24 tuberculosis modified accredited area or brucellosis modified accredited  
25 area by the secretary of agriculture of the United States, or by an officer or  
26 authority under the United States department of agriculture, animal plant  
27 health inspection service, veterinary services or by the state ~~livestock~~  
28 *animal health* commissioner; ~~or~~

29 (d) ~~which are~~ within a herd that has been designated as accredited  
30 tuberculosis free or accredited brucellosis free; or

31 (e) ~~which are~~ located upon the premises of an owner who has a herd  
32 of domestic animals which has been accredited as tuberculosis free or  
33 brucellosis free.

34 Sec. 71. K.S.A. 47-666 is hereby amended to read as follows: 47-666.  
35 Whenever the ~~livestock animal health~~ commissioner has decided that any  
36 swine is affected with vesicular exanthema and that it is necessary to order  
37 the animals killed in order to prevent the spread of such disease in Kansas,  
38 the ~~livestock animal health~~ commissioner shall proceed with the  
39 appraisal, condemnation and killing of ~~the same such swine~~ as  
40 authorized under K.S.A. 47-614 and 47-615, and amendments ~~to such~~  
41 ~~sections thereto~~. The owner of such diseased animals which have been so  
42 killed and disposed of shall be entitled to receive from the state of Kansas  
43  $\frac{1}{3}$  of the difference between the appraised value of the animals and the

1 salvage proceeds, if any, received by the owner from the destruction and  
2 disposal of such animals.

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

10 Sec. 72. K.S.A. 47-667 is hereby amended to read as follows: 47-667.  
11 As used in this act, unless the context otherwise requires: (a)  
12 "Commissioner" means the ~~livestock animal health~~ commissioner  
13 appointed by the ~~Kansas animal health board pursuant to K.S.A. 75-1901~~  
14 *secretary of agriculture pursuant to K.S.A. 74-5,119, and amendments*  
15 *thereto.*

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

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

20 Sec. 73. K.S.A. 2011 Supp. 47-672 is hereby amended to read as  
21 follows: 47-672. (a) The ~~livestock animal health~~ commissioner of the  
22 ~~Kansas animal health department~~ *department of agriculture division of*  
23 *animal health* is hereby authorized to supervise the operation of cattle and  
24 other animal dipping equipment which is used in the control and  
25 eradication of scabies in cattle and other animals and which is made  
26 available by the federal government for use by livestock producers and  
27 others under the supervision of the ~~livestock animal health~~ commissioner.  
28 The ~~livestock animal health~~ commissioner is hereby authorized to fix,  
29 charge and collect a fee from the owner of such cattle and other animals  
30 which are dipped as provided in this section, in an amount of not more  
31 than \$5 per head, to recover all or part of the costs of operating and  
32 maintaining such cattle and other animal dipping equipment.

33 (b) All moneys received by the ~~livestock animal health~~ commissioner  
34 for fees under this section shall be remitted to the state treasurer in  
35 accordance with the provisions of K.S.A. 75-4215, and amendments  
36 thereto. Upon receipt of each such remittance, the state treasurer shall  
37 deposit the entire amount in the state treasury to the credit of the animal  
38 disease control fund, which is hereby created. All expenditures from the  
39 animal disease control fund shall be made in accordance with  
40 appropriations acts upon warrants of the director of accounts and reports  
41 issued pursuant to vouchers approved by the ~~livestock animal health~~  
42 commissioner or by a person or persons designated by the ~~livestock~~  
43 *animal health* commissioner.

1 Sec. 74. K.S.A. 47-673 is hereby amended to read as follows: 47-673.

2 (a) The ~~livestock~~ *animal health* commissioner is hereby authorized to take  
3 control of any pseudorabies infected herd of swine from the owner. A  
4 pseudorabies infected herd of swine is a herd that has been determined to  
5 be infected with pseudorabies virus by official pseudorabies testing  
6 procedures conducted at approved veterinary diagnostic laboratories from  
7 adequate samples collected from the herd by an accredited veterinarian.

8 (b) For any such herd, the ~~livestock~~ *animal health* commissioner shall  
9 develop and monitor a mandatory infected herd plan to eradicate the virus  
10 from the owner's premises. If, in the opinion of the ~~livestock~~ *animal*  
11 *health* commissioner, sufficient progress toward pseudorabies free status,  
12 as defined in the state-federal-industry pseudorabies eradication program  
13 as in effect on the effective date of this act, is not being made, the ~~livestock~~  
14 *animal health* commissioner shall order the depopulation of such herd.

15 (c) Whenever any swine are depopulated under provisions of this act  
16 by order of the ~~livestock~~ *animal health* commissioner, the owner of such  
17 swine shall be paid for such swine in an amount determined by the  
18 ~~livestock~~ *animal health* commissioner from funds appropriated for such  
19 purpose by the legislature.

20 (d) The ~~livestock~~ *animal health* commissioner may adopt rules and  
21 regulations as necessary to carry out the purposes of this act.

22 Sec. 75. K.S.A. 2011 Supp. 47-674 is hereby amended to read as  
23 follows: 47-674. (a) The ~~livestock~~ *animal health* commissioner is  
24 authorized to cooperate with the United States department of agriculture,  
25 other state governmental officials, tribal officials and representatives of  
26 private industry, and subject to the provisions of subsection (d), to  
27 promulgate rules and regulations, to define premises where animals are  
28 located and to develop and implement a voluntary premises registration  
29 and animal identification and tracking system for Kansas.

30 (b) In the development of such system, the ~~livestock~~ *animal health*  
31 commissioner shall ensure that:

32 (1) The requirements are consistent with the federal program and with  
33 the United States animal identification plan;

34 (2) the costs and paperwork requirements are minimized for the  
35 registrant and the state; and

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

38 (c) The ~~livestock~~ *animal health* commissioner is authorized to  
39 prepare for the implementation of a premises registration program for  
40 Kansas prior to implementation of a national animal identification or  
41 premises registration system. Such acts in preparation shall include, but  
42 not be limited to, public hearings, educational meetings, development of  
43 proposed rules and regulations and cooperative development with the

1 department of agriculture of a proposal regarding infrastructure necessary  
2 for such implementation.

3 (d) If, the United States department of agriculture issues proposed or  
4 final uniform methods and rules or regulations for the implementation of a  
5 voluntary national animal identification and tracking system or premises  
6 registration system, or the congress of the United States enacts  
7 requirements for a voluntary national animal identification and tracking  
8 system or premises registration system, the ~~livestock~~ *animal health*  
9 commissioner is authorized to promulgate such rules and regulations as  
10 may be reasonably necessary to implement voluntary premises registration  
11 and the national animal identification and tracking system to the extent  
12 authorized by federal requirements.

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

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

22 (g) Any data or records provided or obtained pursuant to this section  
23 to an official of the *Kansas department of agriculture division of animal*  
24 ~~health department~~ shall be considered confidential by the *Kansas*  
25 *department of agriculture division of animal health department* and shall  
26 not be disclosed to the public. The provisions of subsection (b) of K.S.A.  
27 45-229, and amendments thereto, shall not apply to the provisions of this  
28 subsection.

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

43 (i) The ~~livestock~~ *animal health* commissioner shall form study groups

1 representing the various animal species to be affected by the provisions of  
2 this section. Each such study group shall include representatives for each  
3 such specie selected by the livestock commissioner and shall include  
4 assistance from the secretary of agriculture or the secretary's designees.  
5 Each such study group shall make recommendations to the ~~livestock~~  
6 *animal health* commissioner regarding the development of premises  
7 registration, animal identification and tracking for purposes of such  
8 systems, appropriations and fees necessary in administration of the  
9 program, enforcement provisions necessary in administration of the  
10 program and other issues related to the administration of the program.

11 ~~(j) The livestock commissioner shall prepare a report and present~~  
12 ~~such report to the legislature by February 1, 2006, on the status of the state~~  
13 ~~and federal voluntary premises registration and animal identification and~~  
14 ~~tracking systems. Such report shall include the recommendations of the~~  
15 ~~livestock commissioner, appropriations and fees necessary in~~  
16 ~~administration of the system, enforcement provisions necessary in~~  
17 ~~administration of the system and any other recommendation deemed~~  
18 ~~necessary by the livestock commissioner to carry out the provisions of this~~  
19 ~~section.~~

20 Sec. 76. K.S.A. 2011 Supp. 47-816 is hereby amended to read as  
21 follows: 47-816. As used in the Kansas veterinary practice act:

22 (a) "Animal" means any mammalian animal other than human and  
23 any fowl, bird, amphibian, fish or reptile, wild or domestic, living or dead.

24 (b) "Board" means the state board of veterinary examiners.

25 (c) "Companion animal" means any dog, cat or other domesticated  
26 animal possessed by a person for purposes of companionship, security,  
27 hunting, herding or providing assistance in relation to a physical disability  
28 but shall exclude any animal raised on a farm or ranch and used or  
29 intended for use as food.

30 (d) "Clock hour of continuing education" means 60 minutes of  
31 participation in a continuing education program or activity which meets  
32 the minimum standards for continuing education according to rules and  
33 regulations adopted by the board.

34 (e) "Direct supervision" means the supervising licensed veterinarian:

35 (1) Is on the veterinary premises or in the same general area in a field  
36 setting;

37 (2) is quickly and easily available;

38 (3) examines the animal prior to delegating any veterinary practice  
39 activity to the supervisee and performs any additional examination of the  
40 animal required by good veterinary practice; and

41 (4) delegates only those veterinary practice activities which are  
42 consistent with rules and regulations of the board regarding employee  
43 supervision.



1 (f) "Licensed veterinarian" means a veterinarian who is validly and  
2 currently licensed to practice veterinary medicine in this state.

3 (g) "Indirect supervision" means that the supervising licensed  
4 veterinarian:

5 (1) Is not on the veterinary premises or in the same general area in a  
6 field setting, but has examined the animal and provided either written or  
7 documented oral instructions or a written protocol for treatment of the  
8 animal patient, except that in an emergency, the supervising licensed  
9 veterinarian may provide oral instructions prior to examining the animal  
10 and subsequently examine the animal and document the instruction in  
11 writing;

12 (2) delegates only those veterinary practice tasks which are consistent  
13 with the rules and regulations of the board regarding employee  
14 supervision; and

15 (3) the animal being treated is not anesthetized as defined in rules and  
16 regulations.

17 (h) "Practice of veterinary medicine" means any of the following:

18 (1) To diagnose, treat, correct, change, relieve, or prevent animal  
19 disease, deformity, defect, injury or other physical or mental condition;  
20 including the prescription or administration of any drug, medicine,  
21 biologic, apparatus, application, anesthesia or other therapeutic or  
22 diagnostic substance or technique on any animal, including, but not limited to,  
23 acupuncture, surgical or dental operations, animal psychology, animal  
24 chiropractic, theriogenology, surgery, including cosmetic surgery, any  
25 manual, mechanical, biological or chemical procedure for testing for  
26 pregnancy or for correcting sterility or infertility or to render service or  
27 recommendations with regard to any of the above and all other branches of  
28 veterinary medicine.

29 (2) To represent, directly or indirectly, publicly or privately, an ability  
30 and willingness to do any act described in paragraph (1).

31 (3) To use any title, words, abbreviation or letters in a manner or  
32 under circumstances which induce the belief that the person using them is  
33 qualified to do any act described in paragraph (1). Such use shall be *prima*  
34 *facie* evidence of the intention to represent oneself as engaged in the  
35 practice of veterinary medicine.

36 (4) To collect blood or other samples for the purpose of diagnosing  
37 disease or conditions. This shall not apply to unlicensed personnel  
38 employed by the United States department of agriculture, ~~the Kansas~~  
39 ~~animal health department~~ or the Kansas department of agriculture who are  
40 engaged in such personnel's official duties.

41 (5) To apply principles of environmental sanitation, food inspection,  
42 environmental pollution control, animal nutrition, zoonotic disease control  
43 and disaster medicine in the promotion and protection of public health in

1 the performance of any veterinary service or procedure.

2 (i) "School of veterinary medicine" means any veterinary college or  
3 division of a university or college that offers the degree of doctor of  
4 veterinary medicine or its equivalent, which conforms to the standards  
5 required for accreditation by the American veterinary medical association  
6 and which is recognized and approved by the board.

7 (j) "Veterinarian" means a person who has received a doctor of  
8 veterinary medicine degree or the equivalent from a school of veterinary  
9 medicine.

10 (k) "Veterinary premises" means any premises or facility where the  
11 practice of veterinary medicine occurs, including, but not limited to, a  
12 mobile clinic, outpatient clinic, satellite clinic or veterinary hospital or  
13 clinic, but shall not include the premises of a veterinary client, research  
14 facility, a federal military base, Kansas state university college of  
15 veterinary medicine or any premises wherein the practice of veterinary  
16 medicine occurs no more than three times per year as a public service  
17 outreach of a registered veterinary premises.

18 (l) "Graduate veterinary technician" means a person who has  
19 graduated from an American veterinary medical association accredited  
20 school approved by the board.

21 (m) "Registered veterinary technician" means a person who is a  
22 graduate veterinary technician, has passed the examinations required by  
23 the board for registration and is registered by the board.

24 (n) "Veterinary-client-patient relationship" means:

25 (1) The veterinarian has assumed the responsibility for making  
26 medical judgments regarding the health of the animal or animals and the  
27 need for medical treatment, and the client, owner or other caretaker has  
28 agreed to follow the instruction of the veterinarian;

29 (2) there is sufficient knowledge of the animal or animals by the  
30 veterinarian to initiate at least a general or preliminary diagnosis of the  
31 medical condition of the animal or animals. This means that the  
32 veterinarian has recently seen or is personally acquainted with the keeping  
33 and care of the animal or animals by virtue of an examination of the  
34 animal or animals, or by medically appropriate and timely visits to the  
35 premises where the animal or animals are kept, or both; and

36 (3) the practicing veterinarian is readily available for followup in case  
37 of adverse reactions or failure of the regimen of therapy.

38 (o) "Veterinary prescription drugs" means such prescription items as  
39 defined by 21 U.S.C. ~~See~~ § 353, as in effect on July 1, 2001.

40 (p) "Veterinary corporation" means a professional corporation of  
41 licensed veterinarians incorporated under the professional corporation act  
42 of Kansas, cited at K.S.A. 17-2706 *et seq.*, and amendments thereto.

43 (q) "Veterinary partnership" means a partnership pursuant to the

1 Kansas uniform partnership act, cited at K.S.A. 56a-101 *et seq.*, and  
2 amendments thereto, formed by licensed veterinarians engaged in the  
3 practice of veterinary medicine.

4 (r) "Person" means any individual, corporation, partnership,  
5 association or other entity.

6 Sec. 77. K.S.A. 47-1001 is hereby amended to read as follows: 47-  
7 1001. As used in this act, except where the context clearly indicates a  
8 different meaning:

9 (a) "Commissioner" means the ~~livestock~~ *animal health* commissioner  
10 of the state of Kansas.

11 (b) "Livestock" means and includes cattle, swine, sheep, goats,  
12 horses, mules, domesticated deer, all creatures of the ratiite family that are  
13 not indigenous to this state, including, but not limited to, ostriches, emus  
14 and rheas, and any other animal as deemed necessary by the commissioner  
15 established through rules and regulations.

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

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

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

23 (f) "Public livestock market" means any place, establishment or  
24 facility commonly known as a "livestock market," "livestock auction  
25 market," "sales ring," "stockyard," "community sale" as such term is used  
26 in article 10 of chapter 47 of the Kansas Statutes Annotated, *and*  
27 *amendments thereto*, which includes any business conducted or operated  
28 for compensation or profit as a public market for livestock, consisting of  
29 pens, or other enclosures, and their appurtenances, in which livestock are  
30 received, held, sold or kept for sale or shipment except that this term shall  
31 not apply to any livestock market where federal veterinary inspection is  
32 regularly maintained.

33 (g) "Public livestock market operator" means any person who, in this  
34 state, receives on consignment, or solicits from the producer or consignor  
35 thereof, or holds in trust or custody for another, any livestock for sale or  
36 exchange, on behalf of such producer or consignor at a public livestock  
37 market, or sells, or offer for sale, at a public livestock market, for the  
38 account of the producer or consignor thereof, any livestock or directly or  
39 indirectly owns, conducts or operates a public livestock market. The term  
40 "public livestock market operator" shall not be construed to include any  
41 packer or agent of a packer who receives or purchases livestock for prompt  
42 slaughter.

43 (h) "Packer" means any person engaged in the business of buying

1 livestock for purposes of slaughter, or of manufacturing or preparing meats  
2 or meat food products for sale or shipment, or of manufacturing or  
3 preparing livestock products for sale or shipment, or of marketing meats,  
4 meat food products, livestock products, dairy products, poultry or poultry  
5 products.

6 (i) "Board" means any three members of the Kansas animal health  
7 board designated by the chairperson of the Kansas animal health board for  
8 each particular hearing. The chairperson may be included in such  
9 designation.

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

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

18 (l) "Occasional livestock sale" means livestock auctions or sales, that  
19 receive on consignment, or solicits from the producer or consignor thereof,  
20 or holds in trust or custody for another, any livestock for sale or exchange,  
21 on behalf of such producer or consignor at such auction or sale, or sells, or  
22 offers for sale, at such auction or sale, for the account of the producer or  
23 consignor thereof, any livestock or directly or indirectly owns, conducts or  
24 operates such auction or sale and such auctions or sales are held 12 or less  
25 times per year.

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

29 Sec. 78. K.S.A. 47-1001d is hereby amended to read as follows: 47-  
30 1001d. (a) The ~~livestock~~ *animal health* commissioner, through rules and  
31 regulations, may exempt occasional livestock sales or issue a license for  
32 such occasional livestock sales at a fee of not more than \$100 without a  
33 hearing.

34 (b) All livestock consigned and delivered on the premises of any  
35 licensed occasional livestock sale, before being offered for sale, shall be  
36 inspected by a licensed veterinarian who shall visually examine each  
37 animal consigned to such sale, for the purpose of determining its condition  
38 of health and freedom of clinical signs of infectious or contagious animal  
39 diseases that are determined to be reportable by the ~~livestock~~ *animal*  
40 *health* commissioner. Such veterinarian may issue certificates of  
41 inspections, on a form to be approved by the commissioner.

42 (c) Licensed occasional livestock sales shall not: (1) Collect a fee per  
43 head pursuant to K.S.A. 47-1011, and amendments thereto; (2) collect an

1 inspection fee per head pursuant to K.S.A. 47-1008, and amendments  
2 thereto; or (3) be required to furnish a bond in the manner required by  
3 K.S.A. 47-1002, and amendments thereto.

4 Sec. 79. K.S.A. 2011 Supp. 47-1001e is hereby amended to read as  
5 follows: 47-1001e. (a) Each livestock market operator shall pay annually,  
6 on or before June 30, a renewal market license fee in an amount set by the  
7 Kansas animal health board and adopted by rules and regulations of the  
8 commissioner of not more than \$250 to the commissioner for each public  
9 livestock market operated by such operator, which payment shall  
10 constitute a renewal until June 30 of the following year. The renewal  
11 market license fee established by this section on the day preceding the  
12 effective date of this act shall continue in effect until a different renewal  
13 market license fee is set as provided under this section.

14 (b) Any person who owns or operates an electronic auction which is  
15 simulcast into the state of Kansas and at which livestock located in the  
16 state of Kansas are offered for sale, shall apply to the ~~livestock~~ *animal*  
17 *health* commissioner for an electronic auction license. A license shall be  
18 granted to such person upon a showing that such person meets the bond  
19 requirements, as established in K.S.A. 47-1002, and amendments thereto,  
20 and has paid an annual fee in an amount set by the Kansas animal health  
21 board and adopted by rules and regulations of the commissioner of not  
22 more than \$250. Any such license shall expire on June 30 of each year.

23 Sec. 80. K.S.A. 2011 Supp. 47-1008 is hereby amended to read as  
24 follows: 47-1008. (a) Livestock shall not be offered for sale or sold at any  
25 licensed public livestock market if such livestock:

26 (1) Is infected with a disease that permanently renders the livestock  
27 unfit for human consumption;

28 (2) has severe neoplasia;

29 (3) has severe actinomycosis;

30 (4) is unable to rise to its feet by itself; or

31 (5) has an obviously fractured long bone or other fractures or  
32 dislocation of a joint that renders the livestock unable to bear weight on  
33 the affected limb without that limb collapsing.

34 (b) If, in the judgment of an accredited veterinarian, the livestock  
35 consigned and delivered on the premises of any licensed public livestock  
36 market is in any of the conditions described in subsection (a), such  
37 veterinarian shall euthanize humanely the livestock or direct the consignor  
38 to immediately remove the livestock from the premises of the public  
39 livestock market. All expenses incurred for euthanasia and disposal of the  
40 livestock under the provisions of this subsection shall be the responsibility  
41 of the consignor. Collection of expenses shall not be the responsibility of  
42 the consignee.

43 (c) All livestock consigned and delivered on the premises of any

1 licensed public livestock market, before being offered for sale, shall be  
2 inspected by a veterinarian authorized by the commissioner who shall  
3 visually examine or test, or both, each animal consigned to such market,  
4 for the purpose of determining its condition of health and freedom of  
5 clinical signs of infectious or contagious animal diseases that are  
6 determined to be reportable by the ~~livestock~~ *animal health* commissioner.  
7 Such regulatory veterinary services shall be contracted for by the ~~livestock~~  
8 *animal health* commissioner who shall select an accredited veterinarian for  
9 each public livestock market. The public livestock market operator, for  
10 each public livestock market, shall submit to the livestock commissioner a  
11 list of accredited veterinarians to be considered for the position or  
12 positions. Such veterinarian shall be authorized to make all required  
13 examinations and tests, and to issue certificates of inspection at the public  
14 livestock market where such veterinarian serves. All livestock sold, resold,  
15 exchanged or transferred, or offered for sale or exchange at a livestock  
16 market shall be treated as may be necessary to prevent the spread of  
17 contagious or infectious diseases. A certificate of inspection, on a form to  
18 be approved by the commissioner, shall be issued to the purchaser by the  
19 inspector. For the visual inspection of livestock offered for sale, there shall  
20 be collected by the market operator from the consignor a fee which shall  
21 be determined by negotiation between the market operator and the market  
22 veterinarian but shall not be less than \$.07 per head, except that no fee for  
23 inspection shall be collected unless the inspection actually has been made.  
24 If the charges per head collected on all livestock inspected at a livestock  
25 market on any sales day do not amount to a minimum per diem of \$40 or  
26 any amount greater than \$40 negotiated by the operator, the market  
27 operator shall be required to supply sufficient funds to provide such  
28 amount. Any amount lesser or greater than the \$40 amount specified, shall  
29 be determined by negotiation between the market operator and the market  
30 veterinarian. A copy of any agreement or contract shall be on file with the  
31 commissioner. Payments for veterinary services rendered under a contract  
32 as provided in this section shall be paid from the veterinary inspection fee  
33 fund, and for such services rendered prior to the end of a fiscal year,  
34 payment may be made within 90 days after the end of the fiscal year.

35 (d) Livestock market operators shall pay amounts received and  
36 amounts due under this section to the ~~livestock~~ *animal health*  
37 commissioner. The commissioner shall remit all such amounts received to  
38 the state treasurer in accordance with the provisions of K.S.A. 75-4215,  
39 and amendments thereto. Upon receipt of each such remittance, the state  
40 treasurer shall deposit the entire amount in the state treasury to the credit  
41 of the veterinary inspection fee fund. All expenditures from such fund  
42 shall be made in accordance with appropriation acts upon warrants of the  
43 director of accounts and reports issued pursuant to vouchers approved by

1 the commissioner or by a person or persons designated by such  
2 commissioner.

3 (e) The ~~livestock~~ *animal health* commissioner shall promulgate rules  
4 and regulations as may be necessary to carry out the purposes of this  
5 section, including, but not limited to, rules and regulations designating any  
6 disease as a disease that renders livestock or the carcasses thereof  
7 permanently unfit for human consumption. The ~~livestock~~ *animal health*  
8 commissioner shall promulgate all such rules and regulations in  
9 accordance with existing antemortem inspection regulations promulgated  
10 by the United States department of agriculture food safety and inspection  
11 service, as in effect on July 1, 1997.

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

16 Sec. 81. K.S.A. 2011 Supp. 47-1011a is hereby amended to read as  
17 follows: 47-1011a. (a) The public livestock market operator shall collect  
18 from the consignor of cattle sold at a public livestock market, where brand  
19 inspection of such cattle is requested, by the public livestock market  
20 operator, as a brand inspection fee, in addition to amounts specified in  
21 K.S.A. 47-1011, and amendments thereto, a sum of not more than \$.40 per  
22 head on all such cattle. Such amount shall be determined by the ~~livestock~~  
23 *animal health* commissioner. If a public livestock market operator requests  
24 brand inspection at a public livestock market pursuant to this section, the  
25 public livestock market operator shall contract with the ~~livestock~~ *animal*  
26 *health* commissioner to perform such brand inspection services.

27 (b) Where cattle consigned to, or sold at, such public livestock market  
28 originate in, and have brand inspection clearance from a county option  
29 brand inspection area, operating under K.S.A. 47-434 through 47-445, and  
30 amendments thereto, such livestock brand inspection fee under this section  
31 shall not be required.

32 (c) The public livestock market operator shall pay all amounts  
33 received under this section to the ~~livestock~~ *animal health* commissioner.

34 (d) The ~~livestock~~ *animal health* commissioner shall remit all amounts  
35 received under this section to the state treasurer in accordance with the  
36 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
37 each such remittance, the state treasurer shall deposit the entire amount in  
38 the state treasury to the credit of the livestock market brand inspection fee  
39 fund. All expenditures from such fund shall be made in accordance with  
40 appropriation acts upon warrants of the director of accounts and reports  
41 issued pursuant to vouchers approved by the livestock commissioner or by  
42 a person or persons designated by the commissioner.

43 Sec. 82. K.S.A. 2011 Supp. 47-1201 is hereby amended to read as

1 follows: 47-1201. As used in this act, except where the context clearly  
2 indicates a different meaning:

3 (a) "Commissioner" means the ~~livestock~~ *animal health* commissioner  
4 of the state of Kansas.

5 (b) "Person" means any individual, partnership, firm, corporation or  
6 association.

7 (c) "Disposal plant" means a place of business or a location where the  
8 carcasses of domestic animals or packing house refuse is purchased,  
9 received or unloaded and where such carcasses or refuse are processed for  
10 the purpose of obtaining the hide, skin, grease, residue, or any other  
11 byproduct from the animal or refuse, in any way whatsoever.

12 (d) "Substation" means a concentration site equipped with at least one  
13 storage building and operated and maintained for the temporary deposit or  
14 storage of the carcasses of domestic animals pending final delivery of the  
15 carcasses to the disposal plant.

16 (e) "Place of transfer" means a reloading site, authorized for use in  
17 direct transferring of carcasses of domestic animals from vehicles making  
18 original pickup or loading to a line vehicle for the transportation of the  
19 carcasses to the disposal plant.

20 (f) "Carcasses of domestic animals" means bodies, or any part or  
21 portion thereof, of dead domestic animals not slaughtered for human food.

22 Sec. 83. K.S.A. 2011 Supp. 47-1218 is hereby amended to read as  
23 follows: 47-1218. (a) All moneys received by the ~~livestock~~ *animal health*  
24 commissioner under article 12 of chapter 47 of Kansas Statutes Annotated,  
25 and amendments thereto, shall be remitted to the state treasurer in  
26 accordance with the provisions of K.S.A. 75-4215, and amendments  
27 thereto. Upon receipt of each such remittance, the state treasurer shall  
28 deposit the entire amount in the state treasury to the credit of the animal  
29 disease control fund.

30 (b) On July 1, 1986, the director of accounts and reports shall transfer  
31 all moneys in the animal health department fee fund to the animal disease  
32 control fund. On July 1, 1986, all liabilities of the animal health  
33 department fee fund are hereby imposed upon the animal disease control  
34 fund, and the animal health department fee fund is hereby abolished.

35 Sec. 84. K.S.A. 2011 Supp. 47-1302 is hereby amended to read as  
36 follows: 47-1302. (a) Except as provided in subsection (b) ~~or (e)~~, it shall  
37 be unlawful for any person, firm, partnership or corporation to feed  
38 garbage to animals.

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



1 ~~the state livestock commissioner.~~

2 (e) Nothing in this section shall prohibit an individual from feeding  
3 such individual's own animals only the garbage obtained from such  
4 individual's own household.

5 Sec. 85. K.S.A. 2011 Supp. 47-1303 is hereby amended to read as  
6 follows: 47-1303. (a) It shall be unlawful for the governing body of any  
7 city, or any official or employee of a city, to enter into any contract or  
8 agreement for the collection or disposal of garbage unless such contract or  
9 agreement requires a disposal of garbage in accordance with rules and  
10 regulations of the state ~~livestock~~ *animal health* commissioner, when  
11 disposed of by other means.

12 (b) It shall be unlawful for any person to give, sell or transfer garbage  
13 to another person, if such person knows that such other person is  
14 commercially feeding the garbage to a cloven hoofed animal.

15 Sec. 86. K.S.A. 2011 Supp. 47-1304 is hereby amended to read as  
16 follows: 47-1304. The state ~~livestock~~ *animal health* commissioner is  
17 hereby authorized to promulgate and enforce all rules and regulations  
18 deemed necessary to carry out the provisions of K.S.A. 47-1301 through  
19 47-1307, and amendments thereto.

20 Sec. 87. K.S.A. 47-1501 is hereby amended to read as follows: 47-  
21 1501. *As used in this act:*

22 (a) -"Feedlot" means: (1) A livestock feedlot, or feed yard, having  
23 more than 1,000 head of livestock at one time during the licensed year; or  
24 (2) any other livestock feedlot whose operator elects to come under this  
25 act.

26 (b) "Feed yard feeding" means the feeding of livestock in lots or pens  
27 which are not used normally for raising crops and in which no vegetation,  
28 intended for livestock feed, is growing.

29 (c) "Livestock" means cattle, swine, sheep and horses.

30 (d) "Operator" means the owner, or the person having charge or  
31 control, of a feedlot.

32 (e) "Person" means an individual, a corporation, a group of  
33 individuals, joint venturers, a partnership or any other business entity.

34 (f) "Commissioner" means the state ~~livestock~~ *animal health*  
35 commissioner.

36 (g) "Board" means the Kansas animal health board.

37 Sec. 88. K.S.A. 2011 Supp. 47-1503 is hereby amended to read as  
38 follows: 47-1503. (a) It shall be unlawful for any person to operate a  
39 feedlot within the state of Kansas without having first obtained a license  
40 from the ~~livestock~~ *animal health* commissioner authorizing and permitting  
41 such operation.

42 (b) An operator of any feedlot in the state of Kansas, or a person  
43 desiring to operate a feedlot in the state of Kansas; shall obtain; from the

1 livestock animal health commissioner, a license to operate a feedlot,  
 2 unless exempted therefrom. The owner or operator of any livestock  
 3 feedlot, with a capacity of less than 1,000 head of livestock, may apply for  
 4 and obtain a license for feedlot operations, if such owner or operator  
 5 chooses and elects to come under the terms and provisions of this act, but  
 6 the licensing for operations at a capacity of less than 1,000 head shall not  
 7 be required.

8 (c) Application for a livestock feedlot license shall be filed with the  
 9 livestock animal health commissioner, on a form prescribed and furnished  
 10 by the commissioner. Upon the filing of such an application and payment  
 11 of the required fees, the commissioner shall issue a livestock feedlot  
 12 license to such applicant, provided the application discloses information  
 13 assuring the commissioner that the operation of such feedlot will be  
 14 conducted in accordance with the standards set forth elsewhere in this act,  
 15 and with rules and regulations adopted by the commissioner.

16 (d) Feedlot licenses shall be issued for the term of one year, to expire  
 17 on June 30 following the date of issuance. Feedlot licenses may be  
 18 continued in force by annual renewal or extension of such license with the  
 19 payment of an annual license fee, and with continued compliance by the  
 20 operator with the provisions of this act, ~~and acts amendatory of the~~  
 21 ~~provisions thereof and supplemental thereto~~, and rules and regulations  
 22 adopted hereunder.

23 (e) Each cattle feedlot operator, who shall be granted a license, shall  
 24 pay a fee in an amount set by the Kansas animal health board and adopted  
 25 by rules and regulations of the commissioner for such license and for  
 26 annual renewal thereof, in accordance with and subject to the following  
 27 schedule of maximum fees:

<i>Feedlot capacity</i> .....	<i>Maximum fee</i>
29 Under 1,000 head.....	\$75
30 1,000 to 2,999 head.....	\$350
31 3,000 to 5,999 head.....	\$650
32 6,000 to 9,999 head.....	\$750
33 10,000 to 17,999 head.....	\$1,100
34 18,000 to 29,999 head.....	\$1,500
35 30,000 to 49,999 head.....	\$1,650
36 50,000 to 99,999 head.....	\$1,800
37 100,000 head and over.....	\$2,000

38 The fees established by this subsection on the day preceding the  
 39 effective date of this act shall continue in effect until different fees are set  
 40 as provided under this subsection.

41 (f) For the purposes of this subsection, "animal unit" means the  
 42 number of swine weighing more than 55 pounds multiplied by 0.4; plus  
 43 the number of swine weighing 55 pounds or less multiplied by 0.1; plus  
 44 the number of sheep or lambs multiplied by 0.1; plus the number of goats  
 45 multiplied by 0.1. Each swine, sheep and goat feedlot operator, who shall

1 be granted a license, shall pay a fee in an amount set by the Kansas animal  
 2 health board and adopted by rules and regulations of the commissioner for  
 3 such license and for annual renewal thereof, in accordance with and  
 4 subject to the following schedule of maximum fees:

<i>Feedlot capacity</i> .....	<i>Maximum fee</i>
5 300 to 999 Animal units.....	\$75
6 1,000 to 2,999 Animal units.....	\$350
7 3,000 to 5,999 Animal units.....	\$650
8 6,000 to 9,999 Animal units.....	\$750
9 10,000 to 17,999 Animal units.....	\$1,100
10 18,000 to 29,999 Animal units.....	\$1,500
11 30,000 to 49,999 Animal units.....	\$1,650
12 50,000 to 99,999 Animal units.....	\$1,800
13 100,000 Animal units and over.....	\$2,000

15 (g) If an original feedlot license expires within six months after date  
 16 of issuance, only 50% of the applicable license fee shall be required. An  
 17 application for feedlot license shall not be approved, nor shall a license be  
 18 issued to any applicant unless the application is accompanied by the  
 19 applicable license fee under the schedule of fees in this section. Each  
 20 licensed feedlot operator shall pay an annual license fee in accordance  
 21 with the schedule of fees in this section and, upon payment of such fee and  
 22 a showing of compliance with other requirements, shall be entitled to a  
 23 renewal or extension of such operator's license for the ensuing license  
 24 year.

25 (h) ~~The livestock~~ *animal health* commissioner shall remit all moneys  
 26 received by or for the commissioner under article 15 of chapter 47 of  
 27 Kansas Statutes Annotated, and amendments thereto, to the state treasurer  
 28 in accordance with the provisions of K.S.A. 75-4215, and amendments  
 29 thereto. Upon receipt of each such remittance, the state treasurer shall  
 30 deposit the entire amount in the state treasury to the credit of the animal  
 31 disease control fund.

32 Sec. 89. K.S.A. 47-1506 is hereby amended to read as follows: 47-  
 33 1506. (a) The *animal health* commissioner shall have the power to: (1)  
 34 Receive applications for feedlot licenses; (2) issue licenses to qualifying  
 35 applicants; (3) make and enforce reasonable regulations pertaining to the  
 36 operation of feedlots, within the framework of the standards set forth in  
 37 this act, and acts amendatory and supplemental thereto; (4) make rules of  
 38 procedure for the administration and enforcement of this act; and (5)  
 39 determine adequateness of the compliance with the requirements fixed in  
 40 standards prescribed in this act.

41 (b) The commissioner shall have the duty to: (1) Prepare, design and  
 42 have printed application forms which shall be available to feedlot  
 43 operators and to applicants for such a license. Such forms shall provide for  
 44 answers and statements by applicants, to disclose whether such applicants  
 45 can, and are capable of complying with standards of operation set forth in

1 this act, and as set forth in the regulations made by such commissioner  
2 under authority of this act; (2) keep, maintain and compile all necessary  
3 records; and (3) undertake and carry through research studies,  
4 investigations and surveys which are needed and required for the proper  
5 administration of this act.

6 (c) The commissioner shall have the power to call upon the university  
7 of Kansas and Kansas state university for aid and assistance in conducting  
8 such research studies and surveys.

9 (d) The commissioner, or authorized agents or employees, are  
10 authorized to investigate all complaints concerning the operation of  
11 feedlots within the state of Kansas when an operator of such a feedlot is  
12 charged with any violations of the provisions of this act. The  
13 commissioner shall have the power to enter upon feedlot premises and to  
14 investigate the methods of operation of all such feedlots.

15 (e) The commissioner shall have the power and the duty to suspend or  
16 revoke the license of any feedlot operator; after a hearing; and after an  
17 administrative determination that such an operator has violated, or has  
18 failed to comply with any of the provisions of this act, or any regulation  
19 adopted thereunder. The commissioner shall have the power and duty to  
20 reinstate any such suspended or revoked licenses, upon a satisfactory and  
21 acceptable showing and assurance that such feedlot operator conducted  
22 feedlot operations in conformity with, and in compliance with, the  
23 provisions of this act and regulations adopted thereunder, and that such  
24 conformity and compliance will be continuous. A feedlot license shall not  
25 be suspended or revoked by the commissioner, until charges have been  
26 submitted, in writing, concerning alleged violations, and until the licensee  
27 shall have been given an opportunity to be heard in such licensee's defense  
28 in accordance with the provisions of the Kansas administrative procedure  
29 act.

30 Sec. 90. K.S.A. 47-1511 is hereby amended to read as follows: 47-  
31 1511. Upon request of the ~~livestock~~ *animal health* commissioner, the  
32 secretary of health and environment shall make staff engineers available to  
33 assist: (1) An operator of any feedlot in the state of Kansas; and (2) any  
34 person who has applied for a license to operate a feedlot in the state of  
35 Kansas, in the development of plans and in the design for the construction  
36 of facilities for a feedlot in order to control pollution of streams and lakes.  
37 Nothing in this act shall be construed as limiting the authority of the  
38 secretary of health and environment in matters of stream and lake pollution  
39 as provided for in K.S.A. 65-161 ~~to~~ *through* 65-171h, ~~inclusive~~, and  
40 amendments thereto.

41 Sec. 91. K.S.A. 47-1701 is hereby amended to read as follows: 47-  
42 1701. As used in the Kansas pet animal act, unless the context otherwise  
43 requires:

1 (a) "Adequate feeding" means supplying, at suitable intervals (not to  
2 exceed 24 hours), of a quantity of wholesome foodstuff; suitable for the  
3 animal species and age, and sufficient to maintain a reasonable level of  
4 nutrition in each animal.

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

9 (c) "Ambient temperature" means the temperature surrounding the  
10 animal.

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

14 (2) Animal does not include horses, cattle, sheep, goats, swine,  
15 ratites, domesticated deer or domestic fowl.

16 (e) "Animal breeder" means any person who operates animal breeder  
17 premises.

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

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

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

32 (i) "Commissioner" means the ~~livestock~~ *animal health* commissioner  
33 appointed by the ~~Kansas animal health board~~ *secretary of agriculture*.

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

37 (k) "Animal control officer" means any person employed by,  
38 contracted with or appointed by the state, or any political subdivision  
39 thereof, for the purpose of aiding in the enforcement of this law, or any  
40 other law or ordinance relating to the licensing or permitting of animals,  
41 control of animals or seizure and impoundment of animals, and includes  
42 any state, county or municipal law enforcement officer, dog warden,  
43 constable or other employee, whose duties in whole or in part include

1 assignments which involve the seizure or taking into custody of any  
2 animal.

3 (l) "Euthanasia" means the humane destruction of an animal, which  
4 may be accomplished by any of those methods provided for in K.S.A. 47-  
5 1718, and amendments thereto.

6 (m) "Hobby breeder premises" means any premises where all or part  
7 of 3, 4 or 5 litters of dogs or cats, or both, are produced for sale or sold,  
8 offered or maintained for sale. This provision applies only if the total  
9 number of dogs or cats, or both, sold, offered or maintained for sale is less  
10 than 30 individual animals.

11 (n) "Hobby breeder" means any person who operates a hobby breeder  
12 premises.

13 (o) "Housing facility" means any room, building or area used to  
14 contain a primary enclosure or enclosures.

15 (p) "Kennel operator" means any person who operates an  
16 establishment where four or more dogs or cats, or both, are maintained in  
17 any one week for boarding, training or similar purposes for a fee or  
18 compensation.

19 (q) "Kennel operator premises" means the facility of a kennel  
20 operator.

21 (r) "License year" or "permit year" means the 12-month period  
22 ending on June 30.

23 (s) "Person" means any individual, association, partnership,  
24 corporation or other entity.

25 (t) (1) "Pet shop" means any premises where there are sold, or offered  
26 or maintained for sale, at retail and not for resale to another:

27 (A) Any dogs or cats, or both; or (B) any other animals except those  
28 which are produced and raised on such premises and are sold, or offered or  
29 maintained for sale, by a person who resides on such premises.

30 (2) Pet shop does not include: (A) Any pound or animal shelter; (B)  
31 any premises where only fish are sold, or offered or maintained for sale; or  
32 (C) any animal distributor premises, hobby breeder premises, retail breeder  
33 premises or animal breeder premises.

34 (3) Nothing in this section prohibits inspection of those premises  
35 which sell only fish to verify that only fish are being sold.

36 (u) "Pet shop operator" means any person who operates a pet shop.

37 (v) "Primary enclosure" means any structure used or designed for use  
38 to restrict any animal to a limited amount of space, such as a room, pen,  
39 cage, compartment or hutch.

40 (w) "Research facility" means any place, laboratory or institution,  
41 except an elementary school, secondary school, college or university, at  
42 which any scientific test, experiment or investigation involving the use of  
43 any living animal is carried out, conducted or attempted.

1 (x) "Sale," "sell" and "sold" include transfers by sale or exchange.  
2 Maintaining animals for sale is presumed whenever 20 or more dogs or  
3 cats, or both, are maintained by any person.

4 (y) "Sanitize" means to make physically clean and to remove and  
5 destroy, to a practical minimum, agents injurious to health, at such  
6 intervals as necessary.

7 (z) "Animal distributor" means any person who operates an animal  
8 distributor premises.

9 (aa) "Animal distributor premises" means the premises of any person  
10 engaged in the business of buying for resale dogs or cats, or both, as a  
11 principal or agent, or who holds such distributor's self out to be so  
12 engaged.

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

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

19 (dd) (1) "Adequate veterinary medical care" means:

20 (A) A documented program of disease control and prevention,  
21 euthanasia and routine veterinary care shall be established and maintained  
22 under the supervision of a licensed veterinarian, on a form provided by the  
23 commissioner, and shall include a documented on-site visit to the premises  
24 by the veterinarian at least once a year; and

25 (B) that diseased, ill, injured, lame or blind animals shall be provided  
26 with veterinary care as is needed for the health and well-being of the  
27 animal.

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

31 (ee) "Ratites" means all creatures of the ratite family that are not  
32 indigenous to this state, including, but not limited to, ostriches, emus and  
33 rheas.

34 (ff) "Retail breeder" means any person who operates a retail breeder  
35 premises.

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

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

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

1       Sec. 92. K.S.A. 2011 Supp. 47-1706a is hereby amended to read as  
2 follows: 47-1706a. (a) When an animal is seized or impounded pursuant to  
3 K.S.A. 47-1706, 47-1707 or 47-1715, and amendments thereto, the owner  
4 or person who was in possession of the animal at the time such animal was  
5 seized or impounded may post a cash or security bond as provided in this  
6 section which shall prevent the sale, placement or euthanasia of the  
7 animal. Such cash or security bond shall be in an amount sufficient to pay  
8 for the animal's care and keeping for a period of at least 30 days,  
9 commencing on the date which the animal was seized or impounded. Any  
10 such security bond or any security bond as provided in subsection (b) shall  
11 be approved by the Kansas ~~animal health department~~ *department of*  
12 *agriculture division of animal health*.

13       (b) Such bond shall be filed with the Kansas ~~animal health~~  
14 ~~department~~ *department of agriculture division of animal health* and shall  
15 be posted on or before the date of the disposition hearing or within ~~ten~~ 10  
16 days after the animal is seized or impounded, whichever is earlier. At the  
17 end of the time for which expenses are covered by the bond if the owner or  
18 person who was in possession of the animal at the time it was seized or  
19 impounded desires to prevent disposition of the animal, such owner or  
20 person shall post a new cash or security bond prior to the previous bond's  
21 expiration. At the end of the time for which expenses are covered by the  
22 bond, the animal may be sold, placed or euthanized.

23       (c) The authority seizing or impounding an animal shall give notice  
24 by delivering a copy of this section to a person residing on the property  
25 where the animal was seized or by posting a copy at the place where the  
26 animal was seized.

27       (d) Nothing in this section shall prevent the euthanasia at any time of  
28 an animal seized or impounded which is determined by a licensed  
29 veterinarian to be diseased or disabled beyond recovery for any useful  
30 purpose.

31       (e) This act is supplemental to and shall become a part of the Kansas  
32 pet animal act.

33       Sec. 93. K.S.A. 2011 Supp. 47-1709 is hereby amended to read as  
34 follows: 47-1709. (a) The commissioner or the commissioner's authorized,  
35 trained representatives shall make an inspection of the premises for which  
36 an application for an original license or permit is made under K.S.A. 47-  
37 1701 *et seq.*, and amendments thereto, before issuance of such license or  
38 permit. The application for a license shall conclusively be deemed to be  
39 the consent of the applicant to the right of entry and inspection of the  
40 premises sought to be licensed or permitted by the commissioner or the  
41 commissioner's authorized, trained representatives at reasonable times  
42 with the owner or owner's representative present. Refusal of such entry  
43 and inspection shall be grounds for denial of the license or permit. Notice



1 need not be given to any person prior to inspection.

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

16 (c) The commissioner or the commissioner's authorized, trained  
17 representatives shall make inspections of the premises of a person required  
18 to be licensed or permitted under K.S.A. 47-1701 *et seq.*, and amendments  
19 thereto, upon a determination by the commissioner that there are  
20 reasonable grounds to believe that the person is violating the provisions of  
21 K.S.A. 47-1701 *et seq.*, and amendments thereto, or rules and regulations  
22 adopted thereunder or that there are grounds for suspension or revocation  
23 of such person's license or permit.

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

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

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

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

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

43 (i) Records of inspections pursuant to this section shall be maintained

1 in the office of the Kansas ~~animal health department~~ *department of*  
2 *agriculture division of animal health*. Records of a deficiency or violation  
3 shall not be maintained for longer than three years after the deficiency or  
4 violation is remedied.

5 (j) The commissioner shall, in consultation with Kansas state  
6 university college of veterinary medicine: (1) Continue procedures to  
7 provide for pet animal training or updated training for authorized trained  
8 representatives who inspect premises under the pet animal act and to allow  
9 the owners of such facilities licensed or permitted under the pet animal act  
10 to attend and participate at the training workshops for the authorized  
11 trained representatives; and (2) make available to such owners and other  
12 interested persons an inspection handbook describing the duties and  
13 responsibilities of such authorized trained representatives.

14 Sec. 94. K.S.A. 2011 Supp. 47-1721 is hereby amended to read as  
15 follows: 47-1721. (a) Each application for issuance or renewal of a license  
16 or permit required under K.S.A. 47-1701 *et seq.*, and amendments thereto,  
17 shall be accompanied by the fee prescribed by the commissioner under this  
18 section. Such fees shall be as follows:

19 (1) Except as provided in paragraph (5) or (6), for a license for  
20 premises of a person licensed under public law 91-579 (7 U.S.C. § 2131 *et*  
21 *seq.*), an amount not to exceed \$200;

22 (2) except as provided in paragraph (5) or (6), for a license for any  
23 other premises, an amount not to exceed \$405;

24 (3) for a temporary closing permit, an amount not to exceed \$95;

25 (4) for an out-of-state distributor permit, an amount not to exceed  
26 \$675;

27 (5) for a hobby breeder license or a kennel operator license an amount  
28 not to exceed \$95;

29 (6) for a license for an animal shelter or a pound, an amount not to  
30 exceed \$300; and

31 (7) a late fee of \$70 shall be assessed to any person whose permit or  
32 license renewal is more than 45 days<sup>1</sup> late.

33 (b) The commissioner shall determine annually the amount necessary  
34 to carry out and enforce K.S.A. 47-1701 *et seq.*, and amendments thereto,  
35 for the next ensuing fiscal year and shall fix by rules and regulations the  
36 license and permit fees for such year at the amount necessary for that  
37 purpose, subject to the limitations of this section. In fixing such fees, the  
38 commissioner may establish categories of licenses and permits, based  
39 upon the type of license or permit, size of the licensed or permitted  
40 business or activity and the premises where such business or activity is  
41 conducted, and may establish different fees for each such category. The  
42 fees in effect immediately prior to the effective date of this act shall  
43 continue in effect until different fees are fixed by the commissioner as

1 provided by this subsection.

2 (c) If a licensee, permittee or applicant for a license or permit  
3 requests an inspection of the premises of such licensee, permittee or  
4 applicant, the commissioner shall assess the costs of such inspection, as  
5 established by rules and regulations of the commissioner, to such licensee,  
6 permittee or applicant.

7 (d) No fee or assessment required pursuant to this section shall be  
8 refundable.

9 (e) The commissioner shall remit all moneys received by or for the  
10 commissioner under this section to the state treasurer in accordance with  
11 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
12 of each such remittance, the state treasurer shall deposit the entire amount  
13 in the state treasury to the credit of the animal dealers fee fund, which is  
14 hereby created in the state treasury. Moneys in the animal dealers fee fund  
15 may be expended only to administer and enforce K.S.A. 47-1701 *et seq.*,  
16 and amendments thereto. All expenditures from the animal dealers fee  
17 fund shall be made in accordance with appropriation acts upon warrants of  
18 the director of accounts and reports issued pursuant to vouchers approved  
19 by the Kansas ~~livestock~~ *animal health* commissioner or the commissioner's  
20 designee.

21 (f) Premises required to be licensed under the Kansas pet animal act  
22 shall not be required to pay for more than one license. If more than one  
23 operation is ongoing at the premises, each operation shall comply with the  
24 applicable statutes and rules and regulations pertaining to such operation.

25 (g) Except as provided further, when a premises required to be  
26 licensed or permitted under the Kansas pet animal act applies for an initial  
27 license or permit, the commissioner shall prorate to the nearest whole  
28 month the license or permit fee established in subsection (a). The  
29 commissioner shall have discretion to determine whether the application is  
30 an initial application or an application for a premises which has been doing  
31 business but is not licensed or permitted. If the commissioner determines  
32 the premises has been doing business without a license or permit, the  
33 commissioner is not required to prorate the fee.

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

36 Sec. 95. K.S.A. 47-1725 is hereby amended to read as follows: 47-  
37 1725. (a) There is hereby created the Kansas pet animal advisory board,  
38 consisting of 10 members. Members shall be appointed by the governor as  
39 follows:

40 (1) One member shall be a representative of a licensed animal shelter  
41 or pound;

42 (2) one member shall be an employee of a licensed research facility;

43 (3) one member shall be a licensed animal breeder;

- 1 (4) one member shall be a licensed retail breeder;
- 2 (5) one member shall be a licensed pet shop operator;
- 3 (6) one member shall be a licensed veterinarian and shall be selected
- 4 from a list of three names presented to the governor by the Kansas
- 5 veterinary medical association;
- 6 (7) one member shall be a private citizen with no link to the industry;
- 7 (8) one member shall be a licensed animal distributor;
- 8 (9) one member shall be a licensed hobby breeder; and
- 9 (10) one member shall be a licensed kennel operator.

10 (b) Of the members first appointed to the board, the governor shall  
11 designate three whose terms shall expire June 30, 1992; three whose terms  
12 shall expire June 30, 1993; and three whose terms shall expire June 30,  
13 1994. After the expiration of such terms, each member shall be appointed  
14 for a term of three years and until a successor is appointed and qualified.

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

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

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

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

23 (1) To advise the Kansas ~~livestock~~ *animal health* commissioner on  
24 hiring a director to implement the Kansas pet animal act;

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

26 (3) to make recommendations on changes to the Kansas pet animal  
27 act; and

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

30 (g) Board members who are required to be licensed, except retail  
31 breeders, shall be affiliated with or a member of an organized pet animal  
32 association which is representative of the position such person will hold on  
33 the board.

34 (h) Upon the effective date of this act, the governor shall appoint a  
35 licensed kennel operator. When the current board members' terms expire,  
36 the governor shall appoint persons or representatives in accordance with  
37 this section.

38 Sec. 96. K.S.A. 2011 Supp. 47-1731 is hereby amended to read as  
39 follows: 47-1731. (a) No dog or cat may be transferred to the permanent  
40 custody of a prospective owner by a pound or animal shelter, as defined by  
41 K.S.A. 47-1701, and amendments thereto, or by a humane society, unless:

42 (1) Such dog or cat has been surgically spayed or neutered before the  
43 physical transfer of the animal occurs; or

1 (2) the prospective owner signs an agreement to have the dog or cat  
2 spayed or neutered and deposits with the pound or animal shelter funds not  
3 less than the lowest nor more than the highest cost of spaying or neutering  
4 in the community. Any funds deposited pursuant to such an agreement  
5 shall be refunded to such person upon presentation of a written statement  
6 signed by a licensed veterinarian that the dog or cat has been spayed or  
7 neutered. If such person does not reclaim the deposit within six months  
8 after receiving custody of the animal, the pound or animal shelter shall  
9 keep the deposit and may reclaim the unspayed or unneutered animal.

10 (b) No person shall spay or neuter any dog or cat for or on behalf of a  
11 pound or animal shelter unless such person is a licensed veterinarian or a  
12 student currently enrolled in the college of veterinary medicine, Kansas  
13 state university, who has completed at least two years of study in the  
14 veterinary medical curriculum and is participating in a spay or neuter  
15 program and as part of the curriculum under the direct supervision of a  
16 licensed veterinarian. Students shall only spay or neuter any dog or cat that  
17 belongs to the pound or animal shelter, and shall not spay or neuter any  
18 dog or cat that belongs to a member or of the public. No pound or animal  
19 shelter shall designate the veterinarian which a person must use, or a list  
20 from which a person must select a veterinarian, to spay or neuter a dog or  
21 cat transferred by such person from such pound or animal shelter. Any  
22 premises located in the state of Kansas where the spaying, neutering or any  
23 other practice of veterinary medicine occurs shall register such premises  
24 with the board of veterinary examiners.

25 (c) With the written approval of the ~~livestock~~ *animal health*  
26 commissioner, any pound or shelter may use an innovative spay or neuter  
27 program not precisely meeting the requirements of subsection (a)(2), if the  
28 pound or shelter can prove to the commissioner that it is actively enforcing  
29 the spaying and neutering requirements set forth in this statute.

30 (d) Nothing in this section shall be construed to require sterilization  
31 of a dog or cat which is being held by a pound or animal shelter and which  
32 may be claimed by its rightful owner within the holding period established  
33 in K.S.A. 47-1710, and amendments thereto.

34 (e) The ~~livestock~~ *animal health* commissioner shall promulgate rules  
35 and regulations as may be necessary to carry out the provisions of this  
36 section.

37 Sec. 97. K.S.A. 47-1735 is hereby amended to read as follows: 47-  
38 1735. (a) A licensee, permittee or applicant for a license or permit shall not  
39 interfere with, hinder, threaten or abuse, including verbal abuse, any  
40 representative or employee of the animal health department who is  
41 carrying out such representative's or employee's duties under the  
42 provisions of the Kansas pet animal act.

43 (b) This section shall be part of and supplemental to the Kansas pet

1 animal act.

2 Sec. 98. K.S.A. 47-1804 is hereby amended to read as follows: 47-  
3 1804. As used in this act, unless the context otherwise requires:

4 (a) "Commissioner" means the ~~livestock animal health~~ commissioner  
5 of the state of Kansas.

6 (b) "Livestock" means cattle, swine, horses, sheep, goats, poultry, all  
7 creatures of the ratite family that are not indigenous to this state,  
8 including, but not limited to, ostriches, emus and rheas and domesticated  
9 deer.

10 (c) (1) "Livestock dealer" means any person engaged in the business  
11 of buying or selling livestock in commerce, either on that person's own  
12 account or as the employee or agent of the seller or purchaser, or any  
13 person engaged in the business of buying or selling livestock in commerce  
14 on a commission basis and shall include any person who buys or sells  
15 livestock with the use of a video.

16 (2) "Livestock dealer" does not include any person who buys or sells  
17 livestock as part of that person's own breeding, feeding or dairy operation,  
18 nor any person who receives livestock exclusively for immediate  
19 slaughter.

20 (d) (1) "Person" means any individual, partnership, corporation,  
21 company, firm or association.

22 (2) "Person" does not include any public livestock market operator  
23 licensed under K.S.A. 47-1001 *et seq.*, and amendments thereto, or any  
24 feedlot operator licensed under K.S.A. 47-1501 *et seq.*, and amendments  
25 thereto.

26 (e) "Domesticated deer" means any member of the family cervidae  
27 which was legally obtained and is being sold or raised in a confined area  
28 for: (1) Breeding stock; ~~for~~ (2) any carcass, skin or part of such animal; ~~for~~  
29 (3) exhibition; or ~~for~~ (4) companionship.

30 Sec. 99. K.S.A. 2011 Supp. 47-1805 is hereby amended to read as  
31 follows: 47-1805. (a) Any person operating as a livestock dealer in Kansas  
32 shall register with the Kansas ~~animal health department~~ *department of*  
33 *agriculture division of animal health*. Registration shall be made on an  
34 application form approved by the ~~livestock animal health~~ commissioner.  
35 The application shall be accompanied by the livestock dealer registration  
36 fee or renewal fee fixed by the commissioner under subsection (b). If an  
37 application for registration or renewal of registration is denied by the  
38 commissioner or withdrawn by the applicant, the fee shall not be refunded.  
39 Unless renewed under this section, each registration shall expire on the  
40 June 30 following the date of issuance.

41 (b) The ~~livestock animal health~~ commissioner shall determine  
42 annually the amount of funds which will be required for the administration  
43 and enforcement of this section and K.S.A. 47-1806, and amendments

1 thereto, and shall fix and adjust from time to time a livestock dealer  
2 registration fee and a renewal fee in such reasonable amounts as may be  
3 necessary for such purposes, except that in no case shall either the  
4 livestock dealer registration fee or the renewal fee exceed \$75.

5 (c) The ~~livestock~~ *animal health* commissioner shall remit all moneys  
6 received by or for the commissioner under this section to the state  
7 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
8 amendments thereto. Upon receipt of each such remittance, the state  
9 treasurer shall deposit the entire amount in the state treasury to the credit  
10 of the animal disease control fund.

11 Sec. 100. K.S.A. 47-1808 is hereby amended to read as follows: 47-  
12 1808. (a) Except if bonded under the packers and stockyards act, 1921, as  
13 amended and supplemented, 7 U.S.C. § 181 *et seq.*, every livestock dealer  
14 required to be registered pursuant to K.S.A. 47-1805, and amendments  
15 thereto, upon notification by the ~~livestock~~ *animal health* commissioner of  
16 the amount of bond required, shall file with the ~~livestock~~ *animal health*  
17 commissioner a bond with good corporate surety qualified under the laws  
18 of the state of Kansas in a sum computed by dividing the dollar value of  
19 livestock sold during the preceding business year, or the substantial part of  
20 that business year, in which the livestock dealer did business, by the actual  
21 number of days on which livestock was sold. The divisor, the number of  
22 days on which livestock was sold, shall not exceed 130. The amount of  
23 bond coverage must be the next multiple of \$5,000 above the amount so  
24 determined. When the computation exceeds \$75,000, the amount of bond  
25 coverage need not exceed \$75,000 plus 10% of the excess over \$75,000,  
26 raised to the next \$5,000 multiple. In cases where a business operation is  
27 being commenced, an estimated amount of business to be transacted  
28 during the next 12 months may be used subject to adjustment later, if  
29 indicated. In no event shall the bond be for an amount less than \$10,000.

30 (b) The bond shall be in favor of the state of Kansas for the benefit of  
31 all persons interested, their legal representatives, attorneys or assigns and  
32 shall be conditioned on the faithful performance of all the registrant's  
33 duties as a livestock dealer. Any person injured by the breach of any  
34 obligation of the livestock dealer may commence suit on the bond in any  
35 court of competent jurisdiction to recover damages that the person has  
36 sustained, but any suit commenced shall either be a class action or shall  
37 join as parties plaintiff or parties defendant or other persons who may be  
38 affected by such suit on the bond. No bond shall be ~~cancelled~~ *canceled* by  
39 the surety on less than 30 days' notice by mail to the ~~livestock~~ *animal*  
40 *health* commissioner and the principal except that no such notice shall be  
41 required for cancellation of any bond by reason of nonpayment of the  
42 premium thereon. The liability of the surety on the bond may continue for  
43 each successive registration period the bond covers. The total liability of

1 the surety shall be limited to the amount stated on the current bond or on  
2 an appropriate rider or endorsement to the current bond. It is the intent of  
3 this statute that the bonds be nonaccumulative, that stacking of bonds not  
4 occur in excess of the face value of the current bond.

5 (c) Whenever the ~~livestock~~ *animal health* commissioner determines  
6 that any bond given by any livestock dealer is inadequate and insufficient  
7 security against any loss that might arise under the terms of the bond, the  
8 livestock commissioner shall require any additional bond that the ~~livestock~~  
9 *animal health* commissioner considers necessary to provide adequate  
10 security. If the ~~livestock~~ *animal health* commissioner considers the  
11 financial condition of the surety upon any livestock dealer and the  
12 livestock dealer's bond to be impaired, the ~~livestock~~ *animal health*  
13 commissioner shall require any substituted or additional bond that the  
14 ~~livestock~~ *animal health* commissioner considers necessary except this act  
15 shall not apply to those who buy livestock for others incidentally to their  
16 own farming operation.

17 (d) In all actions hereafter commenced in which judgment is rendered  
18 against any surety company on any surety bond furnished under the  
19 provisions of this section, if it appears from the evidence that the surety  
20 company has refused without just cause to pay the loss upon demand, the  
21 court shall allow the plaintiff a reasonable sum as attorney fees to be  
22 recovered and collected as a part of the costs. When a tender is made by  
23 the surety company before the commencement of the action in which  
24 judgment is rendered and the amount recovered is not in excess of the  
25 tender, no such costs shall be allowed.

26 (e) Any person violating or failing to comply with the provisions of  
27 this section shall be deemed guilty of a class A misdemeanor.

28 (f) This section shall be part of and supplemental to article 18 of  
29 chapter 47 of the Kansas Statutes Annotated, *and amendments thereto*.

30 Sec. 101. K.S.A. 2011 Supp. 47-1809 is hereby amended to read as  
31 follows: 47-1809. (a) As used in this section, "feral swine" means any  
32 untamed or undomesticated hog, boar or pig; swine whose reversion from  
33 the domesticated state to the wild state is apparent; or an otherwise freely  
34 roaming swine having no visible tags, markings or characteristics  
35 indicating that such swine is from a domestic herd, and reasonable inquiry  
36 within the area does not identify an owner.

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

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

41 (d) No person shall engage in, sponsor, instigate, assist or profit from  
42 the release, killing, wounding or attempted killing or wounding of feral  
43 swine for the purpose of sport, pleasure, amusement or production of a



1 trophy.

2 (e) Violation of subsection (b) or (c) may result in a civil penalty in  
3 the amount of not less than \$1,000 nor more than \$5,000 for each such  
4 violation. In the case of a continuing violation, every day such violation  
5 continues shall be deemed a separate violation.

6 (f) Violation of subsection (d) may result in a civil penalty of not less  
7 than \$250 nor more than \$2,500 for each such violation.

8 (g) Any duly authorized agent of the ~~livestock~~ *animal health*  
9 commissioner, upon a finding that any person, or agent or employee  
10 thereof, has violated any of the provisions stated above, may impose a  
11 civil penalty upon such person as provided in this section.

12 (h) No civil penalty shall be imposed pursuant to this section except  
13 upon the written order of the duly authorized agent of the ~~livestock~~ *animal*  
14 *health* commissioner to the person who committed the violation. Such  
15 order shall state the violation, the penalty to be imposed and the right of  
16 the person to appeal to the commissioner. Any such person, within 20 days  
17 after notification, may make written request to the commissioner for a  
18 hearing in accordance with the provisions of the Kansas administrative  
19 procedure act. The commissioner shall affirm, reverse or modify the order  
20 and shall specify the reasons therefor.

21 (i) Any person aggrieved by an order of the commissioner made  
22 under this section may appeal such order to the district court in the manner  
23 provided by the Kansas judicial review act.

24 (j) Any civil penalty recovered pursuant to the provisions of this  
25 section shall be remitted to the state treasurer in accordance with the  
26 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
27 each such remittance, the state treasurer shall deposit the entire amount in  
28 the state treasury to the credit of the state general fund.

29 (k) The ~~livestock~~ *animal health* commissioner, or the authorized  
30 representative of the ~~livestock~~ *animal health* commissioner, may destroy  
31 or require the destruction of any feral swine upon discovery of such swine.

32 (l) The provisions of this section shall not be construed to prevent  
33 owners or legal occupants of land, the employees of such owners or legal  
34 occupants or persons designated by such owners or legal occupants from  
35 killing any feral swine when found on their premises or when destroying  
36 property. Such designees shall have a permit issued by the livestock  
37 commissioner in their possession at the time of the killing of the feral  
38 swine.

39 (m) The ~~livestock~~ *animal health* commissioner may adopt rules and  
40 regulations to carry out the provisions of this section.

41 Sec. 102. K.S.A. 2011 Supp. 47-1831 is hereby amended to read as  
42 follows: 47-1831. (a) The ~~livestock~~ *animal health* commissioner is hereby  
43 authorized to:

1 (1) Register original veterinary certificates of inspection for livestock,  
2 as defined in K.S.A. 47-1001, and amendments thereto; and

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

5 (b) The commissioner shall determine annually tag fee and shall fix  
6 such fee by rules and regulations.

7 (c) The commissioner shall remit all moneys received by or for the  
8 commissioner under this section to the state treasurer in accordance with  
9 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt  
10 of each such remittance, the state treasurer shall deposit the entire amount  
11 in the state treasury to the credit of the animal disease control fund.

12 Sec. 103. K.S.A. 47-1832 is hereby amended to read as follows: 47-  
13 1832. The ~~livestock~~ *animal health* commissioner is hereby authorized to  
14 establish rules and regulations on disease control programs for and on the  
15 sale and importation into Kansas of farm animals and exotic animals. As  
16 used in this section "farm animals" and "exotic animal" means the  
17 definitions given by rules and regulations in 9 C.F.R. § 1.1, pursuant to 7  
18 U.S.C. § 2131 *et seq.*

19 Sec. 104. K.S.A. 2011 Supp. 47-2101 is hereby amended to read as  
20 follows: 47-2101. (a) It shall be unlawful for any person to engage in the  
21 business of raising domesticated deer unless such person has obtained  
22 from the ~~livestock~~ *animal health* commissioner a domesticated deer  
23 permit. Application for such permit shall be made in writing on a form  
24 provided by the commissioner. The permit period shall be for the permit  
25 year ending on June 30 following the issuance date.

26 (b) Each application for issuance or renewal of a permit shall be  
27 accompanied by a fee of not more than \$150 as established by the  
28 commissioner in rules and regulations.

29 (c) The ~~livestock~~ *animal health* commissioner shall adopt any rules  
30 and regulations necessary to enforce this section.

31 (d) Any person who fails to obtain a permit as prescribed in section  
32 (a) shall be deemed guilty of a misdemeanor and upon conviction shall be  
33 punished by a fine not exceeding \$150. Continued operation, after a  
34 conviction, shall constitute a separate offense for each day of operation.

35 (e) The commissioner may refuse to issue or renew or may suspend  
36 or revoke any permit for any one of the following reasons:

37 (1) Material misstatement in the application for the original permit or  
38 in the application for any renewal of a permit;

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

42 (3) substantial misrepresentation;

43 (4) the person who is issued a permit is found to be adding to such

1 person's herd by poaching or illegally obtaining deer;

2 (5) willful disregard to any rule or regulation adopted under this  
3 section.

4 (f) Any refusal to issue or renew a permit and any suspension or  
5 revocation of a permit under this section shall be in accordance with the  
6 provisions of the Kansas administrative procedure act and shall be subject  
7 to review in accordance with the Kansas judicial review act.

8 (g) Domesticated deer shall be identified through implantation of  
9 microchips, ear tags, ear tattoos, ear notches or any other permanent  
10 identification on such deer as to identify such deer as domesticated deer.  
11 Any person who receives a permit issued pursuant to subsection (a) shall  
12 keep records of the deer herd pursuant to rules and regulations.

13 (h) The ~~livestock~~ *animal health* commissioner shall inspect any  
14 premises where a domesticated deer herd has been issued a permit upon  
15 receipt of a written, signed complaint that such premises is not being  
16 operated, managed or maintained in accordance with rules and regulations.

17 (i) The ~~livestock~~ *animal health* commissioner, on a quarterly basis,  
18 shall transmit to the secretary of wildlife and parks a current list of persons  
19 issued a permit pursuant to this section.

20 (j) All moneys received under this section shall be remitted to the  
21 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
22 amendments thereto. Upon receipt of each such remittance, the state  
23 treasurer shall deposit the entire amount in the state treasury to the credit  
24 of the animal disease control fund.

25 (k) As used in this section:

26 (1) "Deer" means any member of the family cervidae.

27 (2) "Domesticated deer" means any member of the family cervidae  
28 which was legally obtained and is being sold or raised in a confined area  
29 for: (1) Breeding stock; ~~for~~ (2) any carcass, skin or part of such animal; ~~for~~  
30 (3) exhibition; or ~~for~~ (4) companionship.

31 Sec. 105. K.S.A. 2011 Supp. 48-3502 is hereby amended to read as  
32 follows: 48-3502. (a) There is hereby established the Kansas national bio  
33 and agro defense facility interagency working group.

34 (b) The working group shall consist of the following members *ex*  
35 *officio*: The secretary of health and environment, the secretary of  
36 commerce or designee, the secretary of administration or designee, the  
37 secretary of agriculture or designee, the ~~livestock~~ *animal health*  
38 commissioner or designee, the secretary of revenue or designee, the  
39 attorney general or designee, the state board of regents or designee, the  
40 mayor of the city of Manhattan or designee, the chairperson of the  
41 Leavenworth county board of commissioners or designee, the adjutant  
42 general (the state director of homeland security) or designee and the  
43 superintendent of the Kansas highway patrol or designee.

1 (c) The secretary of health and environment shall serve as chairperson  
2 of the working group, and the working group may elect a vice-chairperson  
3 from among the members of the working group.

4 (d) All appointments of designees must be made and submitted to the  
5 Kansas bioscience authority no more than 30 days after enactment of this  
6 act.

7 Sec. 106. K.S.A. 65-171i is hereby amended to read as follows: 65-  
8 171i. Nothing in this act shall be construed as limiting the authority of the  
9 state ~~livestock~~ *animal health* commissioner in matters concerning the  
10 administration of the law concerning feedlots (, K.S.A. 47-1501 *et seq.*),  
11 *and amendments thereto.*

12 Sec. 107. K.S.A. 2011 Supp. 65-5721 is hereby amended to read as  
13 follows: 65-5721. (a) There is hereby established the commission on  
14 emergency planning and response.

15 (b) The membership of the commission on emergency planning and  
16 response shall consist of the agency head or secretary or a designated  
17 person of authority from the following agencies:

- 18 (1) The fire marshal;
- 19 (2) the department of health and environment;
- 20 (3) the department of transportation;
- 21 (4) the Kansas highway patrol;
- 22 (5) the adjutant general;
- 23 (6) the department of commerce;
- 24 (7) the Kansas bureau of investigation;
- 25 (8) the Kansas department of agriculture; and
- 26 (9) the Kansas ~~animal health department~~ *department of agriculture*  
27 *division of animal health.*

28 (c) In addition, the membership of the commission on emergency  
29 planning and response shall also consist of 18 members appointed by the  
30 governor as follows:

- 31 (1) One individual shall be representative of counties;
- 32 (2) one individual selected to represent cities;
- 33 (3) three individuals selected to represent businesses and industries,  
34 one of which represents broadcasting;
- 35 (4) one individual selected to represent agriculture, crop or livestock;
- 36 (5) one individual selected to represent transportation, trucking or  
37 rail;
- 38 (6) one individual selected to represent energy;
- 39 (7) one individual selected to represent law enforcement officers;
- 40 (8) one individual selected to represent fire fighters;
- 41 (9) one individual selected to represent county emergency managers;
- 42 (10) one individual selected to represent emergency medical services;
- 43 (11) one individual selected to represent public works services;

- 1 (12) one individual selected to represent hospitals;  
2 (13) one individual selected to represent public health;  
3 (14) one individual selected to represent the tribes of Kansas;  
4 (15) one individual selected to represent individuals with disabilities;  
5 and

6 (16) one individual selected to represent the seven regional homeland  
7 security councils.

8 (d) A designee of the adjutant general shall serve as the secretary of  
9 the commission on emergency planning and response. The adjutant general  
10 shall provide staff support for the commission on emergency planning and  
11 response.

12 (e) Of the members first appointed to the commission on emergency  
13 planning and response by the governor, one representative of cities, one  
14 representative of counties, and one representative of business and industry  
15 shall serve a term of two years, and the remainder of the members  
16 appointed by the governor shall serve terms of three years. Thereafter,  
17 members appointed pursuant to subsection (c) shall serve terms of four  
18 years and until the successor has been appointed. Any vacancy in the  
19 office of an appointed member shall be filled for the unexpired term by  
20 appointment by the governor.

21 (f) A chairperson shall be elected annually by the members of the  
22 commission. A vice-chairperson shall be designated by the chairperson to  
23 serve in the absence of the chairperson.

24 (g) For attending meetings of such commission, or attending a  
25 subcommittee meeting thereof authorized by such commission, those  
26 members of the commission appointed by the governor shall be paid  
27 compensation, subsistence allowances, mileage and other expenses as  
28 provided in K.S.A. 75-3223, and amendments thereto.

29 Sec. 108. K.S.A. 66-1319 is hereby amended to read as follows: 66-  
30 1319. (a) Members of the Kansas highway patrol shall exercise the power  
31 and authority of the superintendent of the Kansas highway patrol in the  
32 execution of the duties imposed upon the superintendent by this act to the  
33 extent that the exercise of such power and authority is delegated to such  
34 members by the superintendent or is prescribed by law. In enforcing the  
35 laws referred to in K.S.A. 66-1318, and amendments thereto, members of  
36 the highway patrol are authorized and empowered to inspect any motor  
37 vehicle required by law to comply with any of such laws and rules and  
38 regulations relating thereto. Except as otherwise provided in K.S.A. 8-  
39 1910, and amendments thereto, whenever any member of the highway  
40 patrol shall determine that any vehicle is not properly registered under or  
41 not in compliance with any of such laws, such member of the highway  
42 patrol may require such vehicle to be driven to the nearest motor carrier  
43 inspection station, if there is one within five miles, and if not, to another

1 suitable place, and remain there until the driver thereof has complied with  
2 any or all of such laws. Any driver of a vehicle who fails or refuses to  
3 drive such vehicle to the nearest inspection station or other suitable place  
4 when so directed by a member of the highway patrol shall be deemed  
5 guilty of a misdemeanor.

6 (b) The superintendent of the Kansas highway patrol or any other  
7 member thereof designated by the superintendent may issue any license,  
8 permit, registration or certificate required under any of such laws when so  
9 directed by law or by the head of the agency administering such laws.

10 (c) The superintendent of the Kansas highway patrol, the secretary of  
11 revenue, the secretary of transportation, the chairperson of the state  
12 corporation commission and the ~~livestock~~ *animal health* commissioner  
13 shall cooperate in all functions relating to the enforcement of such laws.

14 Sec. 109. K.S.A. 74-4002 is hereby amended to read as follows: 74-  
15 4002. The members of the Kansas animal health board shall choose their  
16 own chairman, who shall serve for a term of one (+) year. ~~Said~~ *Such* board  
17 shall meet at least once in each quarter. Meetings may be called and held at  
18 the discretion of the chairman, and meetings shall be called by ~~said~~ *such*  
19 board. Members of the Kansas animal health board attending meetings of  
20 such board, or attending a subcommittee meeting thereof authorized by  
21 such board, shall be paid compensation, subsistence allowances, mileage  
22 and other expenses as provided in K.S.A. 75-3223, *and amendments*  
23 *thereto*. Amounts paid under this section shall be paid from appropriations  
24 to the ~~livestock~~ *animal health* commissioner upon warrants of the director  
25 of accounts and reports issued pursuant to vouchers approved by the  
26 commissioner.  
27

28 Sec. 110. K.S.A. 74-4003 is hereby amended to read as follows: 74-  
29 4003. It shall be the duty of the Kansas animal health board to serve in an  
30 advisory capacity to the ~~livestock~~ *animal health* commissioner. It shall aid  
31 ~~him~~ *the commissioner* in determining policies and plans relating to ~~his~~ *the*  
32 *commissioner's* office.

33 Sec. 111. K.S.A. 75-1901 is hereby amended to read as follows: 75-  
34 1901. ~~A livestock~~ *An animal health* commissioner shall be appointed by  
35 the ~~Kansas animal health board~~ *secretary of agriculture* and shall serve as  
36 the executive officer of the Kansas ~~animal health department which is~~  
37 ~~hereby created~~ *department of agriculture division of animal health*. The  
38 person so appointed shall have been actively engaged in one of the major  
39 phases of the livestock industry for a period of not less than five (-) years  
40 immediately preceding ~~his or her~~ *such person's* appointment. Before  
41 entering upon the duties of ~~said~~ *such* office, such commissioner shall take  
42 and subscribe an oath of office to faithfully and honestly discharge the  
43 duties of ~~said~~ *such* office to the best of ~~his or her~~ *such commissioner's*

1 knowledge and ability, and shall file the same with the secretary of state.  
2 The ~~livestock animal health~~ commissioner shall serve at the pleasure of  
3 the *secretary of agriculture and the animal health board*.

4 Sec. 112. K.S.A. 75-1903 is hereby amended to read as follows: 75-  
5 1903. (a) Whenever in any of the statutes of this state the term "livestock  
6 sanitary commissioner" is used, or the term "commissioner" is used to  
7 refer to the livestock sanitary commissioner, such terms shall be construed  
8 to mean the ~~livestock animal health~~ commissioner appointed by the  
9 ~~Kansas animal health board~~ *secretary of agriculture* pursuant to K.S.A. 75-  
10 ~~1901~~ 74-5,119, and amendments thereto.

11 (b) Whenever in any of the statutes of this state the terms "Kansas  
12 livestock commission" or "livestock commission" are used, or the term  
13 "commission" is used to refer to the Kansas livestock commission, such  
14 terms shall be construed to mean the Kansas animal health board created  
15 in K.S.A. 74-4001, ~~as amended~~ and amendments thereto.

16 Sec. 113. K.S.A. 75-3141 is hereby amended to read as follows: 75-  
17 3141. The ~~livestock animal health~~ commissioner shall devote full time to  
18 the discharge of official duties, and shall be within the unclassified service  
19 under the Kansas civil service act. The commissioner's compensation shall  
20 be determined by the ~~Kansas animal health board~~ *secretary of agriculture*,  
21 subject to the approval of the governor.

22 Sec. 114. K.S.A. 75-3142 is hereby amended to read as follows: 75-  
23 3142. The ~~livestock animal health~~ commissioner is hereby authorized to  
24 appoint, within the provisions of the civil service law and within available  
25 appropriations, such employees as are necessary to properly discharge the  
26 duties of office.

27 Sec. 115. K.S.A. 2011 Supp. 75-37,121 is hereby amended to read as  
28 follows: 75-37,121. (a) There is created the office of administrative  
29 hearings within the department of administration, to be headed by a  
30 director appointed by the secretary of administration. The director shall be  
31 in the unclassified service under the Kansas civil service act.

32 (b) The office may employ or contract with presiding officers, court  
33 reporters and other support personnel as necessary to conduct proceedings  
34 required by the Kansas administrative procedure act for adjudicative  
35 proceedings of the state agencies, boards and commissions specified in  
36 subsection (h). The office shall conduct adjudicative proceedings of any  
37 state agency which is specified in subsection (h) when requested by such  
38 agency. Only a person admitted to practice law in this state or a person  
39 directly supervised by a person admitted to practice law in this state may  
40 be employed as a presiding officer. The office may employ regular part-  
41 time personnel. Persons employed by the office shall be under the  
42 classified civil service.

43 (c) If the office cannot furnish one of its presiding officers within 60

1 days in response to a requesting agency's request, the director shall  
2 designate in writing a full-time employee of an agency other than the  
3 requesting agency to serve as presiding officer for the proceeding, but only  
4 with the consent of the employing agency. The designee must possess the  
5 same qualifications required of presiding officers employed by the office.

6 (d) The director may furnish presiding officers on a contract basis to  
7 any governmental entity to conduct any proceeding other than a  
8 proceeding as provided in subsection (h).

9 (e) The secretary of administration may adopt rules and regulations:

10 (1) To establish procedures for agencies to request and for the  
11 director to assign presiding officers. An agency may neither select nor  
12 reject any individual presiding officer for any proceeding except in  
13 accordance with the Kansas administrative procedure act;

14 (2) to establish procedures and adopt forms, consistent with the  
15 Kansas administrative procedure act, the model rules of procedure, and  
16 other provisions of law, to govern presiding officers; and

17 (3) to facilitate the performance of the responsibilities conferred upon  
18 the office by the Kansas administrative procedure act.

19 (f) The director may implement the provisions of this section and  
20 rules and regulations adopted under its authority.

21 (g) The secretary of administration may adopt rules and regulations to  
22 establish fees to charge a state agency for the cost of using a presiding  
23 officer.

24 (h) The following state agencies, boards and commissions shall  
25 utilize the office of administrative hearings for conducting adjudicative  
26 hearings under the Kansas administrative procedures act in which the  
27 presiding officer is not the agency head or one or more members of the  
28 agency head:

29 (1) On and after July 1, 2005: Department of social and rehabilitation  
30 services, juvenile justice authority, department on aging, department of  
31 health and environment, Kansas public employees retirement system,  
32 Kansas water office, Kansas ~~animal health department~~ *department of*  
33 *agriculture division of animal health* and Kansas insurance department.

34 (2) On and after July 1, 2006: Emergency medical services board,  
35 emergency medical services council, Kansas health policy authority and  
36 Kansas human rights commission.

37 (3) On and after July 1, 2007: Kansas lottery, Kansas racing and  
38 gaming commission, state treasurer, pooled money investment board,  
39 Kansas department of wildlife and parks and state court of tax appeals.

40 (4) On and after July 1, 2008: Department of human resources, state  
41 corporation commission, ~~state conservation commission~~ *Kansas*  
42 *department of agriculture division of conservation*, agricultural labor  
43 relations board, department of administration, department of revenue,



1 board of adult care home administrators, Kansas state grain inspection  
2 department, board of accountancy and Kansas wheat commission.

3 (5) On and after July 1, 2009, all other Kansas administrative  
4 procedure act hearings not mentioned in subsections (1), (2), (3) and (4).

5 (i) (1) Effective July 1, 2005, any presiding officer in agencies  
6 specified in subsection (h)(1) which conduct hearings pursuant to the  
7 Kansas administrative procedure act, except those exempted pursuant to  
8 K.S.A. 77-551, and amendments thereto, and support personnel for such  
9 presiding officers, shall be transferred to and shall become employees of  
10 the office of administrative hearings. Such personnel shall retain all rights  
11 under the state personnel system and retirement benefits under the laws of  
12 this state which had accrued to or vested in such personnel prior to the  
13 effective date of this section. Such person's services shall be deemed to  
14 have been continuous. All transfers of personnel positions in the classified  
15 service under the Kansas civil service act shall be in accordance with civil  
16 service laws and any rules and regulations adopted thereunder. This  
17 section shall not affect any matter pending before an administrative  
18 hearing officer at the time of the effective date of the transfer, and such  
19 matter shall proceed as though no transfer of employment had occurred.

20 (2) Effective July 1, 2006, any presiding officer in agencies specified  
21 in subsection (h)(2) which conduct hearings pursuant to the Kansas  
22 administrative procedure act, except those exempted pursuant to K.S.A.  
23 77-551, and amendments thereto, and support personnel for such presiding  
24 officers, shall be transferred to and shall become employees of the office  
25 of administrative hearings. Such personnel shall retain all rights under the  
26 state personnel system and retirement benefits under the laws of this state  
27 which had accrued to or vested in such personnel prior to the effective date  
28 of this section. Such person's services shall be deemed to have been  
29 continuous. All transfers of personnel positions in the classified service  
30 under the Kansas civil service act shall be in accordance with civil service  
31 laws and any rules and regulations adopted thereunder. This section shall  
32 not affect any matter pending before an administrative hearing officer at  
33 the time of the effective date of the transfer, and such matter shall proceed  
34 as though no transfer of employment had occurred.

35 (3) Effective July 1, 2007, any presiding officer in agencies specified  
36 in subsection (h)(3) which conduct hearings pursuant to the Kansas  
37 administrative procedure act, except those exempted pursuant to K.S.A.  
38 77-551, and amendments thereto, and support personnel for such presiding  
39 officers, shall be transferred to and shall become employees of the office  
40 of administrative hearings. Such personnel shall retain all rights under the  
41 state personnel system and retirement benefits under the laws of this state  
42 which had accrued to or vested in such personnel prior to the effective date  
43 of this section. Such person's services shall be deemed to have been

1 continuous. All transfers of personnel positions in the classified service  
2 under the Kansas civil service act shall be in accordance with civil service  
3 laws and any rules and regulations adopted thereunder. This section shall  
4 not affect any matter pending before an administrative hearing officer at  
5 the time of the effective date of the transfer, and such matter shall proceed  
6 as though no transfer of employment had occurred.

7 (4) Effective July 1, 2008, any full-time presiding officer in agencies  
8 specified in subsection (h)(4) which conduct hearings pursuant to the  
9 Kansas administrative procedure act, except those exempted pursuant to  
10 K.S.A. 77-551, and amendments thereto, and support personnel for such  
11 presiding officers, shall be transferred to and shall become employees of  
12 the office of administrative hearings. Such personnel shall retain all rights  
13 under the state personnel system and retirement benefits under the laws of  
14 this state which had accrued to or vested in such personnel prior to the  
15 effective date of this section. Such person's services shall be deemed to  
16 have been continuous. All transfers of personnel positions in the classified  
17 service under the Kansas civil service act shall be in accordance with civil  
18 service laws and any rules and regulations adopted thereunder. This  
19 section shall not affect any matter pending before an administrative  
20 hearing officer at the time of the effective date of the transfer, and such  
21 matter shall proceed as though no transfer of employment had occurred.

22 (5) Effective July 1, 2009, any full-time presiding officer in agencies  
23 specified in subsection (h)(5) which conduct hearings pursuant to the  
24 Kansas administrative procedure act, except those exempted pursuant to  
25 K.S.A. 77-551, and amendments thereto, and support personnel for such  
26 presiding officers, shall be transferred to and shall become employees of  
27 the office of administrative hearings. Such personnel shall retain all rights  
28 under the state personnel system and retirement benefits under the laws of  
29 this state which had accrued to or vested in such personnel prior to the  
30 effective date of this section. Such person's services shall be deemed to  
31 have been continuous. All transfers of personnel positions in the classified  
32 service under the Kansas civil service act shall be in accordance with civil  
33 service laws and any rules and regulations adopted thereunder. This  
34 section shall not affect any matter pending before an administrative  
35 hearing officer at the time of the effective date of the transfer, and such  
36 matter shall proceed as though no transfer of employment occurred.

37 Sec. 116. K.S.A. 2011 Supp. 74-567 is hereby amended to read as  
38 follows: 74-567. (a) The state board of agriculture shall have such powers,  
39 duties and functions as prescribed by this section. The board shall serve in  
40 an advisory capacity to the governor and the secretary to review and make  
41 recommendations on department legislative initiatives and proposed rules  
42 and regulations or proposed revised rules and regulations prior to the  
43 submission of such rules and regulations to the secretary of administration

1 pursuant to K.S.A. 77-420, and amendments thereto, other than rules and  
2 regulations pertaining to personnel matters of the department, rules and  
3 regulations of the division of water resources and rules and regulations of  
4 the division of food safety. The board shall not have any powers, duties or  
5 functions concerning the day-to-day operations of the Kansas department  
6 of agriculture.

7 (b) The board shall serve in an advisory capacity to the agriculture  
8 ~~products development division of the department of commerce~~ *marketing*  
9 *and promotions program within the Kansas department of agriculture*. The  
10 board shall advise the ~~division~~ *program* on issues and concerns relating to  
11 agriculture products development and marketing.

12 (c) The agriculture ~~products development division~~ *marketing and*  
13 *promotions program* of the Kansas department of ~~commerce~~ *agriculture*  
14 shall report to the board, at not less than two meetings of such board each  
15 year, on the activities and functions of the ~~division~~ *program*.

16 Sec. 117. K.S.A. 2011 Supp. 74-50,156 is hereby amended to read as  
17 follows: 74-50,156. (a) There is hereby established within and as a part of  
18 the Kansas department of ~~commerce~~ *agriculture* the agriculture ~~products~~  
19 ~~development division~~ *marketing and promotions program*. The secretary  
20 of ~~commerce~~ *agriculture* shall appoint a director of such ~~division~~ *program*  
21 and such director shall be in the unclassified service of the Kansas civil  
22 service act. Subject to and in accordance with appropriations acts, the  
23 agriculture ~~products development division~~ *marketing and promotions*  
24 *program* shall include: (1) All powers, duties and functions related to the  
25 agricultural value added center pursuant to subsections (b) and (c); (2) all  
26 powers and duties created regarding the division of markets pursuant to  
27 K.S.A. 74-530, and amendments thereto, which are hereby transferred; (3)  
28 all powers and duties created regarding registered trademarks pursuant to  
29 K.S.A. 74-540a, and amendments thereto, which are hereby transferred;  
30 (4) all powers and duties regarding the trademark fund pursuant to K.S.A.  
31 74-540b, and amendments thereto, which are hereby transferred; and (5)  
32 all powers and duties created regarding expenditures and moneys credited  
33 to the market development fund pursuant to K.S.A. 74-540c, and  
34 amendments thereto, which are hereby transferred.

35 (b) The objectives of the agricultural value added center within the  
36 agriculture ~~products development division~~ *marketing and promotions*  
37 *program* shall include, but not be limited to, providing technical assistance  
38 to existing and potential value added facilities, including incubator  
39 facilities; developing a network for collecting and distributing information  
40 to individuals involved in value added processing in Kansas; initiating  
41 pilot plant facilities to act as research and development laboratories for  
42 existing and potential small scale value added processing endeavors in  
43 Kansas; providing technical assistance to new agricultural value added

1 businesses; developing and promoting communication and cooperation  
2 among private businesses; state government agencies and public and  
3 private colleges and universities in Kansas; establishing research and  
4 development programs in technologies that have value added commercial  
5 potential for food and nonfood agricultural products achieving substantial  
6 and sustainable continuing growth for the Kansas economy through value  
7 added products from agriculture; serving as a catalyst for industrial  
8 agriculture through technological innovation in order to expand economic  
9 opportunity for all Kansas communities; establishing an industrial  
10 agriculture industry for the state of Kansas; commercializing the  
11 developed industrial agriculture technology in smaller communities and  
12 the rural areas of Kansas; and developing investment grade agriculture  
13 value added technologies and products.

14 (c) Subject to the provisions of appropriations acts, the functions of  
15 the agricultural value added center within the agriculture ~~products-~~  
16 ~~development division~~ *marketing and promotions program* shall include,  
17 but not be limited to, developing a market referral program, matching  
18 distribution to buyers in coordination with other state agencies concerned  
19 with marketing Kansas products; assisting private entrepreneurs in the  
20 establishment of facilities and markets for new agricultural value added  
21 endeavors; and introducing coordinated programs to develop marketing  
22 skills of existing agricultural value adding processors in Kansas.

23 (d) (1) It shall be the duty of the agriculture ~~products development~~  
24 ~~division~~ *marketing and promotions program* to perform acts and to do, or  
25 cause to be done, those things which are designed to lead to the more  
26 advantageous marketing of agricultural products of Kansas. For these  
27 purposes the division may:

28 (A) Investigate the subject of marketing farm products;

29 (B) promote their sales distribution and merchandising;

30 (C) furnish information and assistance to the public;

31 (D) study and recommend efficient and economical methods of  
32 marketing;

33 (E) provide for such studies and research as may be deemed  
34 necessary and proper;

35 (F) gather and diffuse timely and useful information concerning the  
36 supply, demand, prevailing prices and commercial movement of farm  
37 products including quantity in common storage and cold storage, in  
38 cooperation with other public or private agencies;

39 (G) conduct market development activities and assist and coordinate  
40 participation by companies, commodity organizations, trade organizations,  
41 producer organizations and other interested organizations to develop new  
42 markets and sales for Kansas agricultural commodities and food products;

43 (H) render assistance to any of the entities listed in subsection (G)

1 and development activities and make a reasonable service charge for such  
2 services rendered by the division; and

3 (1) make agreements with other states and with the United States  
4 government, or its agencies, and accept funds from the federal  
5 government, or its agencies, or any other source for research studies,  
6 investigation, market development and other purposes related to the duties  
7 of the division.

8 (2) The *Kansas* department of ~~commerce~~ *agriculture* shall remit all  
9 moneys received under this subsection to the state treasurer in accordance  
10 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
11 receipt of each such remittance, the state treasurer shall deposit the entire  
12 amount in the state treasury to the credit of the market development fund.  
13 All expenditures from such fund shall be made for any purpose consistent  
14 with this subsection and shall be made in accordance with appropriation  
15 acts upon warrants of the director of accounts and reports issued pursuant  
16 to vouchers approved by the secretary of ~~commerce~~ *agriculture* or a person  
17 designated by the secretary.

18 (e) (1) In conjunction with any trademark registered by the *Kansas*  
19 department of ~~commerce~~ *agriculture*, the agriculture ~~products-~~  
20 ~~development division marketing and promotions program~~ is hereby  
21 authorized to:

22 (A) Promulgate policy regarding the use of any such trademark;

23 (B) print, reproduce or use the trademark in or on educational,  
24 promotional or other material;

25 (C) fix, charge and collect fees for the use of the trademark provided  
26 that the fees shall be fixed in an amount necessary to recover all direct  
27 costs associated with the production of educational, promotional and other  
28 materials associated with a trademark program; and

29 (D) enter into any contracts necessary to carry out the purposes of  
30 this subsection, which contracts shall not be subject to the bidding  
31 requirements of K.S.A. 75-3739, and amendments thereto.

32 (2) The secretary of ~~commerce~~ *agriculture* shall remit all moneys  
33 received under this subsection to the state treasurer in accordance with the  
34 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
35 each such remittance, the state treasurer shall deposit the entire amount in  
36 the state treasury to the credit of the trademark fund. All expenditures from  
37 such fund shall be made for any purpose consistent with this subsection  
38 and shall be made in accordance with appropriation acts upon warrants of  
39 the director of accounts and reports issued pursuant to vouchers approved  
40 by the secretary of ~~commerce~~ *agriculture* or a person designated by the  
41 secretary.

42 (f) On or before February 1 of each year, the agriculture ~~products-~~  
43 ~~development division marketing and promotions program~~ shall present an

1 oral and written report to the house and senate agriculture committees  
2 concerning the performance indicators, performance outcomes, activities  
3 and functions of the ~~division~~ *program* for the previous year. Such report  
4 shall include a budget of how moneys appropriated or otherwise  
5 authorized to be expended from the state general fund or any special  
6 revenue fund for the agriculture ~~products development division~~ *marketing*  
7 *and promotions program* of the Kansas department of ~~commerce~~  
8 *agriculture* for the previous fiscal year were spent and a projected budget  
9 of moneys appropriated or otherwise authorized to be expended from the  
10 state general fund or any special revenue fund for the agriculture ~~products~~  
11 ~~development division~~ *marketing and promotions program* of the Kansas  
12 department of ~~commerce~~ *agriculture* for the current fiscal year. Such  
13 report shall further include the full-time equivalent number of positions  
14 financed from appropriations and allocated for the agriculture ~~products~~  
15 ~~development division~~ *marketing and promotions program* of the Kansas  
16 department of ~~commerce~~ *agriculture* for each fiscal year. ~~In the report to~~  
17 ~~the 1997 legislature, the division's report shall include a mission statement~~  
18 ~~for the reorganized division.~~

19 Sec. 118. K.S.A. 2011 Supp. 74-50,163 is hereby amended to read as  
20 follows: 74-50,163. (a) There is hereby created an agriculture products  
21 development advisory board. Members shall be appointed by the governor  
22 as follows, one member shall be a representative of the livestock industry,  
23 one member shall be a representative of a farmer's cooperative active in  
24 community economic development, one member shall be a representative  
25 of a commodity group, two members shall be representatives of  
26 entrepreneurs in a value added business, one member shall be a financial  
27 or investment banker or a seed capital fund manager and one member shall  
28 be from the marketing section of the agriculture ~~products development~~  
29 ~~division~~ *marketing and promotions program* of the Kansas department of  
30 ~~commerce~~ *agriculture*.

31 (b) Of the members first appointed to the board, the governor shall  
32 designate four whose terms shall expire June 30, 1998, and three whose  
33 terms shall expire on June 30, 2000. After the expiration of such terms,  
34 each member shall be appointed for a term of four years until a successor  
35 is appointed and qualified.

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

38 (d) The governor shall appoint a chairperson.

39 (e) The board shall meet as the chairperson or a majority of the board  
40 members determine.

41 (f) The board shall advise the secretary of ~~commerce~~ *agriculture* and  
42 the agriculture ~~products development division~~ *marketing and promotions*  
43 *program* on issues and concerns of agriculture product development and

1 technical assistance for such development.

2 New Sec. 119. In addition to the powers and duties conferred in  
3 K.S.A. 2011 Supp. 74-5,126, and amendments thereto, the Kansas  
4 department of agriculture division of conservation shall have all the  
5 powers, duties and functions delegated pursuant to K.S.A. 2011 Supp. 74-  
6 5,126, and amendments thereto. It shall also employ an administrative  
7 officer and such technical experts as it may require and shall determine  
8 their qualifications and duties. Such officer and experts shall be in the  
9 unclassified service of the Kansas civil services act and shall receive  
10 annual salaries fixed by the division and approved by the state finance  
11 council. All other agents and employees, permanent or temporary, required  
12 by the division of conservation, shall be within the classified services of  
13 the Kansas civil service act. The division may call upon the attorney  
14 general of the state for such legal services as it may require. It shall have  
15 authority to delegate to one or more agents or employees, such powers and  
16 duties as it deems proper. It shall be supplied with suitable office  
17 accommodations at the state capital, and shall be furnished with the  
18 necessary supplies and equipment. Upon request of the division, for the  
19 purpose of carrying out any of its functions, the supervision officer of any  
20 state agency or of any state institution of learning, insofar as may be  
21 possible under available appropriations and having due regard to the needs  
22 of the agency to which the request is directed, shall assign or detail to the  
23 division members of the staff or personnel of such agency or institution of  
24 learning and make such special reports, surveys or studies as the division  
25 may request.

26 Sec. 120. K.S.A. 2-1903 is hereby amended to read as follows: 2-  
27 1903. As used in this act:

28 (1) "District" or "conservation district" means a governmental  
29 subdivision of this state, and a public body corporate and politic, organized  
30 in accordance with the provisions of this act, for the purposes, with the  
31 powers, and subject to the restrictions hereinafter set forth.

32 (2) "Supervisor" means one of the members of the governing body of  
33 a district, elected or appointed in accordance with the provisions of this  
34 act.

35 (3) "Commission" or "state conservation commission" means the  
36 ~~agency~~ *conservation program policy board* created in K.S.A. 2-1904, and  
37 amendments thereto.

38 (4) "State" means the state of Kansas.

39 (5) "Agency of this state" includes the government of this state and  
40 any subdivision, agency or instrumentality, corporation or otherwise, of  
41 the government of this state.

42 (6) "United States" or "agencies of the United States" includes the  
43 United States of America, the soil conservation service of the United

1 States department of agriculture and any other agency or instrumentality,  
2 corporate or otherwise, of the United States of America.

3 (7) "Government" or "governmental" includes the government of this  
4 state, the government of the United States and any subdivision, agency or  
5 instrumentality, corporate or otherwise, of either of them.

6 (8) "*Division*" or "*division of conservation*" means the agency  
7 established in K.S.A. 2011 Supp. 74-5,126, and amendments thereto.

8 Sec. 121. K.S.A. 2-1904 is hereby amended to read as follows: 2-  
9 1904. (a) There is hereby established, to serve as ~~an agency~~ a *conservation*  
10 *program policy board* of the state and to perform the functions conferred  
11 upon it in this act, the state conservation commission. The state  
12 conservation commission shall succeed to all the powers, duties and  
13 property of the state soil conservation committee. The commission shall  
14 consist of nine members as follows:

15 (1) The director of the cooperative extension service and the director  
16 of the state agricultural experiment station located at Manhattan, Kansas,  
17 or such persons' designees shall serve, *ex officio*, as members of the  
18 commission.

19 (2) The commission shall request the secretary of agriculture of  
20 United States of America to appoint one person and the secretary of the  
21 Kansas department of agriculture to appoint one person, each of whom  
22 shall be residents of the state of Kansas to serve as members of the  
23 commission. These members shall hold office for four years and until a  
24 successor is appointed and qualifies, with terms commencing on the  
25 second Monday in January beginning in 1973.

26 (3) Five members of the state commission shall be elected by the  
27 conservation district supervisors at a time and place to be designated by  
28 the state conservation commission. The method of electing such members  
29 to be conducted as follows: The state is to be divided into five separate  
30 areas. Area No. I to include the following counties: Cheyenne, Rawlins,  
31 Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan,  
32 Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis and Russell. Area  
33 No. II to include: Greeley, Wichita, Scott, Lane, Ness, Rush, Pawnee,  
34 Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell,  
35 Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and  
36 Kiowa. Area No. III to include: Jewell, Republic, Mitchell, Cloud,  
37 Lincoln, Ottawa, Ellsworth, Saline, Rice, McPherson, Reno, Harvey,  
38 Kingman, Sedgwick, Sumner, Harper, Barber, Pratt, Barton and Stafford.  
39 Area No. IV to include: Washington, Marshall, Nemaha, Brown,  
40 Doniphan, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson,  
41 Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee, Geary,  
42 Dickinson, Morris, Osage, Franklin and Miami. Area No. V to include:  
43 Marion, Chase, Lyon, Coffey, Anderson, Linn, Bourbon, Allen, Woodson,



1 Greenwood, Butler, Elk, Wilson, Neosho, Crawford, Cowley, Chautauqua,  
2 Montgomery, Labette and Cherokee. Areas II and IV will elect in even  
3 number years and Areas I, III and V shall elect in odd number years for  
4 two year terms. The elected commission members from Areas I, III and V  
5 shall take office on January 1, of the even number years. The remaining  
6 two elected members of the state commission from Areas II and IV shall  
7 take office on January 1, of the odd number years. The method of election  
8 is to be by area caucus of the district supervisors of each of the five  
9 separate areas of Kansas. The commission shall give each district notice of  
10 the time and place of such annual election meeting by letter if a member is  
11 to be elected to the commission from that area that year. The selection of a  
12 successor to fill an unexpired term shall be by appointment by the  
13 commission. The successor who is appointed to fill the unexpired term  
14 shall be a resident of the same area as that of the predecessor.

15 (b) The commission shall keep a record of its official actions, shall  
16 adopt a seal which seal shall be judicially noticed, and may perform such  
17 acts, hold such public hearings and adopt rules and regulations necessary  
18 for the execution of its functions under this act.

19 (c) *In addition to the powers and duties conferred in this section, the*  
20 *state conservation commission may employ an administrative officer and*  
21 *such technical experts as it may require and shall determine their*  
22 *qualifications and duties. Such officer and experts shall be in the*  
23 *unclassified service of the Kansas civil service act and shall receive annual*  
24 *salaries fixed by the commission and approved by the state finance*  
25 *council. All other agents and employees, permanent or temporary, required*  
26 *by the state conservation commission, shall be within the classified service*  
27 *of the Kansas civil service act. The commission may call upon the attorney*  
28 *general of the state for such legal services as it may require. It shall have*  
29 *authority to delegate to its chairperson, to one or more of its members or to*  
30 *one or more agents or employees, such powers and duties as it deems*  
31 *proper. It shall be supplied with suitable office accommodations at the*  
32 *state capital, and shall be furnished with the necessary supplies and*  
33 *equipment. Upon request of the commission, for the purpose of carrying*  
34 *out any of its functions, the supervising officer of any state agency or of*  
35 *any state institution of learning, insofar as may be possible under available*  
36 *appropriations and having due regard to the needs of the agency to which*  
37 *the request is directed, shall assign or detail to the commission members of*  
38 *the staff or personnel of such agency or institution of learning and make*  
39 *such special reports, surveys or studies as the commission may request*  
40 *shall have the powers and duties not delegated to the Kansas department*  
41 *of agriculture division of conservation pursuant to K.S.A. 2011 Supp. 74-*  
42 *5,126, and amendments thereto.*

43 (d) The commission shall designate its chairperson and, from time to

1 time, may change such designation. A majority of the commission shall  
2 constitute a quorum, and the concurrence of a majority in any matter  
3 within their duties shall be required for its determination. Members of the  
4 state conservation commission attending meetings of such commission or  
5 attending a subcommittee meeting thereof authorized by such commission  
6 shall be paid compensation, subsistence allowances, mileage and other  
7 expenses as provided in K.S.A. 75-3223, and amendments thereto. The  
8 commission shall provide for keeping of a full and accurate record of all  
9 proceedings and of all resolutions, regulations and orders issued or  
10 adopted.

11 ~~(e) In addition to the duties and powers hereinafter conferred upon~~  
12 ~~The state conservation commission, it shall together with the Kansas~~  
13 ~~department of agriculture division of conservation shall make~~  
14 ~~conservation program policy decisions, including modification of current~~  
15 ~~conservation programs, creation of new conservation programs and~~  
16 ~~budget recommendations.~~

17 *(f) The Kansas department of agriculture division of conservation in*  
18 *consultation with the state conservation commission shall have the*  
19 *following duties and powers:*

20 (1) To offer such assistance as may be appropriate to the supervisors  
21 of conservation districts, organized as provided hereinafter, in the carrying  
22 out of any of their powers and programs;

23 (2) to keep the supervisors of each of the several districts organized  
24 under the provisions of this act informed of the activities and experience of  
25 all other districts organized hereunder and to facilitate an interchange of  
26 advice and experience between such districts and cooperation between  
27 them;

28 (3) to coordinate the programs of the several conservation districts  
29 organized hereunder;

30 (4) to secure the cooperation and assistance of the United States and  
31 any of its agencies and of agencies of this state, in the work of such  
32 districts and to contract with or to accept donations, grants, gifts and  
33 contributions in money, services or otherwise from the United States or  
34 any of its agencies or from the state or any of its agencies in order to carry  
35 out the purposes of this act;

36 (5) to disseminate information throughout the state concerning the  
37 activities and programs of the conservation districts organized hereunder  
38 and to encourage the formation of such districts in areas where their  
39 organization is desirable;

40 (6) to cooperate with and give assistance to watershed districts and  
41 other special purpose districts in the state of Kansas for the purpose of  
42 cooperating with the United States through the secretary of agriculture in  
43 the furtherance of conservation pursuant to the provisions of the watershed

1 protection and flood prevention act, as amended;

2 (7) to cooperate in and carry out, in accordance with state policies,  
3 activities and programs to conserve and develop the water resources of the  
4 state and maintain and improve the quality of such water resources;

5 (8) to enlist the cooperation and collaboration of state, federal,  
6 regional, interstate, local, public and private agencies with the  
7 conservation districts; and

8 (9) to facilitate arrangements under which conservation districts may  
9 serve county governing bodies and other agencies as their local operating  
10 agencies in the administration of any activity concerned with the  
11 conservation of natural resources.

12 Sec. 122. K.S.A. 2-1907 is hereby amended to read as follows: 2-  
13 1907. The governing body of the district shall consist of five supervisors  
14 who are qualified electors residing within the district. The supervisors who  
15 are first elected shall serve for terms of one, two and three years according  
16 to the following plan: The two persons receiving the highest number of  
17 votes in the election shall hold office for three years; the two persons  
18 receiving the next highest number of votes shall hold such office for a term  
19 of two years and the remaining supervisor shall hold office for a term of  
20 one year. In the event of a tie vote, such terms shall be decided by lot.  
21 Nothing in this section shall be construed as affecting the length of the  
22 term of supervisors holding office on January 1, 1995. Successors to such  
23 persons shall be elected for terms of three years. An annual meeting of all  
24 qualified electors of the district shall be held in the month of January or  
25 February. Notice of the time and place of such meeting shall be given by  
26 such supervisors by publishing a notice in the official county paper once  
27 each week for two consecutive weeks prior to the week in which such  
28 meeting is to be held. At such meeting the supervisors shall make full and  
29 due report of their activities and financial affairs since the last annual  
30 meeting and shall conduct an election by secret ballot of all of the  
31 qualified electors of the district there present for the election of supervisors  
32 whose terms have expired. Whenever a vacancy occurs in the membership  
33 of the governing body the remaining supervisors of the district shall  
34 appoint a qualified elector of the district to fill the office for the unexpired  
35 term. The supervisors shall designate a chairperson and may from time to  
36 time change such designation. A supervisor shall hold office until a  
37 successor has been elected or appointed and has qualified. A majority of  
38 the supervisors shall constitute a quorum and the concurrence of a majority  
39 of the supervisors in any matter within their duties shall be required for its  
40 determination. A supervisor shall receive no compensation for services, but  
41 may be entitled to expenses, including traveling expenses, necessarily  
42 incurred in the discharge of duties. The supervisors may employ a  
43 secretary, technical experts, and such other officers, agents, and

1 employees, permanent and temporary, as they may require, and shall  
2 determine their qualifications, duties and compensation. The supervisors  
3 may call upon the county attorney of the county in which a major portion  
4 of the district lies, or the attorney general for such legal services as they  
5 may require. The supervisors may delegate to their chairperson, to one or  
6 more supervisors, or to one or more agents, or employees such powers and  
7 duties as they may deem proper. The supervisors shall furnish to the ~~state~~  
8 ~~conservation commission~~ *Kansas department of agriculture division of*  
9 *conservation*, upon request, copies of such rules, regulations, orders,  
10 contracts, forms, and other documents as they shall adopt or employ, and  
11 such other information concerning their activities as it may require in the  
12 performance of its duties under this act. The supervisors shall provide for  
13 the execution of surety bonds for all employees and officers who shall be  
14 entrusted with funds or property; shall provide for the keeping of a full and  
15 accurate record of all proceedings and of all resolutions, regulations, and  
16 orders issued or adopted; and shall provide for an annual audit of the  
17 accounts and receipts and disbursements. Any supervisor may be removed  
18 by the ~~state conservation commission~~ upon notice and hearing in  
19 accordance with the provisions of the Kansas administrative procedure act,  
20 for neglect of duty or malfeasance in office, but for no other reason. The  
21 supervisors may invite the legislative body of any municipality or county  
22 located near the territory comprised within the district to designate a  
23 representative to advise and consult with the supervisors of the district on  
24 all questions of program and policy which may affect the property, water  
25 supply, or other interests of such municipality or county.

26 Sec. 123. K.S.A. 2011 Supp. 2-1907c is hereby amended to read as  
27 follows: 2-1907c. On or before September 1 of each year, each  
28 conservation district shall submit to the ~~state conservation commission~~  
29 *Kansas department of agriculture division of conservation* a certification  
30 of the amount of money to be furnished by the county commissioners for  
31 conservation district activities for the ensuing calendar year. Such amount  
32 shall be the same as authorized for such purposes in each approved county  
33 budget. For the purpose of providing state financial assistance to  
34 conservation districts, the ~~state conservation commission~~ *Kansas*  
35 *department of agriculture division of conservation* in the regular budget  
36 request, as a line item for the forthcoming fiscal year, shall submit a  
37 special request for an amount equal to the sum of the allocations of each  
38 county to each conservation district, but in no event to exceed the sum of  
39 \$25,000 per district. This \$25,000 limitation shall be applicable for fiscal  
40 year 2008, and thereafter, subject to appropriations therefor. The ~~state~~  
41 ~~conservation commission~~ *Kansas department of agriculture division of*  
42 *conservation* as soon as practicable after July 1 of the following year shall  
43 disburse such moneys as may be appropriated by the state for this purpose

1 to each conservation district to match funds allocated by the  
2 commissioners of each county. Distribution shall be prorated in proportion  
3 to county allocations in the event that appropriations are insufficient for  
4 complete matching of funds. Municipal accounting procedures shall be  
5 used in the distribution of and in the expenditure of all funds.

6 Sec. 124. K.S.A. 2011 Supp. 2-1915 is hereby amended to read as  
7 follows: 2-1915. (a) Appropriations may be made for grants out of funds in  
8 the treasury of this state for terraces, terrace outlets, check dams, dikes,  
9 ponds, ditches, critical area planting, grassed waterways, tailwater  
10 recovery irrigation systems, precision land forming, range seeding,  
11 detention and grade stabilization structures and other enduring water  
12 conservation practices installed on public lands and on privately owned  
13 lands and, the control and eradication of sericea lespedeza as provided in  
14 subsection (n) of K.S.A. 2-1908, and amendments thereto, on public lands  
15 and on privately owned lands. Except as provided by the multipurpose  
16 small lakes program act, any such grant shall not exceed 80% of the total  
17 cost of any such practice.

18 (b) A program for protection of riparian and wetland areas shall be  
19 developed by the ~~state conservation commission~~ *Kansas department of*  
20 *agriculture division of conservation* and implemented by the conservation  
21 districts. The conservation districts shall prepare district programs to  
22 address resource management concerns of water quality, erosion and  
23 sediment control and wildlife habitat as part of the conservation district  
24 long-range and annual work plans. Preparation and implementation of  
25 conservation district programs shall be accomplished with assistance from  
26 appropriate state and federal agencies involved in resource management.

27 (c) Subject to the provisions of K.S.A. 2-1919, and amendments  
28 thereto, any holder of a water right, as defined by subsection (g) of K.S.A.  
29 82a-701, and amendments thereto, who is willing to voluntarily return all  
30 or a part of the water right to the state shall be eligible for a grant not to  
31 exceed 80% of the total cost of the purchase price for such water right. The  
32 ~~state conservation commission~~ *Kansas department of agriculture division*  
33 *of conservation* shall administer this cost-share program with funds  
34 appropriated by the legislature for such purpose. The chief engineer shall  
35 certify to the ~~state conservation commission~~ *Kansas department of*  
36 *agriculture division of conservation* that any water right for which  
37 application for cost-share is received under this section is eligible in  
38 accordance with the criteria established in K.S.A. 2-1919, and  
39 amendments thereto.

40 (d) (1) Subject to appropriation acts therefor, the ~~state conservation~~  
41 ~~commission~~ *Kansas department of agriculture division of conservation*  
42 shall develop the Kansas water quality buffer initiative for the purpose of  
43 restoring riparian areas using best management practices. The executive

1 director of the ~~state conservation commission~~ *Kansas department of*  
2 *agriculture division of conservation* shall ensure that the initiative is  
3 complementary to the federal conservation reserve program.

4 (2) There is hereby created in the state treasury the Kansas water  
5 quality buffer initiative fund. All expenditures from such fund shall be  
6 made in accordance with appropriation acts upon warrants of the director  
7 of accounts and reports issued pursuant to vouchers approved by the  
8 executive director of the ~~state conservation commission~~ *Kansas*  
9 *department of agriculture division of conservation* or the executive  
10 director's designee. Money credited to the fund shall be used for the  
11 purpose of making grants to install water quality best management  
12 practices pursuant to the initiative.

13 (3) The county or district appraiser shall identify and map riparian  
14 buffers consisting of at least one contiguous acre per parcel of real  
15 property located in the appraiser's county. Notwithstanding any other  
16 provisions of law, riparian buffers shall be valued by the county or district  
17 appraiser as tame grass land, native grass land or waste land, as  
18 appropriate. As used in this subsection (3), "riparian buffer" means an area  
19 of stream-side vegetation that: (A) Consists of tame or native grass and  
20 may include forbs and woody plants; (B) is located along a perennial or  
21 intermittent stream, including the stream bank and adjoining floodplain;  
22 and (C) is a minimum of 66 feet wide and a maximum of 180 feet wide.

23 (e) The *Kansas department of agriculture division of conservation*  
24 *with the approval of the state conservation commission* shall adopt rules  
25 and regulations to administer such grant and protection programs.

26 (f) Any district is authorized to make use of any assistance  
27 whatsoever given by the United States, or any agency thereof, or derived  
28 from any other source, for the planning and installation of such practices.  
29 The ~~state conservation commission~~ *Kansas department of agriculture*  
30 *division of conservation* may enter into agreements with other state and  
31 federal agencies to implement the Kansas water quality buffer initiative.

32 Sec. 125. K.S.A. 2011 Supp. 2-1930 is hereby amended to read as  
33 follows: 2-1930. (a) There is hereby established the water right transition  
34 assistance pilot project program. The program shall be administered by the  
35 ~~state conservation commission~~ *Kansas department of agriculture division*  
36 *of conservation*. The Kansas department of agriculture, division of water  
37 resources and recognized local governing agencies, including groundwater  
38 management districts, shall cooperate in program implementation. The  
39 program shall be administered for the purpose of reducing consumptive  
40 use in the target or high priority areas of the state by issuing water right  
41 transition grants for privately held water rights.

42 (b) (1) The ~~state conservation commission~~ *Kansas department of*  
43 *agriculture division of conservation* may receive and expend funds from

1 the federal or state government, or private source for the purpose of  
2 carrying out the provisions of this section. The ~~state conservation~~  
3 ~~commission~~ *Kansas department of agriculture division of conservation*  
4 and the participating groundwater management districts shall carry over  
5 unexpended funds from one fiscal year to the next.

6 (2) Federal and state funds shall not exceed \$1,500,000 per year.

7 (3) ~~State conservation commission~~ *Kansas department of agriculture*  
8 *division of conservation* expenditures for permanent partial water right  
9 retirements shall not exceed 30% of the total amount of funds for the water  
10 right transition assistance pilot project program.

11 (c) The ~~state conservation commission~~ *Kansas department of*  
12 *agriculture division of conservation* may enter into water right transition  
13 assistance pilot project program contracts with landowners that will result  
14 in the permanent retirement of part or all of landowner historic  
15 consumptive use water rights by action of the chief engineer as provided  
16 for in subsection (f) of this section.

17 (d) All applications for permanent water right retirements shall be  
18 considered for funding.

19 (e) Permanent retirement of partial water rights shall only be  
20 approved by the Kansas department of agriculture division of water  
21 resources when the groundwater management district has the metering and  
22 monitoring capabilities necessary to ensure compliance with the program.  
23 When prioritizing among water right applications for acceptance under the  
24 water right transition assistance pilot project, where rights with similar  
25 hydrologic impacts are considered, priority should be given to the senior  
26 right as determined under the Kansas water appropriation act.

27 (f) Water rights enrolled in the water right transition assistance pilot  
28 project program for permanent retirement shall require the written consent  
29 of all landowners and authorized agents to voluntarily request dismissal  
30 and forfeiture of priority of the enrolled water right. Upon enrollment of  
31 the water right into the water right transition assistance pilot project  
32 program, the chief engineer of the Kansas department of agriculture  
33 division of water resources shall concurrently dismiss and terminate the  
34 water right in accordance with the terms of the contract.

35 (g) (1) The ~~state conservation commission~~ *Kansas department of*  
36 *agriculture division of conservation* shall make water right transition  
37 grants available only in areas that have been designated as target or high  
38 priority areas by the groundwater management districts and the chief  
39 engineer of the Kansas department of agriculture division of water  
40 resources or priority areas outside the groundwater management districts  
41 as designated by the chief engineer of the Kansas department of  
42 agriculture division of water resources.

43 (2) Two of the target or high priority areas shall be the prairie dog

1 creek area located in hydrologic unit code 10250015 and the rattlesnake  
2 creek subbasin located in hydrologic unit code 11030009.

3 (h) Contracts accepted under the water right transition assistance  
4 program shall result in a net reduction in consumptive use equivalent to  
5 the amount of historic consumptive use of the water right or rights enrolled  
6 in the program based on the average historic consumptive water use.  
7 Except as provided for in subsections (i) and (j), once a water right  
8 transition assistance pilot project program grant has been provided, the  
9 land authorized to be irrigated by the water right or water rights associated  
10 with that grant shall not be irrigated permanently. Water right transition  
11 assistance pilot project program contracts shall be subject to such terms,  
12 conditions and limitations as may be necessary to ensure that such  
13 reduction in consumptive use occurs and can be adequately monitored and  
14 enforced.

15 "Historic consumptive water use" means the average amount of water  
16 consumed by crops as a result of the lawful beneficial use of water for  
17 irrigation during four of the six preceding calendar years, with the highest  
18 and lowest years removed from the analysis. For purposes of this program,  
19 historic consumptive water use will be determined by multiplying the  
20 average reported water use for the four selected years by a factor of 0.85  
21 for center pivot sprinkler irrigation systems, 0.75 for flood or gravity  
22 irrigation systems and 0.95 for subsurface drip irrigation systems, but not  
23 to exceed the net irrigation requirements for the 50% chance rainfall for  
24 the appropriate county as shown in K.A.R. 5-5-12. The applicant may also  
25 submit an engineering study that determines the average historic  
26 consumptive water use as an alternative method if it is demonstrated to be  
27 more accurate for the water right or water rights involved.

28 (i) Enrollment in the water right transition assistance pilot project  
29 program shall not subsequently prohibit irrigation of the land that, prior to  
30 enrollment, was authorized by the water right or water rights if irrigation  
31 can be lawfully allowed by another water right or permit pursuant to the  
32 rules and regulations and consideration of any future changes to other  
33 water rights that may be proposed to be transferred to such land.

34 (j) If more than one water right overlaps the place of use authorized  
35 by the water right proposed to be enrolled in the water right transition  
36 assistance pilot project program, then all overlapping water rights shall be  
37 enrolled in water right transition assistance pilot project program or the  
38 landowners shall take the necessary lawful steps to eliminate the overlap  
39 with the water right to be enrolled. The burden shall be on the landowner  
40 to provide sufficient information to substantiate that the proposed use of  
41 water by the resulting exercise of all water rights involved will result in the  
42 net reduction amount of historic consumptive water use by the water right  
43 or water rights to be enrolled. The ~~state conservation commission~~ *Kansas*



1 *department of agriculture division of conservation* may require such  
2 documentation to be provided by someone with special knowledge or  
3 experience related to water rights and such operations.

4 (k) The ~~state conservation commission~~ *Kansas department of*  
5 *agriculture division of conservation* shall adopt rules and regulations as  
6 necessary for the administration of this section. When adopting such rules  
7 and regulations the ~~state conservation commission~~ *Kansas department of*  
8 *agriculture division of conservation* shall consider cropping, system  
9 design, metered water use and all other pertinent information that will  
10 permit a verifiable reduction in annual water consumptive use and permit  
11 alternative crop or other use of the land so that the landowner's economic  
12 opportunities are taken into account.

13 (l) The ~~state conservation commission~~ *Kansas department of*  
14 *agriculture division of conservation* shall report annually to the senate  
15 standing committee on natural resources and the house standing committee  
16 on environment on the economic impact studies being conducted on the  
17 reduction of water consumption and the financial impact on the  
18 communities within the program areas. Such studies shall include  
19 comparative data for areas and communities outside the program areas.

20 (m) The water right transition assistance pilot project program shall  
21 expire five years from the effective date of the fiscal year for which state  
22 moneys are appropriated thereof and approval of program rules and  
23 regulations.

24 (n) Water right transition assistance grants for water rights to remain  
25 unused for the contract period shall constitute due and sufficient cause for  
26 nonuse pursuant to K.S.A. 82a-718, and amendments thereto, pursuant to  
27 the determination of the chief engineer for the duration of the water right  
28 transition assistance pilot project program contract.

29 (o) The ~~state conservation commission~~ *Kansas department of*  
30 *agriculture division of conservation* shall hold at least two meetings in  
31 each water right transition assistance pilot project program area prior to  
32 entering into any water right transition assistance pilot project program  
33 contract for the permanent retirement of part or all of landowner historic  
34 consumptive use water rights. Such meetings shall inform the public of the  
35 possible economic and hydrologic impacts of the program. The ~~state~~  
36 ~~conservation commission~~ *Kansas department of agriculture division of*  
37 *conservation* shall provide notice of such meetings through publication in  
38 local newspapers of record and in the Kansas register.

39 Sec. 126. K.S.A. 2011 Supp. 2-1931 is hereby amended to read as  
40 follows: 2-1931. (a) Any person who commits any of the following may  
41 incur a civil penalty as provided by this section:

42 (1) Any violation of the Kansas water right transition assistance pilot  
43 project program act or any rule and regulation adopted thereunder; and

1 (2) any violation of term, condition or limitation defined and or  
2 imposed within the contractual agreement between the ~~state conservation~~  
3 ~~commission~~ *Kansas department of agriculture division of conservation*  
4 and the water right owner.

5 (b) Any participant who violates any section of a water right  
6 transition assistance pilot project program contract shall be subject to  
7 either one or both of the following:

8 (1) A civil penalty of not less than \$100 nor more than \$1,000 per  
9 violation. Each day shall constitute a separate violation for purposes of this  
10 section; and

11 (2) repayment of the grant amount in its entirety plus a penalty at six  
12 percent of the full grant amount.

13 (c) Any penalties or reimbursements received under this act shall be  
14 reappropriated for use in the water right transition assistance pilot project  
15 program.

16 Sec. 127. K.S.A. 24-1211 is hereby amended to read as follows: 24-  
17 1211. In not less than 12 months, nor more than 13 months after the  
18 recording of the certificates of incorporation, and annually thereafter, a  
19 meeting shall be held for the election of directors whose terms expire and  
20 also to render a report on the financial condition and activities of the  
21 district including the estimated construction date of all proposed projects  
22 to be initiated within the next five years and the board's determination as to  
23 whether each of these projects is still cost effective and in the current  
24 public interest. Notice of the annual meeting shall be given at least 10 days  
25 prior to the date thereof by one publication in a newspaper of general  
26 circulation in each of the counties of which said watershed district is a  
27 part. Elections shall be by ballot. Qualified voters in attendance shall be  
28 entitled to vote at any such meeting. The directors shall fill any vacancy  
29 occurring on the board prior to the expiration of the term of any director  
30 by electing a substitute director to serve for the unexpired term.

31 The number of directors of a district or the date of the annual meeting,  
32 or both, may be changed at an annual meeting if notice of the proposition  
33 of making such change or changes is given at the annual meeting  
34 immediately preceding the annual meeting at which such change or  
35 changes are considered. If the number of directors is proposed to be  
36 changed, the proposition shall be introduced in the same manner as other  
37 items of business and shall clearly show the changes in representation of  
38 subwatersheds, if any, and in the length of terms of the directors. It shall be  
39 the duty of the board of directors to include the proposition in the notice of  
40 the annual meeting at which such changes are being considered. If a  
41 majority of those voting are favorable, the election of directors shall be in  
42 conformance with the adopted proposal and all powers shall be exercised  
43 by the newly constituted board beginning immediately after the annual

1 meeting. Copies of the minutes of the annual meeting and report on the  
2 financial condition and activities of the district shall be furnished to the  
3 ~~state conservation commission~~ *Kansas department of agriculture division*  
4 *of conservation.*

5 Sec. 128. K.S.A. 24-1212 is hereby amended to read as follows: 24-  
6 1212. Regular meetings of the board of directors shall be held no less than  
7 once each quarter on such day and place as is selected by the board of  
8 directors. Notice of such meeting shall be mailed to each director at least  
9 five days prior to the date thereof, and special meetings may be held at any  
10 time upon waiver of notice of such meeting by all directors or may be  
11 called by the president or any two directors at any time. Notice in writing,  
12 signed by the persons calling any special meeting, shall be mailed to each  
13 director at least two days prior to the time fixed for such special meeting.  
14 A majority of the directors shall constitute a quorum for the transaction of  
15 business and in the absence of any of the duly elected officers of the  
16 district a quorum at any meeting may select a director to act as such officer  
17 *pro tem.* Each meeting of the board, whether regular or special, shall be  
18 open to the public. Copies of the minutes of regular and special meetings  
19 shall be furnished to the ~~state conservation commission~~ *Kansas*  
20 *department of agriculture division of conservation.*

21 Sec. 129. K.S.A. 49-603 is hereby amended to read as follows: 49-  
22 603. As used in this act:

23 (a) "Director" means the executive director of the ~~commission~~  
24 *Kansas department of agriculture division of conservation* or a designee.

25 (b) "Affected land" means the area of land from which overburden  
26 has been removed or upon which overburden has been deposited, or both,  
27 but shall not include crushing areas, stockpile areas or roads.

28 (c) "Commission" means the state conservation commission.

29 (d) "Mine" means any underground or surface mine developed and  
30 operated for the purpose of extracting rocks, minerals and industrial  
31 materials, other than coal, oil and gas. Mine does not include borrow areas  
32 created for construction purposes.

33 (e) "Operator" means any person who engages in surface mining or  
34 operation of an underground mine or mines.

35 (f) "Overburden" means all of the earth and other materials which lie  
36 above the natural deposits of material being mined or to be mined.

37 (g) "Peak" means a projecting point of overburden removed from its  
38 natural position and deposited elsewhere in the process of surface mining.

39 (h) "Pit" means a tract of land from which overburden has been or is  
40 being removed for the purpose of surface mining.

41 (i) "Ridge" means a lengthened elevation of overburden removed  
42 from its natural position and deposited elsewhere in the process of surface  
43 mining.

1 (j) (1) "Surface mining" means the mining of material, except for  
2 coal, oil and gas, for sale or for processing or for consumption in the  
3 regular operation of a business by removing the overburden lying above  
4 natural deposits and mining directly from the natural deposits exposed, or  
5 by mining directly from deposits lying exposed in their natural state, or the  
6 surface effects of underground mining. Surface mining shall include  
7 dredge operations lying outside the high banks of streams and rivers.

8 (2) Removal of overburden and mining of limited amounts of any  
9 materials shall not be considered surface mining when done only for the  
10 purpose and to the extent necessary to determine the location, quantity or  
11 quality of the natural deposit, if the materials removed during exploratory  
12 excavation or mining are not sold, processed for sale or consumed in the  
13 regular operation of a business.

14 (k) "Topsoil" means the natural medium located at the land surface  
15 with favorable characteristics for growth of vegetation, which is normally  
16 the A or B, or both, soil horizon layers of the four soil horizons.

17 (l) "Active site" means a site where surface mining is being  
18 conducted.

19 (m) "Inactive site" means a site where surface mining is not being  
20 conducted but where overburden has been disturbed in the past for the  
21 purpose of conducting surface mining and an operator anticipates  
22 conducting further surface mining operations in the future.

23 (n) "Materials" means natural deposits of gypsum, clay, stone,  
24 sandstone, sand, shale, silt, gravel, volcanic ash or any other minerals of  
25 commercial value found on or in the earth with the exception of coal, oil  
26 and gas and those located within cut and fill portions of road rights-of-  
27 way.

28 (o) "Reclamation" means the reconditioning of the area of land  
29 affected by surface mining to a usable condition for agricultural,  
30 recreational or other use.

31 (p) "Stockpile" means the finished products of the mining of gypsum,  
32 clay, shale, stone, sandstone, sand, silt, gravel, volcanic ash or other  
33 minerals and removal from its natural position and deposited elsewhere for  
34 future use in the normal operation as a business.

35 (q) "Underground mining" means the extraction of rocks, minerals  
36 and industrial materials, other than coal, oil and gas, from the earth by  
37 developing entries or shafts from the surface to the seam or deposit before  
38 recovering the product by underground extraction methods.

39 (r) "Person" means any individual, firm, partnership, corporation,  
40 government or other entity.

41 (s) "*Division*" or "*Kansas department of agriculture division of*  
42 *conservation*" means the agency established by K.S.A. 2011 Supp. 74-  
43 5,126, and amendments thereto.

1 Sec. 130. K.S.A. 2011 Supp. 82a-220 is hereby amended to read as  
2 follows: 82a-220. (a) As used in this act:

3 (1) "Conservation project" means any project or activity that the  
4 director of the Kansas water office determines will assist in restoring,  
5 protecting, rehabilitating, improving, sustaining or maintaining the banks  
6 of the Arkansas, Kansas or Missouri rivers from the effects of erosion;

7 (2) "director" means the director of the Kansas water office; and

8 (3) "state property" means real property currently owned in full or in  
9 part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in  
10 and along the bed of the river to the ordinary high water mark on the banks  
11 of such rivers.

12 (b) (1) The director is hereby authorized to negotiate and grant  
13 easements on state property for construction and maintenance of  
14 conservation projects with cooperating landowners in such projects for the  
15 expected life of the project and with such terms and conditions as the  
16 director, after consultation with the Kansas department of agriculture, the  
17 Kansas department of health and environment, the Kansas department of  
18 wildlife and parks and the ~~state conservation commission~~ *Kansas*  
19 *department of agriculture division of conservation*, may deem appropriate.

20 (2) Notice of the easement shall be given to the county or counties in  
21 which the easement is proposed and to any municipality or other  
22 governmental entity that, in the opinion of the director, holds a riparian  
23 interest in the river and may have an interest in the project or results  
24 thereof. Those persons or entities receiving notice shall have a period, not  
25 to exceed 30 days, to provide comment on the proposed easement to the  
26 director.

27 (3) In the event such an easement is proposed to be granted on state  
28 property owned or managed by any other agency of the state, the director  
29 shall give notice of the proposed easement and project to that agency and  
30 shall jointly negotiate any easement so granted.

31 (4) A copy of all easements so entered shall be filed by the director  
32 with the office of the secretary of state and the office of the register of  
33 deeds for the county or counties in which the easement is located.

34 (c) The director shall adopt rules and regulations necessary to carry  
35 out the provisions of this act.

36 Sec. 131. K.S.A. 82a-326 is hereby amended to read as follows: 82a-  
37 326. When used in this act:

38 (a) "Water development project" means any project or plan which  
39 may be allowed or permitted pursuant to K.S.A. 24-126, 24-1213, 82a-  
40 301et seq., and amendments thereto, or the multipurpose small lakes  
41 program act, and amendments thereto;

42 (b) "environmental review agencies" means the:

43 (1) Kansas department of wildlife and parks;

- 1 (2) Kansas forest service;
- 2 (3) state biological survey;
- 3 (4) Kansas department of health and environment;
- 4 (5) state historical society;
- 5 (6) ~~state conservation commission~~ *Kansas department of agriculture*
- 6 *division of conservation*; and
- 7 (7) state corporation commission.

8 Sec. 132. K.S.A. 2011 Supp. 82a-903 is hereby amended to read as  
9 follows: 82a-903. In accordance with the policies and long-range goals and  
10 objectives established by the legislature, the office shall formulate on a  
11 continuing basis a comprehensive state water plan for the management,  
12 conservation and development of the water resources of the state. Such  
13 state water plan shall include sections corresponding with water planning  
14 areas as determined by the office. The Kansas water office and the Kansas  
15 water authority shall seek advice from the general public and from  
16 committees consisting of individuals with knowledge of and interest in  
17 water issues in the water planning areas. The plan shall set forth the  
18 recommendations of the office for the management, conservation and  
19 development of the water resources of the state, including the general  
20 location, character, and extent of such existing and proposed projects,  
21 programs, and facilities as are necessary or desirable in the judgment of  
22 the office to accomplish such policies, goals and objectives. The plan shall  
23 specify standards for operation and management of such projects,  
24 programs, and facilities as are necessary or desirable. The plan shall be  
25 formulated and used for the general purpose of accomplishing the  
26 coordinated management, conservation and development of the water  
27 resources of the state. The division of water resources of the Kansas  
28 department of agriculture, state geological survey, the division of  
29 environment of the department of health and environment, department of  
30 wildlife and parks, ~~state conservation commission~~ *Kansas department of*  
31 *agriculture division of conservation* and all other interested state agencies  
32 shall cooperate with the office in formulation of such plan.

33 Sec. 133. K.S.A. 2011 Supp. 82a-1602 is hereby amended to read as  
34 follows: 82a-1602. In order to provide public water supply storage and  
35 water related recreational facilities in the state there is hereby established a  
36 multipurpose small lakes program. The program shall be administered by  
37 the ~~state conservation commission~~ *Kansas department of agriculture*  
38 *division of conservation*. Except as otherwise provided by this act, *the*  
39 *Kansas department of agriculture division of conservation, with the*  
40 *approval of* the state conservation commission shall adopt all rules and  
41 regulations necessary to implement the provisions of this act.

42 Sec. 134. K.S.A. 2011 Supp. 82a-1603 is hereby amended to read as  
43 follows: 82a-1603. When used in this act:

1 (a) "Chief engineer" means the chief engineer of the division of water  
2 resources of the department of agriculture.

3 (b) "Class I funded project" means a proposed new project or  
4 renovation of an existing project located within the boundaries of an  
5 organized watershed district which is receiving or is eligible to receive  
6 financial participation from the ~~state conservation commission~~ *Kansas*  
7 *department of agriculture division of conservation* for the flood control  
8 storage portion of the project.

9 (c) "Class II funded project" means a proposed new project or  
10 renovation of an existing project which is receiving or is eligible to receive  
11 financial participation from the federal government.

12 (d) "Class III funded project" means a proposed new project or  
13 renovation of an existing project located outside the boundaries of an  
14 organized watershed district which is not receiving or is not eligible to  
15 receive financial participation from the ~~state conservation commission~~  
16 *Kansas department of agriculture division of conservation* or the federal  
17 government except as provided in K.S.A. 82a-1606, and amendments  
18 thereto.

19 (e) "Flood control storage" means storage space in reservoirs to hold  
20 flood waters.

21 (f) "Future use public water supply storage" means storage space  
22 which the Kansas water office determines will be needed within the next  
23 20 years for use by public water supply users in an area but for which there  
24 is no current sponsor.

25 (g) "General plan" means a preliminary engineering report describing  
26 the characteristics of the project area, the nature and methods of dealing  
27 with the soil and water problems within the project area, and the projects  
28 proposed to be undertaken by the sponsor within the project area. Such  
29 plan shall include maps, descriptions and other data as may be necessary  
30 for the location, identification and establishment of the character of the  
31 work to be undertaken; a cost-benefit analysis of alternatives to the  
32 project, including but not limited to, nonstructural flood control options  
33 and water conservation and reuse to reduce need for new water supply  
34 storage; and any other data and information as the chief engineer may  
35 require.

36 (h) "Land right" means real property as that term is defined by the  
37 laws of the state of Kansas and all rights thereto and interest therein and  
38 shall include any road, highway, bridge, street, easement or other right-of-  
39 way thereon.

40 (i) "Multipurpose small lake project" means a dam and lake  
41 containing: (1) Flood control storage; and (2) either public water supply  
42 storage or recreation features or both.

43 (j) "Public water supply" means a water supply for municipal,

1 industrial or domestic use.

2 (k) "Public water supply storage" means storage of water for  
3 municipal, industrial or domestic use.

4 (l) "Recreation feature" means water storage and related facilities for  
5 activities such as swimming, fishing, boating, camping or other related  
6 activities.

7 (m) "Renovation" means repair or restoration of an existing lake  
8 which contains water storage space for use as a public water supply and  
9 which has either recreational purposes or flood control purposes, or both.

10 (n) "Sponsor" means: (1) Any political subdivision of the state which  
11 has the power of taxation and the right of eminent domain; (2) any public  
12 wholesale water supply district; or (3) any rural water district.

13 (o) "Water user" means any city, rural water district, wholesale water  
14 district or any other political subdivision of the state which is in the  
15 business of furnishing municipal or industrial water to the public.

16 Sec. 135. K.S.A. 82a-1607 is hereby amended to read as follows:  
17 82a-1607. Sponsors shall apply to the state conservation commission for  
18 participation in the multipurpose small lakes program. The review and  
19 approval process of the ~~state conservation commission~~ *Kansas department*  
20 *of agriculture division of conservation* shall be established by rules and  
21 regulations which shall be consistent with the state water plan. Following  
22 review, *the Kansas department of agriculture division of conservation* shall request  
23 appropriations for specific projects from the legislature. Any funds  
24 appropriated to carry out the provisions of this act shall be administered by  
25 the ~~state conservation commission~~ *Kansas department of agriculture*  
26 *division of conservation*.

28 Sec. 136. K.S.A. 82a-1608 is hereby amended to read as follows:  
29 82a-1608. (a) If state financial participation is approved for a multipurpose  
30 small lake project, the ~~state conservation commission~~ *Kansas department*  
31 *of agriculture division of conservation* shall require a local nonpoint  
32 source management plan for the watersheds draining into the proposed  
33 lake. Such plan shall be submitted to and approved by the ~~state~~  
34 ~~conservation commission~~ *Kansas department of agriculture division of*  
35 *conservation* before any state funds may be used for the proposed project.

36 (b) If public water supply storage is included in such a project, the  
37 sponsor shall have a water conservation plan which has been submitted to  
38 and approved by the chief engineer.

39 (c) Any funding provided by the state shall include money necessary  
40 to pay for cost-sharing expenses incurred for nonpoint source management  
41 pursuant to the plan required by subsection (a).

42 Sec. 137. K.S.A. 82a-1609 is hereby amended to read as follows:  
43 82a-1609. (a) Before the ~~state conservation commission~~ *Kansas*



1 *department of agriculture division of conservation* requests any  
2 appropriation for any multipurpose small lake project, the chief engineer  
3 shall review the cost-benefit analysis of alternatives to the project and  
4 shall:

5 (1) Submit the general plan to the appropriate state environmental  
6 review agencies pursuant to K.S.A. 82a-325, 82a-326 and 82a-327, and  
7 amendments thereto, for review and comment as provided by those  
8 sections; and

9 (2) publish notice of the review in the Kansas register, make the  
10 general plan available to the public and receive public comments on the  
11 proposed project for a period of 30 days following publication of the  
12 notice.

13 (b) If, in the review, a reasonable, less expensive alternative to the  
14 proposed project is identified and the ~~state conservation commission~~  
15 *Kansas department of agriculture division of conservation* nevertheless  
16 requests an appropriation for the proposed project, the ~~commission~~  
17 *division* shall submit its reasons for proceeding with participation in the  
18 project, together with substantiating documentation, with the budget  
19 estimate and program statement for such project.

20 (c) This section shall be part of and supplemental to the multipurpose  
21 small lakes program act.

22 Sec. 138. K.S.A. 82a-1702 is hereby amended to read as follows:  
23 82a-1702. (a) The state shall provide financial assistance to certain public  
24 corporations for part of the costs or reimbursement of part of the costs of  
25 installation of water development projects, which derive general benefits  
26 to the state as a whole, or to a section thereof beyond the boundaries of  
27 such public corporation.

28 (b) Any public corporation shall be eligible for state financial  
29 assistance for a part of the costs it becomes actually and legally obligated  
30 to pay for all lands, easements, and rights-of-way for the water  
31 development projects in the event the state conservation commission shall  
32 find that: (1) Such public corporation has made application for approval of  
33 such financial assistance with the ~~state conservation commission~~ *Kansas*  
34 *department of agriculture division of conservation* in such form and  
35 manner as the ~~state conservation commission~~ *Kansas department of*  
36 *agriculture division of conservation* may require, which application each  
37 public corporation is hereby authorized to make; (2) such works will  
38 confer general flood control benefits beyond the boundaries of such public  
39 corporation in excess of 20% of the total flood control benefits of the  
40 works; (3) such works are consistent with the state water plan; (4) such  
41 public corporation will need such financial assistance for actual  
42 expenditures within the fiscal year next following; and (5) the legislature  
43 has appropriated funds for the payment of such sum. The payment

1 authorized hereunder shall be limited to an amount equal to the total costs  
2 the public corporation shall become actually and legally obligated to spend  
3 for lands, easements, and rights-of-way for such water resource  
4 development works, multiplied by the ratio that the flood control benefits  
5 conferred beyond the boundaries of the public corporation bear to the total  
6 flood control benefits of the project. Such findings shall each be made at  
7 and in such manner as is provided by procedural rules and regulations  
8 which shall be adopted by *the Kansas department of agriculture division*  
9 *of conservation with the approval of the state conservation commission.*

10 (c) Any public corporation receiving financial assistance under this  
11 section shall apply those sums toward the satisfaction of the legal  
12 obligations for the specific lands, easements, and rights-of-way for which  
13 it receives them or toward the reimbursement of those accounts from  
14 which those legal obligations were satisfied, in whole or in part, and it  
15 shall return to the state any sums that are not in fact so applied. In  
16 ascertaining costs of lands, easements, and rights-of-way under this  
17 section, the ~~state conservation commission~~ *Kansas department of*  
18 *agriculture division of conservation* shall not consider any costs which  
19 relate to land treatment measures nor any costs for which federal aid for  
20 construction costs is granted pursuant to the watershed protection and  
21 flood prevention acts or pursuant to any other federal acts.

22 Sec. 139. K.S.A. 82a-1703 is hereby amended to read as follows:  
23 82a-1703. The governing body of each public corporation eligible for state  
24 financial assistance under the provisions of this act shall make application  
25 for state payment each year to the ~~state conservation commission~~ *Kansas*  
26 *department of agriculture division of conservation* in such form and  
27 manner as the ~~state conservation commission~~ *Kansas department of*  
28 *agriculture division of conservation* may prescribe by its rules and  
29 regulations. Each year the ~~state conservation commission~~ *Kansas*  
30 *department of agriculture division of conservation* shall determine what  
31 persons are eligible to receive financial assistance from the state, and the  
32 amounts thereof, pursuant to this act. In the event the ~~state conservation~~  
33 ~~commission~~ *Kansas department of agriculture division of conservation*  
34 shall determine that any such application, including the amounts thereof, is  
35 proper and in compliance with this act and is supported by a resolution as  
36 provided in K.S.A. 82a-1704, and amendments thereto, the ~~state~~  
37 ~~conservation commission~~ *Kansas department of agriculture division of*  
38 *conservation* may submit a request therefor as a part of its annual budget  
39 requests and estimates. Each such request shall be separately stated and  
40 identified. The budget item for each project shall contain the name of the  
41 project, the name of the public corporation to which the item relates, the  
42 county or counties in which such public corporation is located, the  
43 identification of the agreement or resolution supporting the request, and

1 the amount of state payment requested therefor.

2 Sec. 140. K.S.A. 82a-1704 is hereby amended to read as follows:  
3 82a-1704. In order that any public corporation eligible for state payments  
4 under the provisions of this act may receive payment from the state, the  
5 governing body of the public corporation shall adopt and transmit to the  
6 ~~state conservation commission~~ *Kansas department of agriculture division*  
7 *of conservation* an appropriate resolution requesting the ~~state conservation~~  
8 ~~commission~~ *Kansas department of agriculture division of conservation* to  
9 approve payment to the requesting body of a sum or sums to be named  
10 within the limits of and for the purposes defined in this act. The resolution  
11 shall show the total cost allocated to the requesting body for providing the  
12 lands, easements, and rights-of-way for the works of improvement of the  
13 requesting body and shall pledge that all money received from the state  
14 under authority of this act will be applied solely to the purposes specified  
15 in this act.

16 Sec. 141. K.S.A. 2011 Supp. 82a-2007 is hereby amended to read as  
17 follows: 82a-2007. Subject to appropriations, there shall be an additional  
18 employee at the ~~state conservation commission~~ *Kansas department of*  
19 *agriculture division of conservation* to work on total maximum daily load  
20 compliance and to coordinate with the department and other appropriate  
21 federal and state agencies to further implement voluntary incentive based  
22 conservation programs to protect water quality.

23 Sec. 142. K.S.A. 2011 Supp. 82a-2101 is hereby amended to read as  
24 follows: 82a-2101. (a) On and after January 1, 2002, there is hereby  
25 imposed a clean drinking water fee at the rate of \$.03 per 1,000 gallons of  
26 water sold at retail by a public water supply system and delivered through  
27 mains, lines or pipes. Such fee shall be paid, administered, enforced and  
28 collected in the manner provided for the fee imposed by subsection (a)(1)  
29 of K.S.A. 82a-954, and amendments thereto. The price to the consumer of  
30 water sold at retail by any such system shall not include the amount of  
31 such fee.

32 (b) (1) A public water supply system may elect to opt out of the fee  
33 imposed by this section by notifying, before October 1, 2001, the Kansas  
34 water office and the department of revenue of the election to opt out.  
35 Except as provided by subsection (b)(2), such election shall be irrevocable.  
36 Such public water supply system shall continue to pay all applicable sales  
37 tax on direct and indirect purchases of tangible personal property and  
38 services purchased by such system.

39 (2) On and after January 1, 2005, any public water supply system  
40 which elected to opt out of the fee imposed by subsection (a) may elect to  
41 collect such fee as provided by subsection (a) and direct and indirect  
42 purchases of tangible personal property and services by such system shall  
43 be exempt from sales tax as provided by K.S.A. 79-3606, and amendments

1 thereto. Such election shall be irrevocable.

2 (c) The director of taxation shall remit to the state treasurer in  
3 accordance with the provisions of K.S.A. 75-4215, and amendments  
4 thereto, all moneys received or collected from the fee imposed pursuant to  
5 this section. Upon receipt thereof, the state treasurer shall deposit the  
6 entire amount in the state treasury and credit it as follows:

7 (1)  $\frac{5}{106}$  of such amount shall be credited to the state highway fund  
8 and the remainder to the state general fund; and

9 (2) on and after July 1, 2007,  $\frac{5}{106}$  of such amount shall be credited to  
10 the state highway fund and the remaining amount shall be credited to the  
11 state water plan fund created by K.S.A. 82a-951, and amendments thereto,  
12 for use as follows: (A) Not less than 15% shall be used to provide on-site  
13 technical assistance for public water supply systems, as defined in K.S.A.  
14 65-162a, and amendments thereto, to aid such systems in conforming to  
15 responsible management practices and complying with regulations of the  
16 United States environmental protection agency and rules and regulations  
17 of the department of health and environment; and (B) the remainder shall  
18 be used to renovate and protect lakes which are used directly as a source of  
19 water for such public water supply systems, so long as where appropriate,  
20 watershed restoration and protection practices are planned or in place.

21 (d) ~~The state conservation commission~~ *Kansas department of*  
22 *agriculture division of conservation* shall promulgate rules and regulations  
23 in coordination with the Kansas water office establishing the project  
24 application evaluation criteria for the use of such moneys under subsection  
25 (c)(2)(B).

26 Sec. 143. K.S.A. 2-909, 2-1903, 2-1904, 2-1907, 24-1211, 24-1212,  
27 47-122a, 47-230, 47-239, 47-414, 47-414a, 47-416, 47-416a, 47-417, 47-  
28 418a, 47-420, 47-422, 47-428, 47-429, 47-432, 47-433, 47-434, 47-435,  
29 47-441, 47-442, 47-446, 47-448, 47-605, 47-607, 47-607a, 47-607d, 47-  
30 608, 47-610, 47-613, 47-616, 47-618, 47-619, 47-620, 47-622, 47-626, 47-  
31 627, 47-629, 47-629a, 47-629b, 47-629c, 47-631, 47-632, 47-632a, 47-  
32 633a, 47-634, 47-635, 47-646a, 47-650, 47-651, 47-653, 47-653a, 47-  
33 653b, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-  
34 657, 47-658a, 47-658b, 47-660, 47-666, 47-667, 47-673, 47-1001, 47-  
35 1001d, 47-1501, 47-1506, 47-1511, 47-1701, 47-1725, 47-1735, 47-1804,  
36 47-1808, 47-1832, 49-603, 65-171i, 66-1319, 74-4002, 74-4003, 74-  
37 50,161, 75-1901, 75-1903, 75-3141, 75-3142, 82a-326, 82a-1607, 82a-  
38 1608, 82a-1609, 82a-1702, 82a-1703 and 82a-1704 and K.S.A. 2011 Supp.  
39 2-907, 2-1907c, 2-1915, 2-1930, 2-1931, 2-1932, 32-951, 47-417a, 47-  
40 437, 47-611, 47-612, 47-624, 47-672, 47-674, 47-816, 47-1001e, 47-1008,  
41 47-1011a, 47-1201, 47-1218, 47-1302, 47-1303, 47-1304, 47-1307, 47-  
42 1503, 47-1706a, 47-1709, 47-1721, 47-1731, 47-1805, 47-1809, 47-1831,  
43 47-2101, 48-3502, 65-5721, 74-567, 74-50,156, 74-50,157, 74-50,158, 74-

1 50,159, 74-50,160, 74-50,162, 74-50,163, 75-37,121, 82a-220, 82a-903,  
2 82a-1602, 82a-1603, 82a-2007 and 82a-2101 are hereby repealed.

3 Sec. 144. This act shall take effect and be in force from and after its  
4 publication in the statute book.

5