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Division of Animal Health

Kansas Statutes Annotated

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Article 9. – POULTRY DISEASE CONTROL ACT

2-907. Kansas department of agriculture designated as the official state agency to carry out the national poultry improvement plan. The Kansas department of agriculture is hereby designated the official state agency for the state of Kansas, for the purpose of carrying out the national poultry improvement plan. The Kansas department of agriculture may cooperate with the United States department of agriculture and Kansas state university for the purpose of promoting the poultry industry and its allied branches and shall supervise and administer the national improvement plan in this state.

History: L. 1949, ch. 7, § 1; L. 1965, ch. 3, § 1; L. 2004, ch. 101, § 14; July 1; L. 2012, ch. 140, § 5; July 1; L. 2013, ch. 90, § 3; July 1.

2-908. Citation of act. The provisions of K.S.A. 2-908 to 2-916, inclusive, shall be known and may be cited as the poultry disease control act.

History: L. 1984, ch. 195, § 1; Jan. 1, 1985.

2-909. Definitions. As used in the poultry disease control act, except where the context clearly requires a different meaning, the following words and phrases shall have the meaning ascribed thereto.

(a) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

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

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

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

(e) "Plan" means the national poultry improvement plan contained in sections 145.1 through 145.54 of title 9 of the code of federal regulations and the auxiliary provisions thereto which are contained in sections 147.1 through 147.48 of title 9 of the code of federal regulations, and amendments thereto.

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

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

History: L. 1984, ch. 195, § 2; Jan. 1, 1985; L. 2012, ch. 140, § 6; July 1.

2-910. National poultry improvement plan; cooperation in administration; powers and duties of commissioner. The commissioner is hereby authorized to cooperate with the United States department of agriculture in the administration of the plan, may enter into a memorandum of understanding with that department therefor and may exercise and perform the powers, duties and functions prescribed for the commissioner under the memorandum of understanding and the plan.

History: L. 1984, ch. 195, § 3; Jan. 1, 1985.

2-911. Same; "national plan hatchery" and "U.S. pullorum-typhoid clean" designations, requirements; prohibiting certain shipments into state. (a) Each hatchery within Kansas shall be designated as a "national plan hatchery" by the commissioner in accordance with the plan or shall meet requirements which are equivalent to the requirements under the plan for pullorum and fowl typhoid control as determined by the commissioner.

(b) Each hatchery supply flock within Kansas shall be designated as "U.S. pullorum-typhoid clean" by the commissioner in accordance with the plan or shall meet requirements which are equivalent to the requirements under the plan for pullorum and fowl typhoid control as determined by the commissioner. Any other poultry, except waterfowl, on the same premises as the hatchery supply flock shall be free from pullorum and fowl typhoid infection as evidenced by an official blood test conducted in accordance with the plan.

(c) No poultry may be shipped into Kansas other than from a source which is designated U.S. pullorum-typhoid clean under the plan or which meets the equivalent requirements.

History: L. 1984, ch. 195, § 4; Jan. 1, 1985.

2-912. Same; compliance requirements for state designation. All hatcheries, supply flocks of poultry, exhibition flocks of poultry, poultry and poultry products shall comply with the provisions of the plan which provide procedures required to qualify Kansas as a U.S. pullorum-typhoid clean state.

History: L. 1984, ch. 195, § 5; Jan. 1, 1985.

2-913. Exhibitions; pullorum-typhoid clean requirements. All poultry, including exhibition, exotic and game birds but excluding waterfowl, taken to a public exhibition in Kansas shall come from a flock of poultry which is designated U.S. pullorum-typhoid clean or which meets the equivalent requirements as determined by the commissioner or shall have a negative result from a pullorum and fowl typhoid test conducted within 90 days of the poultry being taken to the public exhibition.

History: L. 1984, ch. 195, § 6; Jan. 1, 1985.

2-914. Reports of disease diagnosis and specimens; quarantine; disposition of infected flocks. (a) Each person performing poultry disease diagnostic services shall report within 48 hours to the commissioner or the commissioner's authorized agent the source of each poultry specimen from which salmonella pullorum or salmonella gallinarum is isolated.

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Upon receiving such report, the commissioner or the commissioner's authorized agent shall investigate to determine the origin of the infection.

(b) Each flock of poultry which is found to be infected shall be quarantined by the commissioner or the commissioner's authorized agent until: (1) It is marketed or destroyed under the supervision of the commissioner or the commissioner's authorized agent; or (2) it subsequently receives an official blood test conducted in accordance with the procedure for reacting flocks under subsection (a)(5) of 9 C.F.R. § 145.14, as revised as of January 1, 1983, and all members of the flock of poultry fail to demonstrate pullorum or fowl typhoid infection.

(c) All costs for testing and handling a quarantined flock of poultry shall be paid by the owner thereof.

History: L. 1984, ch. 195, § 7; Jan. 1, 1985.

2-915. Revocation of national plan designations; investigation. After a thorough investigation, the commissioner may revoke any national plan hatchery or U.S. pullorum-typhoid clean designation for failure of the person operating the hatchery or owning the hatchery supply flocks to comply with the requirements of the poultry disease control act or for the occurrence of repeated outbreaks of pullorum or fowl typhoid in the hatchery or hatchery supply flocks.

History: L. 1984, ch. 195, § 8; Jan. 1, 1985.

2-916. Penalties. Each violation or failure to comply with the provisions of the poultry disease control act is a misdemeanor and shall be punishable by a fine of not less than \$100 nor more than \$500.

History: L. 1984, ch. 195, § 9; Jan. 1, 1985.

Chapter 47 – LIVESTOCK AND DOMESTIC ANIMALS

Article 1 - STOCK RUNNING AT LARGE

47-104. Freighters and drovers liable for damages. All damages done by stock owned by freighters or drovers to crops adjacent to roads along which the trains or droves may be passing or herded shall be paid by the owners of the stock to the owners of the crops so damaged, without regard to fences.

History: G.S. 1868, ch. 105, § 4; Oct. 31; R.S. 1923, 47-104.

47-120. Driving livestock along highway. (a) Nothing herein contained shall be so construed as to prevent drovers or other persons from driving livestock from one place to another along any public highway, the owner or owners being responsible for all damages that any person or persons may sustain in consequence of the driving of such livestock.

(b) For the purposes of K.S.A. 47-120 through 47-122, and amendments thereto, "livestock" shall mean any cattle, bison, swine, sheep, goats, horses, mules, domesticated deer, camelids, all creatures of the ratite family that are not indigenous to this state, including, but not limited to, ostriches, emus and rheas, and any other animal as deemed necessary by the animal health commissioner established through rules and regulations.

History: G.S. 1868, ch. 105, § 54; Oct. 31; R.S. 1923, 47-120; L. 2012, ch. 125, § 3; July 1.

47-121. Penalty for unlawful driving of animals. That any person or persons other than the owner or such owner's authorized agent who shall willfully drive or cause to be driven livestock further from their usual and customary range than the nearest corral obtainable without the written consent of the owner, or who shall neglect to return such livestock immediately to their accustomed range, shall in either case be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding ninety days, or by a fine of not less than \$100 nor more than \$1,000, or by both such fine and imprisonment, in the discretion of the court.

History: L. 1901, ch. 253, § 1; March 22; R.S. 1923, 47-121; L. 2012, ch. 125, § 4; July 1.

47-122. Unlawful for livestock to run at large. It shall be unlawful for any livestock to run at large.

History: L. 1929, ch. 211, § 1; L. 1986, ch. 195, § 6; July 1; L. 2012, ch. 125, § 5; July 1.

47-122a. Livestock running at large; taking up such livestock by county sheriff; notice; sale; disposition of proceeds of sale; consolidated law enforcement department. (a) Whenever the owner or the owner's authorized agent allows any livestock to run at large, in violation of K.S.A. 47-122, and amendments thereto, and such livestock remains on the property of another person, at the request of such person upon whose property the livestock are running at large, the sheriff of the county in which such livestock are running at large may take such livestock into custody and retain them in a secure holding area.

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

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

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

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

History: L. 1979, ch. 167, § 1; L. 1997, ch. 129, § 1; July 1; L. 2012, ch. 140, § 8; July 1.

47-123. Damages to person injured; lien. Any owner whose livestock shall run at large, in violation of K.S.A. 47-122 shall be liable to the person injured for all damages resulting therefrom, and the person so damaged shall have a lien on said livestock for the amount of such damages.

History: L. 1929, ch. 211, § 2; L. 1979, ch. 167, § 2; July 1.

47-124. Who may take animals into custody; procedure. Any person sustaining damages as provided in K.S.A. 47-123, may take the trespassing livestock into custody, and may retain the same until such damages and all reasonable charges are paid. It shall be the duty of the person taking the livestock into custody to notify the owner or the owner's authorized agent of such taking up within twenty-four (24) hours thereafter; and if such owner or authorized agent cannot be found or notified, then to proceed as provided by law in case of strays. Where notice of such taking up of such livestock is given, the person so taking up said livestock shall not retain the custody of the same for more than five days without commencing action against the owner thereof to recover such damages.

History: L. 1929, ch. 211, § 3; L. 1931, ch. 221, § 1; L. 1979, ch. 167, § 3; July 1.

Article 2 - STRAYS

47-229. Definitions. As used in this act: (a) "Domestic animals," shall include all domestic animals except dogs and cats.

(b) "Stray" or "strays" shall mean any domestic animal which is found running at large, contrary to law, or which may be found in any enclosure other than that of its ownership, and whose owner is not known in the community or whose owner cannot be found.

History: L. 1945, ch. 226, § 1; June 28.

47-230. Taking up stray; notice, requirements; record of ownership and animal released, when; costs. (a) Any person may take up any stray found upon such person's premises or upon any public thoroughfare adjoining thereto. Within 24 hours after taking up the stray, such person shall report the taking up to the sheriff of the county in which the stray is taken up. The report shall include a description of the stray, including the type of animal, color, weight, size, sex, age, marks, brands or other distinguishing features, the place where the animal is kept and the address of such person who took up the stray. The sheriff shall then notify the state animal health commissioner and the owners of all registered brands found on the stray. If the sheriff and the animal health commissioner, or the commissioner's duly authorized representatives find and establish the owner of the stray, a record to that effect shall be kept. (b) Subject to the agreement of both the sheriff and the animal health commissioner, or the commissioner's duly authorized representative, the stray shall be released to the established owner upon payment of:

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

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

History: L. 1945, ch. 226, § 2; L. 1947, ch. 297, § 1; L. 1951, ch. 310, § 1; L. 1965, ch. 329, § 1; L. 1970, ch. 205, § 1; July 1; L. 2012, ch. 140, § 9; July 1.

47-232. Certification to court where controversy between adverse claimants; affidavits; testimony; order determining ownership and disposition of sale proceeds. In the event that there are more than one claimant to any stray, and if a contest or controversy ensues as a result of adverse claimants, the sheriff shall certify the matter to the district court of the county in which the stray is taken up, and said court shall docket said matter in a proper docket supplied by the county. The claimants shall have ten (10) days following the date of the docketing of said matter to file affidavits in support of their several claims. The said court shall also have the right and authority to hear oral testimony at any reasonable time on notice to the claimants to determine the ownership of such stray. After any such hearing the said court shall enter a finding and order determining the ownership of said stray and directing the distribution of the proceeds from the sale of such stray animal.

History: L. 1945, ch. 226, § 4; L. 1970, ch. 205, § 4; L. 1976, ch. 145, § 201; Jan. 10, 1977.

47-236. Care of strays. Any person taking up a stray as hereinbefore provided, shall feed and care for said stray and not injure or abuse it, and if any stray shall die while in the possession of the taker-up without fault of said taker-up, he shall not be responsible for said death or held liable for damages therefor.

History: L. 1945, ch. 226, § 8; June 28.

47-237. Penalties for unlawful acts. If any person shall unlawfully take up any stray or fails to comply with the provisions of this act or uses or works such stray before giving notice or shall drive the same on any premises for the purpose of unlawfully taking up the same, or shall keep the same out of the county when taken up more than five days at one time before sale, such person shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding \$500, or by imprisonment for not exceeding 30 days, or by both such fine and imprisonment.

History: L. 1945, ch. 226, § 9; June 28; L. 2012, ch. 125, § 6; July 1.

47-238. Same; advertising stray by sheriff; delivery of stray to market; sale; conditions. After the sheriff has received notice of the taking up of any stray, and the ownership not having been established, the sheriff shall advertise such stray in the area where taken up, and shall cause the stray to be delivered to a public livestock market and shall sell or cause such stray to be sold at such a market, to the highest bidder for cash. Such advertisement shall be at least seven days before sale date, and such sale date shall be at least 21 days after the date the stray was reported to the sheriff.

History: L. 1970, ch. 205, § 2; July 1; L. 2012, ch. 125, § 7; July 1.

47-239. Same; publication notice for sale; contents; disposition of proceeds of sale; special stray fund; establishing of ownership within six months of sale. (a) The notice for the sale of the stray shall be published for one issue in a publication or publications having general circulation in the area where such stray was taken up. Such notice shall describe the stray by stating the kind of animal, sex, age and brands. The notice shall not contain any statement as to the color of the stray or as to any marks or other distinguishing features and it shall not contain the name or address of the person who took up such stray. Out of the proceeds from the sale of such stray, the sheriff shall pay the person who took up such stray, reasonable compensation for keeping and feeding the stray. The sheriff also shall pay all costs of the stray proceedings. Any proceeds remaining in the hands of the sheriff after payment of feeding and sale costs, shall be paid by the sheriff to the treasurer of the county in which the stray was taken up. Such funds shall be placed by the county treasurer in a special stray fund.

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

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

History: L. 1970, ch. 205, § 3; L. 1973, ch. 2, § 17; July 1; L. 2012, ch. 140, § 10; July 1.

Article 4 - MARKS AND BRANDS

47-414. Definitions. As used in article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto:

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

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

(c) "brand" means any permanent identifying mark upon the surface of any livestock, except upon horns and hoofs, made by a hot iron or cryogenic branding;

(d) "commissioner" means the animal health commissioner of the Kansas department of agriculture;

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

History: L. 1939, ch. 222, § 1; L. 1947, ch. 298, § 1; L. 1951, ch. 311, § 1; L. 1993, ch. 34, § 1; July 1; L. 2012, ch. 140, § 11; July 1; L. 2016, ch. 51, § 2; July 1.

47-414a. "Brand commissioner" and "livestock brand commissioner" mean livestock commissioner; "board" means Kansas animal health board. Whenever in any statutes of this state the terms "livestock commissioner," "livestock brand commissioner" or "brand commissioner" are used, or the term "commissioner" is used to refer to the livestock brand commissioner, such terms shall be construed to mean the animal health commissioner appointed by the secretary of agriculture pursuant to K.S.A. 74-5,119, and amendments thereto. **History:** L. 1969, ch. 258, § 11; July 1; L. 2012, ch. 140, § 12; July 1; L. 2016, ch. 51, § 3; July 1.

47-416. Livestock commissioner, duties; brand recording; assistant commissioner, inspectors, investigators, examiners and employees. It shall be the duty of the animal health commissioner to keep all books and records and to record all brands used for the branding or marking of livestock in Kansas. The commissioner shall receive applications for the recording of any and all brands and the commissioner shall decide on the availability and desirability of any brand or brands sent in for recording.

The commissioner, with the approval of the secretary of the Kansas department of agriculture, may appoint such brand inspectors, special investigators, examiners, deputy assistants and employees necessary, and the secretary may enter into contractual agreements with the attorney general, to carry out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1939, ch. 222, § 3; L. 1947, ch. 298, § 3; L. 1951, ch. 312, § 1; L. 1953, ch. 254, § 1; L. 1959, ch. 228, § 12; L. 1963, ch. 419, § 2; L. 1965, ch. 458, § 28; L. 1967, ch. 443, § 3; L. 1969, ch. 258, § 8; L. 1973, ch. 2, § 18; L. 1984, ch. 196, § 2; L. 1996, ch. 90, § 2; July 1; L. 2012, ch. 140, § 13; July 1; L. 2016, ch. 51, § 4; July 1.

47-416a. Livestock special investigators; law enforcement powers; training requirements. Each special investigator, appointed by the animal health commissioner, pursuant to K.S.A. 47-416, and amendments thereto, shall have the authority to make arrests, conduct searches and seizures and carry firearms while investigating violations of the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and while investigating livestock theft. The director as defined in K.S.A. 74-5602, and amendments thereto, is authorized to offer and carry out a special course of instruction for special investigators performing law enforcement duties under authority of this section. Such special investigators shall not carry firearms without having first successfully completed such special law enforcement training course.

History: L. 1984, ch. 196, § 1; July 1; L. 2012, ch. 140, § 14; July 1.

47-417. Adoption of brands; registration of brands; registration and renewal fees; delinquent brands; abandonment; rules and regulations. (a) Any person may adopt a brand for the purpose of branding livestock in accordance with authorized rules and regulations of the animal health commissioner of the Kansas department of agriculture division of animal health. Such person shall have the exclusive right to use such brand in this state, after registering such brand with the animal health commissioner.

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

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

(d) The livestock brand of any person whose registration expires and who fails to pay such renewal fee within a grace period of 60 days after expiration of the registration period shall be forfeited. The use of a forfeited brand shall be unlawful.

(e) Upon the forfeiture of a livestock brand, the animal health commissioner is authorized to receive and accept an application for such brand to the same extent as if such brand had never been issued to anyone as a registered brand.

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

History: L. 1939, ch. 222, § 4; L. 1939, ch. 223, § 1; L. 1947, ch. 298, § 4; L. 1951, ch. 313, § 1; L. 1957, ch. 302, § 1; L. 1958, ch. 16, § 1 (Special Session); L. 1961, ch. 253, § 1; L. 1972, ch. 198, § 1; L. 1978, ch. 205, § 1; L. 1982, ch. 223, § 1; L. 1988, ch. 186, § 1; L. 1991, ch. 152, § 3; L. 1996, ch. 90, § 3; July 1; L. 2012, ch. 140, § 15; July 1; L. 2016, ch. 51, § 5; July 1.

47-417a. Brand inspection; fees; disposition; livestock brand fee fund. (a) The animal health commissioner, when brand inspectors or examiners are available, may provide brand inspection. When brand inspection is requested and provided, the animal health commissioner shall charge and collect from the person making the request, a brand inspection fee of not to exceed \$.75 per head for all livestock. No inspection charge shall be made or collected at any licensed livestock market where brand inspection is otherwise available.

(b) The animal health commissioner shall remit all moneys received under the statutes contained in article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the livestock brand fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture.

(c) The commissioner is authorized to adopt and enforce such rules and regulations governing brand inspections as the commissioner shall deem necessary for the proper enforcement of the livestock laws in Kansas. The commissioner, brand inspectors and special investigators shall aid in investigations and prosecutions of violations of the livestock laws of Kansas and other laws of this state and of the rules and regulations of the commissioner.

History: L. 1958, ch. 16, § 2 (Special Session); L. 1965, ch. 330, § 1; L. 1973, ch. 2, § 19; L. 1975, ch. 281, § 2; L. 1982, ch. 223, § 2; L. 1986, ch. 196, § 1; L. 1991, ch. 152, § 4; L. 2001, ch. 5, § 160; July 1; L. 2012, ch. 140, § 16; July 1; L. 2016, ch. 51, § 6; July 1.

47-418. Branding; rules and regulations; identification brands for disease control purposes. Livestock may be branded in any way, or on any part of the animal, according to rules and regulations adopted by the commissioner, but livestock shall be branded so that they may be readily distinguished should they become intermixed with other herds. Livestock brands for identification of cattle to control diseases may be placed on the tailhead of the cattle. No applications for livestock brands for owner identification shall be issued for head, neck or tailhead locations, and the tailhead location for livestock brands shall be reserved for brands for disease control purposes, except that head, neck and tailhead brands presently effective may have

registration renewal upon term expirations. No evidence of ownership of brands shall be recorded except as provided in this act.

History: L. 1939, ch. 222, § 5; L. 1947, ch. 298, § 5; L. 1961, ch. 254, § 1; L. 1980, ch. 154, § 1; L. 1988, ch. 186, § 2; L. 1989, ch. 156, § 1; July 1; L. 2016, ch. 51, § 7; July 1.

47-419. Certified copies of record; fee. When any brand is recorded, as provided herein, the owner thereof shall be entitled to one certified copy of the record of such brand from the commissioner. Additional certified copies of such record may be obtained by anyone upon the payment of a fee in an amount fixed by the commissioner.

History: L. 1939, ch. 222, § 6; L. 1978, ch. 347, § 6; July 1; L. 2012, ch. 125, § 8; July 1.

47-420. Unlawful use of brands; additional marking systems; feedlot brands; permits, fees. (a) It shall be unlawful for any person to use any brand for branding any livestock unless such brand has been duly registered in the office of the animal health commissioner at Topeka, except: (1) The use of a single numeral digit, zero to nine, in conjunction with the registered brand of the owner may be used for the purpose of determining the age of the branded animal, such number to be applied at least six inches from such registered brand; (2) the use of serial numbers in conjunction with the registered brand of the owner may be used for the purpose of identifying individual animals, such numbers to be applied at least six inches from the registered brand; (3) the use of numbers in conjunction with the registered brand of the owner may be used for the purpose of identifying herds of the same owner for feeding or experimental purposes, such numbers to be applied at least six inches from the registered brand; and (4) the use of a digital system of branding livestock may be used for the purpose of identifying animals in a licensed feedlot. Such feedlot brand may be used in conjunction with the registered brand of the owner, such brand to be applied at least six inches from such registered brand or may be used on animals which are not branded with a registered brand of the owner, subject to conditions, limitations and requirements applicable to the use of a feedlot brand as prescribed in K.S.A. 47-446, and amendments thereto.

(b) The age, serial, herd or feedlot brand shall not be construed as a part of the registered brand and the use of such numeral or numerals, whether or not such use is in conjunction with a registered brand, shall not be unlawful.

(c) The animal health commissioner may allow applicants to denote on an application for a registered brand whether the applicant shall use age, serial or herd brands, and may allow the owner of a registered brand to amend the registered brand to denote whether the applicant will use such age, serial or herd brands.

History: L. 1939, ch. 222, § 7; L. 1955, ch. 259, § 1; L. 1957, ch. 303, § 1; L. 1973, ch. 212, § 1; L. 1974, ch. 223, § 1; L. 1991, ch. 152, § 5; July 1; L. 2012, ch. 140, § 18; July 1; L. 2016, ch. 51, § 8; July 1.

47-421. Unlawful branding or defacing of brands; penalty; venue of prosecutions. (a) Except as provided in subsection (b), any person who willfully brands or causes to be branded any livestock in any manner other than as required or authorized by the laws of this state and the rules and regulations of the animal health commissioner shall be deemed guilty of a class A misdemeanor.

(b) Any person who shall willfully and knowingly brand or cause to be branded with such person's brand, or any brand not the recorded brand of the owner, any livestock being the property of another, or who shall willfully or knowingly efface, deface or obliterate any brand upon any livestock, shall be deemed guilty of a nondrug severity level 6, nonperson felony.

(c) Prosecution for violation of the provisions of this section may be had either in the county where such violation occurred or in any county in which the livestock may be located or found in the possession of the accused.

History: L. 1939, ch. 222, § 8; L. 1945, ch. 227, § 1; L. 1990, ch. 309, § 33; May 24; L. 2016, ch. 51, § 9; July 1.

47-422. Effect of recording of brands; recordation, fee; evidence; use by another prohibited, penalty. Any brand registered with the animal health commissioner of the Kansas department of agriculture in compliance with the requirements of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, shall be the property of the person causing such record to be made. Such brand shall be subject to sale, assignment, transfer, devise and descent as other personal property. Instruments of writing evidencing the sale, assignment or transfer of such brand shall be recorded by the animal health commissioner. The fee for recording such instruments of writing shall be an amount not to exceed \$30. Such instruments shall have the same force and effect as recorded instruments affecting real estate. A certified copy of the record of any such instrument may be introduced in evidence the same as certified copies of instruments affecting real estate. Any brand recorded with the Kansas department of agriculture division of animal health shall not be used by any person other than the recorded owner.

History: L. 1939, ch. 222, § 9; L. 1971, ch. 186, § 1; L. 1991, ch. 152, § 6; July 1; L. 2012, ch. 140, § 19; July 1; L. 2013, ch. 133, § 20; July 1; L. 2016, ch. 51, § 10; July 1.

47-423. Livestock from another state; permit; damages for failure to comply. Any person who causes to be brought into the state from any other state for the purpose of grazing or feeding for a period of not to exceed 12 months, livestock which carry a brand or brands recorded in a recognized brand organization of any other state, shall be exempt from the provisions of K.S.A. 47-420, and amendments thereto, for a period of 12 months. After such time such brand or a new brand must be recorded in this state.

History: L. 1939, ch. 222, § 10; L. 1996, ch. 90, § 4; July 1; L. 2016, ch. 51, § 11; July 1.

47-424. Publication of handbook and supplements; exchanges, sale and distribution. The commissioner shall from time to time cause to be published in book form or produce in electronic format, a list of all brands and marks on record at the time of such publication. Such lists may be supplemented from time to time. Such publication or production shall contain a facsimile of all brands recorded, together with the owner's name and post-office address. Such records shall be arranged in convenient

form for reference. The commissioner shall send, to the sheriff of each county, one copy of such brand book and supplement thereto or electronically formatted copy thereof, which shall be kept as a matter of public record. The commissioner may exchange brand books and supplements thereto or electronically formatted copies thereof with livestock brand commissioners and directors of other states, and with the executive officer of a statewide organization of any other state which is charged with administration of brand laws of such state. The commissioner may make other distribution of brand books and supplements or electronically formatted copies thereof without charge, to Kansas licensed veterinarians and licensed public livestock market operators, when the commissioner deems such distribution desirable and an aid to the effective administration of the brand laws of this state. Such books or electronically formatted copies of the production may be sold to the general public at a price to be determined by the commissioner which shall be based on the cost of printing or storing, preparation and postage.

History: L. 1939, ch. 222, § 11; L. 1951, ch. 314, § 1; L. 1964, ch. 26, § 1 (Budget Session); L. 1965, ch. 330, § 2; L. 1967, ch. 292, § 1; July 1; L. 2012, ch. 125, § 10; July 1.

47-425. Duty of attorney general. It shall be the duty of the attorney general to enforce the provisions of this act, and all acts amendatory thereto, together with the rules and regulations of the commissioner; and for such purposes the attorney general shall have original jurisdiction in investigations and prosecutions coextensive with that of local officers.

History: L. 1939, ch. 222, § 12; March 29.

47-426. Rules and regulations. The commissioner may make all the necessary rules and regulations to carry out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and may by such rules and regulations make and provide for exceptions, in addition to those listed in K.S.A. 47-420, and amendments thereto, for the use of particular brands in conjunction with the recorded brand.

History: L. 1939, ch. 222, § 13; L. 1947, ch. 298, § 6; L. 1957, ch. 303, § 2; L. 1989, ch. 156, § 3; July 1; L. 2016, ch. 51, § 12; July 1.

47-427. Invalidity of part. The provisions of this act are severable, and if any part therein shall be held unconstitutional, or invalid, the same shall not affect the validity of any remaining portion of this act.

History: L. 1939, ch. 222, § 14; March 29.

47-428. Entry upon private lands; inspections; proof of ownership of livestock. The animal health commissioner and the commissioner's deputies, assistants, special investigators, inspectors or examiners are hereby authorized to enter upon any private lands to make any inspections necessary for the purpose of carrying out the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto. The commissioner and the commissioner's deputies or assistants may accept proof of ownership of livestock from any person in possession of animals bearing the recorded brands of another party or any other identification as sufficient to exclude and exempt such animals from being classified as stray animals under the provisions of article 4 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 1947, ch. 298, § 7; L. 1989, ch. 156, § 4; July 1; L. 2012, ch. 140, § 20; July 1; L. 2016, ch. 51, § 13; July 1.

47-429. Moneys received from sale of branded stray livestock. All moneys received from the sale of branded stray livestock shall be paid to the state animal health commissioner, notwithstanding article 2 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, or any other provision of law relating to the disposition of the moneys received from the sale of branded stray animals. The commissioner or the commissioner's deputies are hereby authorized and directed to receive and receipt for all moneys received from the sale of branded stray livestock and shall pay the same to the state treasurer. The state treasurer shall credit such amount to the livestock brand fee fund.

History: L. 1947, ch. 298, § 8; L. 1989, ch. 156, § 5; L. 1996, ch. 90, § 5; July 1; L. 2012, ch. 140, § 21; July 1.

47-446. Feedlot brands; application; conditions. Feedlot brands may be lawfully applied to livestock which are not branded with a registered brand of the owner and which are in the custody of, and upon the premises of, a feedlot operator licensed under the provisions of article 15 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto. Such feedlot brand shall not be construed as evidence of ownership identification.

History: L. 1973, ch. 212, § 2; July 1; L. 2012, ch. 140, § 29; July 1; L. 2015, ch. 51, § 14; July 1; L. 2016, ch. 51, § 14; July 1.

47-448. Reciprocity agreements with livestock commissioners or brand inspection agencies of other states; brand inspection fees, not limited by other laws. The animal health commissioner is authorized to enter into reciprocity agreements with any livestock commissioner or brand inspection agency of any other state or the United States, for cooperation in the administration of brand inspection laws and laws for the control, suppression and eradication of contagious diseases among domestic animals.

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

History: L. 1975, ch. 281, § 4; July 1; L. 2012, ch. 140, § 30; July 1.

47-449. Abolishment of livestock brand emergency revolving fund and county option brand fee fund. On July 1, 2016, the director of accounts and reports shall transfer all moneys in the livestock brand emergency revolving fund and the county option brand fee fund to the livestock brand fee fund established in K.S.A. [47-417a](#), and amendments thereto. On July 1, 2016, all liabilities of the livestock brand emergency revolving fund and the county option brand fee fund are hereby

transferred to and imposed on the livestock brand fee fund, and the livestock brand emergency revolving fund and the county option brand fee fund are hereby abolished.

History: L. 2016, ch. 51, § 1; July 1.

Article 6 - PROTECTION OF DOMESTIC ANIMALS

47-604. Penalty for violating quarantine. Any person who knowingly and intentionally violates, disregards or evades, or attempts to violate, disregard or evade any order establishing or regulating a quarantine issued pursuant to article 6 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, upon conviction of a violation of this section, such person shall be guilty of a severity level 7 nonperson felony.

History: L. 1905, ch. 495, § 24; R.S. 1923, 47-604; L. 1989, ch. 156, § 11; L. 1992, ch. 100, § 1; L. 2007, ch. 198, § 9; May 24.

47-605. Oaths and affirmations. For the purpose of this act, the animal health commissioner is hereby authorized and empowered to administer oaths and affirmations.

History: L. 1905, ch. 495, § 25; R.S. 1923, 47-605; L. 1989, ch. 156, § 12; July 1; L. 2012, ch. 140, § 31; July 1.

47-607. Unlawful to transport uninspected animals into state; certificates of health required; rules and regulations of animal health commissioner; special quarantine. (a) It shall be unlawful for any person or persons to bring, drive or transport any cattle, calves, sheep, swine, horses, mules, goats, domesticated deer, as defined in K.S.A. [47-1001](#), and amendments thereto, any creature of the ratite family that is not indigenous to this state, including, but not limited to, ostriches, emus and rheas, or any other animal that may be used in the preparation of meat or meat products into the state of Kansas, without first having caused such animal or animals to be inspected and passed under certificate of health as required by the animal health commissioner of this state.

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

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

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

(2) held by the owner or possessor thereof under quarantine of and subject to the orders and rules and regulations of the animal health commissioner.

History: L. 1905, ch. 495, § 27; L. 1909, ch. 166, § 1; R.S. 1923, 47-607; L. 1945, ch. 229, § 1; L. 1947, ch. 301, § 1; L. 1949, ch. 294, § 1; L. 1951, ch. 315, § 1; L. 1965, ch. 332, § 1; L. 1977, ch. 304, § 19; L. 1993, ch. 143, § 10; L. 1994, ch. 79, § 3; L. 2012, ch. 140, § 32; July 1.

47-607a. Transportation of uninspected animals into state; special permit may be required to cross state line. When the animal health commissioner of this state determines that a special permit is required to move any or all kinds or species of livestock into or through the state of Kansas, the animal health commissioner may declare that no person or persons, firm, corporation, railway, aerial or motor transportation company, or individual owner of a truck, or the agents thereof, shall ship, trail, permit to cross the state line or in any manner transport any class of livestock into the state of Kansas from any other area, state or states designated by the animal health commissioner, without first obtaining a special permit, by wire, letter or telephone, from the animal health commissioner at Topeka, Kansas. Such special permit or the authorized permit number of such special permit shall accompany such shipment of livestock into the state of Kansas.

History: L. 1947, ch. 301, § 2; L. 1951, ch. 315, § 2; L. 1989, ch. 156, § 13; July 1; L. 2012, ch. 140, § 33; July 1.

47-607c. Same; penalties for violations. (a) Any person who intentionally or knowingly violates or intentionally or knowingly fails to comply with the provisions of this act shall be deemed guilty of a class C nonperson misdemeanor.

(b) In addition to any other penalty provided by law, any person who violates K.S.A. 47-607, and amendments thereto, the special permit requirements of K.S.A. 47-607a, and amendments thereto, or rules and regulations promulgated pursuant to K.S.A. 47-607d, and amendments thereto, may incur a civil penalty in an amount not less than \$100 nor more than \$1,000 for each shipment into the state.

(c) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the animal health commissioner to the person who committed the violation. Such order shall state the violation, the civil penalty to be imposed and the right of the person to appeal to the commissioner. Within 20 days of such notification, any such person may make written request to the commissioner for a hearing in accordance with the Kansas administrative procedure act.

(d) Any civil penalty recovered pursuant to this section shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount

in the state treasury to the credit of the state general fund. (e) The animal health commissioner may require that any records related to animals and the suspected transportation of such animals into the state in violation of K.S.A. 47-607, and amendments thereto, the special permit requirements of K.S.A. 47-607a, and amendments thereto, or rules and regulations promulgated pursuant to K.S.A. 47-607d, and amendments thereto, in the possession of any person be submitted to the commissioner for review within a reasonable time. Failure to cooperate with any such request shall be considered a violation of this act.

History: L. 1947, ch. 301, § 4; L. 1965, ch. 332, § 2; June 30; L. 2022, ch. 45, § 3; July 1.

47-607d. Same; rules and regulations. The animal health commissioner may adopt such rules and regulations as necessary to carry out the purposes of this act.

History: L. 1951, ch. 315, § 3; L. 1989, ch. 156, § 14; July 1; L. 2012, ch. 140, § 34; July 1.

47-608. Animal health commissioner to cooperate with federal officers. The animal health commissioner is hereby authorized and directed to cooperate with the secretary of agriculture of the United States, or any officer or authority of the general government, in the suppression and extirpation of contagious diseases among domestic animals and in the enforcement and execution of all acts of congress to prevent the importation and exportation of diseased animals and the spread of infectious or contagious diseases among domestic animals.

History: L. 1905, ch. 495, § 31; R.S. 1923, 47-608; L. 1989, ch. 156, § 15; July 1; L. 2012, ch. 140, § 35; July 1.

47-610. State quarantine, sanitary and other regulations; veterinarian; compensation. The state animal health commissioner is hereby directed to protect the health of domestic animals of the state from all contagious or infectious diseases and for this purpose is hereby authorized and empowered to establish, maintain and enforce such quarantine, sanitary and other regulations as necessary. If the animal health commissioner requires the assistance of technical knowledge, experience or skill to carry out the duties of the animal health commissioner, the animal health commissioner may command the services of any competent veterinarian or may call upon the dean of the college of veterinary medicine, Kansas state university at Manhattan, Kansas, for that purpose. In case the dean of the college of veterinary medicine, Kansas state university is called, the dean shall receive actual and necessary expenses in the performance of such duties as full compensation for such services. If any other veterinarian is employed, such veterinarian shall receive such actual and necessary expenses and reasonable compensation for such services.

History: L. 1911, ch. 312, § 1; R.S. 1923, 47-610; L. 1947, ch. 302, § 1; L. 1989, ch. 156, § 16; July 1; L. 2012, ch. 140, § 36; July 1.

47-611. Quarantine and other regulations; notice of quarantine; proclamation by governor; enforcement; direction by governor; assistance of any state agency. (a) When the animal health commissioner determines that a quarantine and other regulations are necessary to prevent the spread among domestic animals of any contagious or infectious disease, the commissioner shall notify the governor of such determination, and the governor shall issue a proclamation announcing the boundary of such quarantine and the orders and rules and regulations prescribed by the commissioner. Such proclamation shall be published in the Kansas register, except that the commissioner, if the area affected by the quarantine is limited in extent, may dispense with the proclamation of the governor and give such notice as the commissioner shall deem sufficient to make the quarantine effective.

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

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

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

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

History: L. 1911, ch. 312, § 2; R.S. 1923, 47-611; L. 1981, ch. 324, § 15; L. 1989, ch. 156, § 17; L. 2001, ch. 163, § 1; May 17; L. 2012, ch. 140, § 37; July 1.

47-612. Delivery of animals into quarantine; payment of fees, costs and expenses; sale. Whenever the animal health commissioner determines that certain animals within the state are capable of communicating infectious or contagious disease, the commissioner may issue an order to the sheriff of the county or to any agent, inspector or authorized representative of the animal health commissioner in which such animals are found, commanding such individuals to take into custody and keep such animals subject to such quarantine regulations as the animal health commissioner may prescribe, until such time as the commissioner directs such person to deliver such animals to their owner or owners or to the agent of the owner or owners. Before any animals are delivered, the owner of such animals shall pay to the animal health commissioner all the fees, costs and expenses of taking, detaining and holding and caring for the animals. In case such fees, costs and expenses are not paid at the time fixed by the animal health commissioner, the officer having custody of such animals shall advertise, in the same manner as provided by law in case of sale of personal property on execution, that the officer will sell such animals or such portion of such animals as may be necessary to pay such fees, costs and expenses, together with the costs and expenses of such sale. At the time and place advertised the officer shall sell as many of the animals as may be necessary to pay for such

fees, costs and expenses and the costs and expenses of such sale. Upon such sale the officer shall without delay pay to the owner any amount received in excess of the fees, costs and expenses, including, but not limited to, legal fees of such officer. Any officer performing any of the duties directed in this section or any other section of this act shall receive the same compensation for such services as is prescribed by law for similar services. In case such fees, costs and expenses cannot be collected by sale of such animals, such fees, costs and expenses shall be paid by the state of Kansas unless payment or indemnity for the costs of taking into custody, keeping and selling such animals may be obtained from the United States government.

History: L. 1911, ch. 312, § 3; R.S. 1923, 47-612; L. 1989, ch. 156, § 18; L. 2005, ch. 165, § 1; Apr. 21; L. 2012, ch. 140, § 38; July 1.

47-613. Quarantine duties of sheriff. The sheriff to whom the existence of any contagious or infectious disease of domestic animals is reported shall proceed without delay to the place where such domestic animal or animals are and examine the same, and shall report immediately the result of such examination to the animal health commissioner. The sheriff shall enforce such temporary quarantine regulations as the animal health commissioner may direct to prevent the spread of such disease, until the animal health commissioner provides and orders suitable permanent quarantine rules and regulations. No sheriff who takes or detains such animals under the provisions of this act shall be liable to the owner or owners of such animals for any damages by reason of such taking or detention or by reason of the performance of any other duties directed by law.

History: L. 1911, ch. 312, § 4; R.S. 1923, 47-613; L. 1989, ch. 156, § 19; July 1; L. 2012, ch. 140, § 39; July 1.

47-614. Killing unconfined, diseased or exposed animals. When in the opinion of the commissioner it shall be necessary to prevent the spread of any contagious or infectious diseases among the domestic animals of this state, to destroy animals affected with or which have been exposed to any such disease, or which are unconfined in violation of any quarantine order, he shall determine what animals shall be killed and cause the same to be killed and the carcasses disposed of as in his judgment will best protect the health of the domestic animals of the locality.

History: L. 1911, ch. 312, § 5; R.S. 1923, 47-614; L. 1947, ch. 303, § 1; April 15.

47-615. Killing of condemned animals; inventory and appraisal; duties of commissioner; payment or indemnity to owner. Whenever the commissioner directs the killing or disposition of any domestic animal or animals, except dogs, it shall be the duty of the commissioner and the owner of the condemned animals, to appraise the animal or animals to be killed or disposed. The commissioner shall make an inventory of the animal or animals condemned, and in fixing the value of such animal or animals, the commissioner shall be governed by the value of such animal or animals at the time of the first appearance of the disease. The state of Kansas shall pay to the owner the amount to which the owner is entitled as determined by the commissioner as provided by this section unless payment or indemnity for such domestic animal may be obtained from the United States government.

History: L. 1911, ch. 312, § 6; L. 1915, ch. 348, § 1; R.S. 1923, 47-615; L. 1947, ch. 303, § 4; L. 2005, ch. 165, § 2; Apr. 21.

47-616. Same; right of indemnity. When any animal or animals are killed under the provisions of this act by order of the commissioner, the owner of such animal or animals shall be paid for such animal or animals such proportion of the appraised value as fixed by the appraisal as provided by law. The right of indemnity on account of animals killed by order of the commissioner under the provisions of this act shall not extend to: (a) Animals killed on account of rabies;

(b) the owner of animals which have been brought into the state in a diseased condition, or from a state, country, territory or district in which the disease with which the animal is infected or to which it has been exposed exists;

(c) any animal which has been brought into the state in violation of any law or quarantine regulations thereof, or the owner of which has violated any of the provisions of this act or disregarded any rule and regulation or order of the animal health commissioner;

(d) any animal which came into the possession of the claimant with the claimant's knowledge that such animal was diseased or was suspected of being diseased or of having been exposed to any contagious or infectious disease; or

(e) any animal belonging to the United States.

History: L. 1911, ch. 312, § 7; R.S. 1923, 47-616; L. 1989, ch. 156, § 20; July 1; L. 2012, ch. 140, § 40; July 1.

47-617. Animals killed by order of commissioner; certificate; payment or indemnity to owner; specific disease procedures. When any domestic animal, other than dogs and animals affected with foot-and-mouth disease, is killed by order of the commissioner, the commissioner shall issue to the owner of the animal or animals the certificate showing the number and kind of animals killed, and the amount to which the holder is entitled. The state of Kansas shall pay to the owner the amount to which the owner is entitled as determined by the commissioner as provided by this section unless payment or indemnity for such domestic animal may be obtained from the United States government. In case of animals killed or disposed of that are exposed to or afflicted with the foot-and-mouth disease, the appraisal shall be conducted in accordance with the applicable rules and regulations of an applicable livestock indemnity program of the United States government. The state of Kansas shall pay all its expenses incurred in that behalf, and shall pay all its employees necessarily employed therein.

History: L. 1911, ch. 312, § 8; L. 1915, ch. 348, § 2; R.S. 1923, 47-617; L. 1947, ch. 303, § 5; L. 2001, ch. 163, § 2; L. 2005, ch. 165, § 3; Apr. 21.

47-618. Execution of orders of commissioner; fees of officers; arrests; prosecutions. The animal health commissioner shall have power to call upon any sheriff, undersheriff or deputy sheriff to execute the commissioner's orders. Such officers

shall obey the orders of the commissioner and for performing such services shall receive mileage and fees as is now provided for service in process in civil actions. For killing and disposing of diseased animals, in accordance with the rules prescribed by the animal health commissioner, such officers shall receive the following fees:

(1) For the first animal, not to exceed \$5;

(2) for each additional animal, not to exceed \$2; but in no case shall the amount exceed the actual cost of doing such work. Such fees shall be paid by the board of county commissioners of the county in which the services are rendered. Any such officer may arrest on view and take before any judge of a court of competent jurisdiction of the county any person found violating the provisions of this act, and such officer shall immediately notify the county or district attorney of such arrest, and such county or district attorney shall prosecute the person so offending according to law.

History: L. 1911, ch. 312, § 9; May 22; L. 1974, ch. 446, § 19; July 1; L. 2012, ch. 140, § 41; July 1.

47-619. Animal health commissioner; stockyard duties. It shall be the duty of the animal health commissioner or the commissioner's designee to work in conjunction with the United States government authorities to prohibit and prevent any stock affected with any contagious or infectious disease to be driven or shipped out of any such stockyards except to some licensed rendering establishment.

History: L. 1911, ch. 312, § 10; R.S. 1923, 47-619; L. 1947, ch. 302, § 2; L. 1989, ch. 156, § 21; July 1; L. 2012, ch. 140, § 42; July 1; L. 2013, ch. 90, § 4; July 1.

47-620. Prohibiting entrance of stock from other states where disease has become epidemic. Whenever the state animal health commissioner has good reason to believe that any contagious or infectious disease has become epidemic in certain localities in other states, territories or countries, or that there are conditions which render domestic animals from such infected districts liable to convey such disease, the animal health commissioner shall publish an order prohibiting the entrance of any livestock of the kind diseased into the state from such infected district.

History: L. 1911, ch. 312, § 11; R.S. 1923, 47-620; L. 1989, ch. 156, § 22; July 1; L. 2012, ch. 140, § 43; July 1.

47-622. Report of diseases to animal health commissioner. It shall be the duty of the owner or person in charge of any domestic animal or animals who discovers, or has reason to believe that any domestic animal owned by such person or in such person's charge or keeping is affected with any contagious or infectious disease, to immediately report such fact or belief to the animal health commissioner. It shall be the duty of any person who discovers the existence of any such contagious or infectious disease among the domestic animals of any person to immediately report this information to the animal health commissioner.

History: L. 1911, ch. 312, § 13; R.S. 1923, 47-622; L. 1989, ch. 156, § 23; July 1; L. 2012, ch. 140, § 44; July 1.

47-624. Unlawful acts; civil penalties. (a) In addition to any other penalty provided by law, any person who has in such person's possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, may incur a civil penalty imposed under subsection (b) [(c)] if such person:

(1) Permits such animal to run at large

(2) keeps such animal where other domestic animals, not affected with or previously exposed to such disease, may be exposed to such contagious or infectious disease;

(3) sells, ships, drives, trades or gives away such diseased and infected animal or animals which have been exposed to such infection or contagion, except by sale, trade or gift to a regularly licensed disposal plant;

(4) moves or drives any domestic animal in violation of the rules and regulations, directions or orders establishing and regulating quarantine

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

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

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

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

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

History: L. 1911, ch. 312, § 15; R.S. 1923, 47-624; L. 1943, ch. 199, § 3; L. 1989, ch. 156, § 24; L. 1992, ch. 100, § 2; L. 2001, ch. 5, § 163; L. 2010, Ch. 17, § 85; July 1; L. 2012, ch. 140, § 45; July 1.

47-626. Employees and materials for enforcement of act. The state animal health commissioner may employ such persons and purchase such supplies, appliances and materials as may be necessary to carry into full effect all the orders given by the animal health commissioner as provided by law. No labor shall be employed and no material or supplies purchased by the animal health commissioner except such additional labor, material and supplies as may be necessary to carry into effect the

quarantine and other regulations prescribed by the commissioner. The director of accounts and reports shall draw warrants upon the treasurer of state for the necessary amount upon vouchers properly verified by the person performing such labor or furnishing such material and approved by the animal health commissioner.

History: R.S. 1923, 47-626; L. 1989, ch. 156, § 25; July 1; L. 2012, ch. 140, § 46; July 1.

47-627. Treatment for itch or mange; order of commissioner. If the animal health commissioner finds the disease known as the itch or mange existing among domestic animals, the animal health commissioner shall order all animals so affected to be properly treated as the commissioner deems necessary.

History: L. 1911, ch. 312, § 18; R.S. 1923, 47-627; L. 1989, ch. 156, § 26; July 1; L. 2012, ch. 140, § 47; July 1.

47-629. Injection of virulent hog-cholera virus into hogs without permit unlawful; permit issued, when. It shall be unlawful for any person to inject any virulent hog-cholera virus into any hog, in the state of Kansas unless such person first obtains a permit from the animal health commissioner authorizing such injection. A permit to inject virulent hog-cholera virus may be issued by the animal health commissioner upon application to the animal health commissioner upon a form provided by the animal health commissioner. Such permit shall be issued only to persons who are sufficiently informed as to qualify to safely handle and use such virus. Such permit shall state the conditions, limitations and regulations as the animal health commissioner deems necessary for the protection of the health of the domestic animals of this state from infectious or contagious diseases. Such permit shall be issued for a definite period which duration shall be fixed by the animal health commissioner as the animal health commissioner deems necessary to prevent the spread of infectious or contagious diseases. The permit holder shall comply with the requirements of such permit.

History: L. 1911, ch. 312, § 20; R.S. 1923, 47-629; L. 1951, ch. 316, § 2; L. 1961, ch. 255, § 1; L. 1989, ch. 156, § 27; July 1; L. 2012, ch. 140, § 48; July 1.

47-629a. Sale of virulent hog-cholera virus by unauthorized vendors unlawful. It shall be unlawful for any person to sell or offer for sale virulent hog-cholera virus to another unless the vendor is:

- (1) A manufacturer thereof; or
- (2) a distributor of veterinarian supplies, authorized by the animal health commissioner to handle and sell such virus; or
- (3) a veterinarian licensed under the Kansas veterinary practice act.

History: L. 1961, ch. 255, § 2; L. 1989, ch. 156, § 28; July 1; L. 2012, ch. 140, § 49; July 1.

47-629b. Sale of virulent hog-cholera virus to unauthorized purchasers unlawful. It shall be unlawful for any person to sell, or offer for sale, any virulent hog-cholera virus to another unless the purchaser is:

- (1) A holder of a permit from the animal health commissioner, currently in effect, authorizing such person to inject virulent hog-cholera virus; or
- (2) a distributor of veterinarian supplies authorized by the animal health commissioner to handle and sell such virus.

History: L. 1961, ch. 255, § 3; L. 1989, ch. 156, § 29; July 1; L. 2012, ch. 140, § 50; July 1.

47-629c. Penalty for violating 47-629 to 47-629c. Any person who violates any provision of this act, or any provision of a permit to inject virulent hog-cholera virus issued by the animal health commissioner, and any person who fails to comply with any provision of this act or any provision of such a permit, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25 or more than \$500 or shall be imprisoned in the county jail for not more than six months, or both.

History: L. 1961, ch. 255, § 4; L. 1989, ch. 156, § 30; July 1; L. 2012, ch. 140, § 51; July 1.

47-631. Rules for tuberculin test. (a) The animal health commissioner, whenever the animal health commissioner deems it necessary, shall formulate and announce the rules under which the tuberculin test for tuberculosis in domestic animals shall be applied. For all proceedings pursuant to such application:

- (1) No tuberculin shall be used other than that furnished by the United States government;
- (2) no person other than one indicated for that purpose by the animal health commissioner shall inject any tuberculin into any animal in this state;
- (3) all charts giving the temperature and conditions existing at the time the animal was tested, accompanied by a history and description of the animal, shall be submitted, immediately after the test is made, to the state animal health commissioner. The animal health commissioner shall then render a decision thereon, which shall be final and shall be recorded in the office of the animal health commissioner.

(b) The state animal health commissioner shall immediately apply the quarantine and other regulations issued under the provisions of this act to animals found infected with tuberculosis.

History: L. 1911, ch. 312, § 22; L. 1915, ch. 351, § 1; L. 1919, ch. 225, § 1; R.S. 1923, 47-631; L. 1989, ch. 156, § 31; July 1; L. 2012, ch. 140, § 52; July 1.

47-632. Animals affected with tuberculosis; condemning of animal and quarantine of herd; sale of animal; payment to owner. Whenever the animal health commissioner determines that any domestic animal is affected with tuberculosis, the commissioner shall immediately condemn such animal and quarantine the herd in which it is found. Whereupon, the owner shall sell such diseased animal for immediate slaughter under state or federal inspection, subject to a post-mortem examination under the direction of the animal health commissioner. Such owner shall be indemnified by the state animal health commissioner, from funds appropriated therefor, in an amount equal to \$100 for each condemned grade bovine animal and \$200 for each registered bovine animal.

History: L. 1911, ch. 312, § 23; R.S. 1923, 47-632; L. 1945, ch. 230, § 1; L. 1969, ch. 259, § 1; L. 1978, ch. 206, § 1; April 6; L. 2012, ch. 140, § 53; July 1.

47-632a. Same; commissioner not required to examine records. The animal health commissioner shall not be required to examine the records in the county where condemned animals are situated to determine names and rights of lien claimants or mortgagees.

History: L. 1945, ch. 230, § 2; L. 1989, ch. 156, § 32; July 1; L. 2012, ch. 140, § 54; July 1.

47-633a. Same; condemnation of herd; payment for animals condemned; appraisal animals. The animal health commissioner may order the condemnation of an entire herd of domestic animals when tuberculosis of any animal within such herd has been diagnosed. In such event, the animal health commissioner shall indemnify the owner of such herd in an amount not to exceed 50% of the difference between the salvage value and the appraised value of the animals in the condemned herd. Such payment by the commissioner shall be from funds appropriated therefor, but in no event shall such payment exceed the sum of \$400 per head for registered bovine animals, the sum of \$200 per head for grade bovine animals. Such compensation shall not be paid, and the premises from which the herd was taken shall not be restocked, until such premises have been cleaned and disinfected and have been inspected and approved by the animal health commissioner, or the commissioner's authorized representative. Appraisals of animals condemned shall be made by the animal health commissioner, or the commissioner's authorized representative, and by the owner. If such appraisers cannot agree, a disinterested third party, who has knowledge of livestock values in such locality, shall be selected as an arbitrator by the commissioner and the owner, at the expense of the owner. The determination of values by such arbitrator shall be final.

History: L. 1969, ch. 259, § 2; L. 1978, ch. 206, § 2; April 6; L. 2012, ch. 140, § 55; July 1.

47-634. Disinfection of premises; costs. The disinfection of the premises where a diseased animal or animals coming within the provisions of this act have been kept shall be under the supervision of the animal health commissioner, or the designee of the animal health commissioner. The animal health commissioner shall designate the materials to be used and the method of their application. The cost of such material together with the necessary labor of disinfecting shall be paid by the owner of such animals. Except for disinfection, the premises shall be kept in quarantine until such time as the animal health commissioner may determine.

History: L. 1911, ch. 312, § 25; R.S. 1923, 47-634; L. 1989, ch. 156, § 33; July 1; L. 2012, ch. 140, § 56; July 1.

47-635. Construction of 47-610 to 47-635. The provisions of this act shall include all contagious or infectious diseases among all kinds of domestic animals including but not limited to horses, mules, asses, cattle, sheep, goats, llamas, swine, dogs, cats, poultry, birds, nonhuman primates, ferrets, domesticated deer, as defined in K.S.A. 47-1001, and amendments thereto, all creatures of the ratite family including but not limited to ostriches, emus and rheas and exotic animals as defined by rules and regulations in 9 C.F.R. 1.1, pursuant to 7 U.S.C. § 2131 *et seq.* The state animal health commissioner is given the same power over any domestic animal afflicted with rabies as is conferred upon the animal health commissioner in relation to other diseases of domestic animals.

History: L. 1911, ch. 312, § 26; R.S. 1923, 47-635; L. 1989, ch. 156, § 34; L. 1993, ch. 143, § 11; L. 1994, ch. 79, § 4; L. 1996, ch. 90, § 7; L. 1999, ch. 24, § 1; July 1; L. 2012, ch. 140, § 57; July 1.

47-645. Liability of owner of dog for damages. If any dog shall kill, wound or worry any domestic animal the owners of such dog shall be liable to the owner of such animal for all damages that may be sustained, thereby to be recovered by the parties so injured before any court having competent jurisdiction.

History: G.S. 1868, ch. 105, § 44; L. 1911, ch. 313, § 1; May 22; R.S. 1923, 47-645.

47-646. Killing dog lawful, when. It shall be lawful for any person at any time to kill any dog which may be found injuring or attempting to injure any livestock as defined in K.S.A. 47-1001, and amendments thereto.

History: G.S. 1868, ch. 105, § 45; R.S. 1923, 47-646; L. 1947, ch. 303, § 2; L. 1996, ch. 90, § 8; July 1.

47-646a. Same; unconfined dogs in violation of quarantine. It shall be lawful for any authorized representative of the animal health commissioner, any sheriff, any city marshal or any law enforcement officer at any time to kill any dog which may be found unconfined in violation of any rabies quarantine or other quarantine order issued by the state animal health commissioner or issued by the secretary of health and environment.

History: L. 1947, ch. 303, § 3; L. 1975, ch. 462, § 56; L. 1989, ch. 156, § 35; July 1; L. 2012, ch. 140, § 58; July 1.

47-653a. Sale or use of hog cholera vaccines unlawful, when. It shall be unlawful for any person to sell or to use hog cholera vaccines in the state of Kansas unless the hog cholera vaccine is first approved by the state animal health commissioner.

History: L. 1968, ch. 179, § 1; L. 1989, ch. 156, § 39; July 1; L. 2012, ch. 140, § 62; July 1.

47-653b. Same; rules and regulations of animal health commissioner. The state animal health commissioner is hereby authorized and empowered to adopt rules and regulations designating which hog cholera vaccines may be sold or used in this state.

History: L. 1968, ch. 179, § 2; L. 1989, ch. 156, § 40; July 1; L. 2012, ch. 140, § 63; July 1.

47-653c. Unlawful use of hog cholera vaccines; penalty for violation. Any person who shall violate any provision of this act or regulations adopted in accordance therewith shall be deemed guilty of a misdemeanor and upon conviction shall be punished as prescribed by K.S.A. 2015 Supp. 21-6602, and amendments thereto.

History: L. 1968, ch. 179, § 3; L. 1974, ch. 224, § 1; L. 2011, ch. 30 § 195; July 1.

47-657. Rules for approved tests for brucellosis; quarantine and other regulations. (a) The state animal health commissioner, whenever the commissioner deems it necessary, shall formulate and announce the rules under which approved test for brucellosis in cattle shall be applied and for all proceedings subsequent to such application:

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

(2) all charts showing result of test and conditions existing at the time of test, together with a history and description of cattle, shall be submitted to the animal health commissioner immediately upon completion of test and the animal health commissioner shall render an opinion thereon. Such decision shall be final and shall be recorded in the office of the animal health commissioner.

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

History: L. 1939, ch. 225, § 1; L. 1989, ch. 156, § 48; July 1; L. 2012, ch. 140, § 71; July 1.

47-658a. Brucellosis; identification of reactor animals. Whenever the state animal health commissioner determines that any domestic animal is affected with brucellosis, the animal health commissioner or the authorized representative of the animal health commissioner, may proceed at once to identify such reactor animal by causing such reactor animal to be branded with the letter "B" on the left jaw by hot iron. The animal health commissioner may approve the use of other methods for the identification of brucellosis reactors.

History: L. 1951, ch. 320, § 1; L. 1972, ch. 200, § 1; July 1; L. 2012, ch. 140, § 72; July 1.

47-658b. Same; sale of reactor animals; shipping permit. Any animal determined to be a reactor animal to brucellosis shall be sold for slaughter within 15 days after being properly identified. Such animal being shipped to be sold for slaughter shall be accompanied by an official shipping permit issued by the animal health commissioner or the authorized representative of the animal health commissioner. Under unusual circumstances, the animal health commissioner may extend the period for sale for slaughter up to a maximum of an additional 30 days following the proper identification of such reactor.

History: L. 1972, ch. 200, § 2; July 1; L. 2012, ch. 140, § 73; July 1.

47-660. Right of entry to inspect and examine, when. The secretary of agriculture of the United States, authorized officers of the bureau of animal industry of such department, the state animal health commissioner of Kansas and the authorized deputies of such officials shall have free access to enter upon the premises of any and all persons who own or are in possession of domestic animals and free access to inspect and examine all such domestic animals which are:

(a) Affected with any infectious or contagious disease;

(b) suspected or reported to be affected with any infectious or contagious disease;

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

(d) within a herd that has been designated as accredited tuberculosis free or accredited brucellosis free; or

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

History: L. 1947, ch. 300, § 1; L. 1989, ch. 156, § 49; July 1; L. 2012, ch. 140, § 74; July 1.

47-661. Same; duty of persons to assist officials; notice. Any person who owns or is in possession of any domestic animals, who has been notified by any authorized officer or officers, or their authorized deputies, that such animals are to be tested for tuberculosis or other infectious or contagious disease, shall assemble, or cause to be assembled, all such animals, and it shall be the duty of said owner or possessor to assist such official in the testing and identifying of all such animals and to assist such official in the further identifying of all animals which react positively to the tests administered.

History: L. 1947, ch. 300, § 2; April 10.

47-662. Same; penalty for violating act. Any person, who owns or is in possession of domestic animals, who shall refuse to allow any authorized officer or officers or their authorized deputies to examine such domestic animals for any infectious or contagious disease, or who shall hinder or obstruct any authorized official or his authorized deputy in any examination of or in an attempt to examine such domestic animals, or who shall violate any provision in this act or who shall fail or refuse to perform any act or duty imposed upon him under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than \$100 nor more than \$500.

History: L. 1947, ch. 300, § 3; April 10.

47-663. Sale of cattle as tuberculosis tested unlawful. It shall be unlawful for any person to sell cattle as tuberculosis tested, or as clean, or as free from tuberculosis, or such equivalents, unless such animals have been tested and found negative to be tuberculin tested within a thirty (30) day period immediately preceding the sale: *Provided*, This section shall not apply to sales of cattle from an accredited tuberculin free herd.

History: L. 1949, ch. 296, § 1; April 4.

47-664. Same; sale as brucellosis or Bang's tested. It shall be unlawful for any person to sell any cattle as brucellosis tested, or as Bang's tested, or as clean, or as free from brucellosis, or any equivalent, unless such animals have been tested and found negative to brucellosis within a period of thirty (30) days immediately preceding the sale: *Provided*, This shall not apply to cattle sold from an accredited brucellosis free herd.

History: L. 1949, ch. 296, § 2; April 4.

47-665. Same; penalty. Any person who violates or fails to comply with the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), or by imprisonment for not more than one (1) year in the county jail, or by both such fine and imprisonment.

History: L. 1949, ch. 296, § 3; April 4.

47-673. Pseudorabies infected herd of swine; duties of animal health commissioner; indemnity; rules and regulations.

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

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

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

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

History: L. 1997, ch. 58, § 1; July 1; L. 2012, ch. 140, § 78; July 1.

47-674. Program for registering premises where animals located; voluntary premises registration and animal identification and tracking system; development and implementation by animal health commissioner. (a) The animal health commissioner is authorized to cooperate with the United States department of agriculture, other state governmental officials, tribal officials and representatives of private industry, and subject to the provisions of subsection (d), to promulgate rules and regulations, to define premises where animals are located and to develop and implement a voluntary premises registration and animal identification and tracking system for Kansas.

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

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

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

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

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

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

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

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

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

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

animal health commissioner and shall be used solely for the administration of the voluntary premises registration or animal identification and tracking system.

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

History: L. 2004, ch. 116, § 1; L. 2005, ch. 165, § 4; Apr. 21; L. 2012, ch. 140, § 79; July 1.

Article 10 - PUBLIC LIVESTOCK MARKETS

47-1001. Definitions. As used in this act, except where the context clearly indicates a different meaning:

(a) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

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

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

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

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

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

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

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

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

(j) "Dealer" as used in article 10 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, shall have the same meaning as the term "public livestock market operator."

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

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

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

History: L. 1937, ch. 262, § 1; L. 1939, ch. 224, § 1; L. 1965, ch. 333, § 1; L. 1989, ch. 156, § 51; L. 1992, ch. 100, § 3; L. 1993, ch. 143, § 5; L. 1994, ch. 79, § 5; L. 1996, ch. 133, § 1; L. 2000, ch. 111, § 6; July 1; L. 2012, ch. 125, § 11; July 1.

47-1001a. License required to operate market; application form; fee; bond. No person shall conduct or operate a public livestock market unless and until such person has a license therefor, upon which the current annual market license fee has been paid. Any person making application for an original market license shall do so to the commissioner in writing, verified by the applicant, in the form as prescribed by the commissioner showing the following:

(a) The name and address of the applicant, with a statement of the names and addresses of all persons having any financial interest in the business of the applicant and the amount of such interest.

(b) A statement of all assets and liabilities of the applicant.

(c) A legal description of the real estate and a complete description of the facilities proposed to be used in connection with such public livestock market.

(d) A detailed statement of the facts upon which the applicant relies showing the general confines of the trade area proposed to be served by such public livestock market, the benefits to be derived by the livestock industry and the services proposed to be rendered.

Such application shall be accompanied by an application fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than \$375, which shall not be refundable if the application is denied or withdrawn. Each applicant shall furnish a bond in the manner required by K.S.A. 47-1002, and amendments thereto. The application fee established by this section on the day preceding the effective date of this act shall continue in effect until a different application fee is set as provided under this section.

History: L. 1965, ch. 333, § 2; L. 1969, ch. 264, § 1; L. 1991, ch. 152, § 9; L. 1993, ch. 167, § 1; April 22.

47-1001b. Application for market license; notice and hearing; removal of market to another location within county; notice; finding of commissioner or board. Upon the filing of such application, the commissioner shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. The commissioner shall serve notice and a copy of the application in accordance with the Kansas administrative procedure act upon the owners of all public livestock markets within a fifty-mile radius of the applicant's proposed location and within this state. Notwithstanding any other provisions of this act to the contrary, any holder of a market license who is operating a public livestock market may move such market to other premises in the same county without securing a new license or filing a new application. However, the licensee shall give the commissioner at least thirty days' notice of the removal of the market to such other location which notice shall include a legal description of the real estate and its exact location and a complete description of the facilities to be used at such new location in connection with such public livestock market and the commissioner or board shall find that such facilities are adequate to permit the performance of the proposed market services.

History: L. 1965, ch. 333, § 3; L. 1984, ch. 313, § 77; July 1, 1985.

47-1001c. Hearing on application for market license; issuance of license, when; matters considered. A hearing may be conducted by the board and the commissioner. After a hearing upon such application the application, conducted in accordance with the provisions of the Kansas administrative procedure act, if the board finds from the evidence presented that such public livestock market for which a market license is sought would beneficially serve the livestock economy, such market license shall be issued by the commissioner to the applicant. In determining whether or not the application should be granted or denied, the board shall give reasonable consideration to:

- (a) The financial stability and fiduciary responsibility of the applicant.
- (b) Character references to be supplied in writing by at least three persons selected by the applicant.
- (c) The livestock industry marketing benefits to be derived from the establishment and operation of the public livestock market proposed in the application.
- (d) The adequacy of the proposed facilities to permit the performance of proposed market services.
- (e) The present market services elsewhere available to the trade area proposed to be served.
- (f) Whether the proposed public livestock market would be continuous.
- (g) The economic feasibility of the proposed market services.

History: L. 1965, ch. 333, § 4; L. 1984, ch. 313, § 78; July 1, 1985.

47-1001d. Occasional livestock sales; exemptions; license. (a) The animal health commissioner, through rules and regulations, may exempt occasional livestock sales or issue a license for such occasional livestock sales at a fee of not more than \$100 without a hearing.

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

(c) Licensed occasional livestock sales shall not:

- (1) Collect a fee per head pursuant to K.S.A. 47-1011, and amendments thereto;
- (2) collect an inspection fee per head pursuant to K.S.A. 47-1008, and amendments thereto; or (3) be required to furnish a bond in the manner required by K.S.A. 47-1002, and amendments thereto.

History: L. 1965, ch. 333, § 5; L. 1996, ch. 133, § 2; July 1; L. 2012, ch. 140, § 82; July 1.

47-1001e. Annual renewal fee; license period; electronic auction license; renewal; fees. (a) Each livestock market operator shall pay annually, on or before September 30, a renewal market license fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than \$250 to the commissioner for each public livestock market operated by such operator, which payment shall constitute a renewal until September 30 of the following year. The renewal market license fee established by this section on the day preceding the effective date of this act shall continue in effect until a different renewal market license fee is set as provided under this section.

(b) Any person who owns or operates an electronic auction that is simulcast into the state of Kansas and at which livestock located in the state of Kansas are offered for sale, shall apply to the animal health commissioner for an electronic auction license. A license shall be granted to such person upon a showing that such person meets the bond requirements, as established in K.S.A. 47-1002, and amendments thereto, and has paid an annual fee in an amount set by the Kansas animal

health board and adopted by rules and regulations of the commissioner of not more than \$250. Any such license shall expire on September 30 of each year.

History: L. 1965, ch. 333, § 6; L. 1970, ch. 206, § 1; L. 1991, ch. 152, § 10; L. 1993, ch. 167, § 2; L. 2000, ch. 111, § 7; L. 2010, ch. 105, § 1; Apr. 22; L. 2012, ch. 140, § 83; July 1; as amended by 2021 SB 39, sec. 1; effective May 27, 2021.

47-1001f. When license transferable; renewable, when. Each market license is personal to the holder and to the facilities covered thereby, and transferable only upon application in the same form and manner as new applications for such market licenses, except when an owner shall sell and convey a market to a bona fide purchaser who is to continue the market at the same location, the market license shall be transferred to the new owner upon application therefor, without a hearing before the commissioner, upon the furnishing of the required bond and without payment of any additional fee; and the license so transferred shall be renewable upon payment of required fees and otherwise complying with the law for renewal of market licenses.

History: L. 1965, ch. 333, § 7; June 30.

47-1002. Bond, conditions; expiration date of license; damage actions; issuance of license after bond given. (a) The bond required by K.S.A. 47-1001a, and amendments thereto, shall be in the minimum amount of \$20,000 for each license year or fraction thereof, but may be a continuous bond. Each license year shall expire on September 30. Such bond shall be conditioned upon compliance by the principal with the provisions of this act and upon the prompt, faithful and honest handling by the principal of such livestock and the prompt remittance of the proceeds from the sale, purchase or exchange thereof to the lawful owner of such livestock. Such bond shall be to the state for the use and benefit of such person or persons as may suffer loss or damage by breach of the condition thereof. If the commissioner is the trustee and custodian of a surety bond or bond equivalent wherein such public livestock market operator is the principal and is operating under the provisions of the packers and stockyards act of 1921 of the United States, the commissioner may accept such bond or bond equivalent in lieu of the one herein otherwise required.

(b) For the purposes of this section, a bond equivalent shall be in one of the following forms:

(1) A trust fund agreement governing funds actually deposited or invested in fully negotiable obligations of the United States of federally insured deposits or accounts in the name of and readily convertible to currency by a trustee; or

(2) a trust agreement governing funds that may be drawn by a trustee, under one or more irrevocable, transferable, standby letters of credit, issued by a federally-insured bank or institution and physically received and retained by the trustee.

(c) Any producer, consignor or purchaser of livestock claiming to be injured by the breach of any public livestock market operator of any of the terms and provisions of such bond may bring action thereon in district court to recover the damages caused by such breach.

(d) When such bond shall have been given, the commissioner shall thereupon issue to such applicant a license entitling the applicant, if a public livestock market operator, to conduct the business described in the application at the place named therein for a period expiring on September 30 following date of issuance, and for such additional license year periods as the public livestock market operator may be entitled to by reason of the operator's having paid the annual application fee and the proof of the operator's having paid the annual premium upon such continuous bond, or until such license shall have been revoked for cause.

History: L. 1937, ch. 262, § 2; L. 1939, ch. 224, § 2; L. 1947, ch. 304, § 1; L. 1953, ch. 256, § 1; L. 1965, ch. 333, § 8; L. 1970, ch. 206, § 2; July 1; L. 2012, ch. 125, § 12; July 1; as amended by 2021 SB 39, sec. 2; effective May 27, 2021.

47-1002a. Release of surety on bond; notice to principal. Any surety on a bond furnished by any community sale dealer, or applicant for community sale dealer's license, shall be released and discharged from any and all liability under said bond accruing on such bond after the expiration of sixty days from the date upon which such surety shall have filed with the commissioner a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the sixty-day period. The commissioner, upon receipt of such request, shall promptly notify the principal who furnished the bond and unless the principal shall on or before the expiration of the sixty-day period file with the commissioner a new bond fully complying with the provisions of this act, the commissioner shall forthwith revoke and cancel such community sale dealer's license and notify such dealer.

History: L. 1947, ch. 304, § 2; Aug. 1.

47-1003. Investigations; arrests; access. For the purpose of enforcing the provisions of this act, the commissioner shall have power to make investigations and arrest any persons found violating this act and shall have, at all reasonable times, free and uninterrupted access to any and all buildings, yards, pens, chutes, or scales in or upon which any of such livestock may be kept, quartered, weighed or handled by any dealer.

History: L. 1937, ch. 262, § 3; L. 1939, ch. 224, § 3; L. 1984, ch. 313, § 79; July 1, 1985.

47-1004. Investigation, examination, inspection; hearing; suspension or revocation of license. The commissioner may investigate, examine or inspect any transaction or happening which may involve a violation or alleged violation of this act or any rule and regulation or order lawfully issued and promulgated by the commissioner thereunder. In the furtherance of any such examination, investigation or inspection, the commissioner may examine that part of the ledgers, books, accounts, memoranda or other documents, scales, measures, livestock and other articles and things used in connection with the business of such person relating to the transactions involved.

The commissioner shall hear the parties in accordance with the provisions of the Kansas administrative procedure act, to such complaint and after the conclusion of any hearing, the commissioner shall enter in the office of the commissioner at Topeka a decision, either dismissing such complaint or specifying the facts established on such hearing, and give notice thereof to the interested parties. If the commissioner determines from the facts specified that the licensee has violated any provisions of this act, the commissioner shall, unless the offender has already made reparation to the person offended, suspend or revoke the license of the licensee.

History: L. 1937, ch. 262, § 4; L. 1984, ch. 313, § 80; July 1, 1985.

47-1005. Grounds for refusal, revocation or suspension of license. (a) After notice and an opportunity for a hearing, conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner may refuse to grant a license, or suspend or revoke a license, upon a finding of the existence of any of the following facts:

- (1) That any provision of this act, order or rule and regulation lawfully promulgated thereunder by the commissioner has been violated by the licensee;
- (2) that the licensee has knowingly received on consignment or sold at a public livestock market any stolen livestock, or mortgaged livestock without authority of the lawful owner or mortgagee;
- (3) that the licensee was guilty of fraud or deception in the procurement of such license;
- (4) that the licensee has violated the laws of the state, or official regulations governing the interstate or intrastate movement, shipment or transportation of any livestock;
- (5) that the licensee fails to practice measures of sanitation, disinfection and inspection, as prescribed by law or by the commissioner, of premises used for yarding, stabling, housing or holding of livestock;
- (6) that there has been failure to keep records required by the commissioner or a refusal on the part of the licensee to produce records of transactions in the carrying on of the business for which such license is granted, or that the licensee selling livestock by weight fails or refuses to have livestock handled by such licensee weighed on scales that are regularly inspected and tested for accuracy by duly authorized public authority or authorities;
- (7) that there has been failure to make timely remittances of fees due under the act to the commissioner; or
- (8) that the licensee has failed to properly maintain custodial accounts or bonds.

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

- (1) If the bond or bond equivalent as described in K.S.A. 47-1002, and amendments thereto, for a livestock market operator expires or is terminated and no valid replacement bond or bond equivalent has been filed with the commissioner at the time expiration of such surety occurs; or
- (2) if a shortage exists in any of the licensee's custodial accounts which the commissioner determines to endanger the public welfare.

History: L. 1937, ch. 262, § 5; L. 1939, ch. 224, § 4; L. 1965, ch. 333, § 9; L. 1984, ch. 313, § 81; July 1, 1985; L. 2012, ch. 125, § 13; July 1.

47-1005c. Per diem for board members; expenses. The members of the board shall receive for their services a per diem of twenty-five dollars (\$25) and subsistence and travel expense.

History: L. 1965, ch. 333, § 12; June 30.

47-1007. Report of sales; remittance. The dealer shall, promptly following the sale or exchange of any livestock consigned or delivered to him, transmit or deliver to the producer or consignor a true report of such sales showing the amount sold and the selling price. Remittance in full of the amount realized from such sales, less the commission, if any, that the dealer is entitled to for making such sale and other proper charges, shall accompany such written report of sales.

History: L. 1937, ch. 262, § 7; June 30.

47-1008. Prohibition on sale of certain infected or injured livestock; euthanasia or order to remove from market, expenses; inspection by accredited veterinarian; contracts for service and filing certificates of inspection; inspection fees; minimum per diem for inspector to be negotiated; use and disposition of fees; veterinary inspection fee fund; rules and regulations; electronic auctions; health certificate sale requirements. (a) Livestock shall not be offered for sale or sold at any licensed public livestock market if such livestock:

- (1) Is infected with a disease that permanently renders the livestock unfit for human consumption;
 - (2) has severe neoplasia;
 - (3) has severe actinomycosis;
 - (4) is unable to rise to its feet by itself; or
 - (5) has an obviously fractured long bone or other fractures or dislocation of a joint that renders the livestock unable to bear weight on the affected limb without that limb collapsing.
- (b) If, in the judgment of an accredited veterinarian, the livestock consigned and delivered on the premises of any licensed public livestock market is in any of the conditions described in subsection (a), such veterinarian shall euthanize humanely the livestock or direct the consignor to immediately remove the livestock from the premises of the public livestock market. All expenses incurred for euthanasia and disposal of the livestock under the provisions of this subsection shall be the responsibility of the consignor. Collection of expenses shall not be the responsibility of the consignee.
- (c) All livestock consigned and delivered on the premises of any licensed public livestock market, before being offered for sale, shall be inspected by a veterinarian authorized by the commissioner who shall visually examine or test, or both, each animal consigned to such market, for the purpose of determining its condition of health and freedom of clinical signs of

infectious or contagious animal diseases that are determined to be reportable by the animal health commissioner. Such regulatory veterinary services shall be contracted for by the animal health commissioner who shall select an accredited veterinarian for each public livestock market. The public livestock market operator, for each public livestock market, shall submit to the animal health commissioner a list of accredited veterinarians to be considered for the position. Such veterinarian shall be authorized to make all required examinations and tests, and to issue certificates of inspection at the public livestock market where such veterinarian serves. All livestock sold, resold, exchanged or transferred, or offered for sale or exchange at a livestock market shall be treated as may be necessary to prevent the spread of contagious or infectious diseases. A certificate of inspection, on a form to be approved by the commissioner, shall be issued to the purchaser by the inspector. For the visual inspection of livestock offered for sale, there shall be collected by the market operator from the consignor a fee which shall be determined by negotiation between the market operator and the market veterinarian but shall not be less than \$.07 per head, except that no fee for inspection shall be collected unless the inspection actually has been made. If the charges per head collected on all livestock inspected at a livestock market on any sales day do not amount to a minimum per diem of \$40 or any amount greater than \$40 negotiated by the operator, the market operator shall be required to supply sufficient funds to provide such amount. Any amount lesser or greater than the \$40 amount specified, shall be determined by negotiation between the market operator and the market veterinarian. A copy of any agreement or contract shall be on file with the commissioner. Payments for veterinary services rendered under a contract as provided in this section shall be paid from the veterinary inspection fee fund, and for such services rendered prior to the end of a fiscal year, payment may be made within 90 days after the end of the fiscal year.

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

(e) The animal health commissioner shall promulgate rules and regulations as may be necessary to carry out the purposes of this section, including, but not limited to, rules and regulations designating any disease as a disease that renders livestock or the carcasses thereof permanently unfit for human consumption.

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

History: L. 1937, ch. 262, § 8; L. 1939, ch. 224, § 5; L. 1947, ch. 302, § 3; L. 1949, ch. 295, § 1; L. 1957, ch. 304, § 1; L. 1970, ch. 206, § 3; L. 1973, ch. 2, § 22; L. 1981, ch. 211, § 1; L. 1991, ch. 152, § 11; L. 1993, ch. 167, § 3; L. 1996, ch. 67, § 1; L. 1997, ch. 129, § 2; L. 2000, ch. 111, § 8; L. 2001, ch. 5, § 167; July 1; L. 2012, ch. 125, § 14; July 1.

47-1009. Dealer to keep books and records; reports to commissioner. Each dealer shall keep such books, records, accounts and memoranda of the business transacted at each community sale conducted and operated by such dealer hereunder, as shall show, among other things, the date on which each lot of livestock was received by the dealer, together with the names of both buyers and sellers thereof, the place of origin of livestock, the make or manufacture and the state license numbers of all vehicles transporting such livestock, together with the names of drivers of such vehicles and the driver's license number and the name of the owner or consignor, signed by owner or consignor, or their agent, to be kept on file at place of business of sale or sales for one year. Each dealer shall also make such reports to the commissioner as to the business transacted, as to the rates and charges for services rendered, as to facilities furnished by the dealer and as to such other matters and things as the commissioner may deem necessary for the effective administration of this act.

History: L. 1937, ch. 262, § 9; L. 1939, ch. 224, § 6; July 30.

47-1010. Penalties for unlawful acts. (a) In addition to the penalties provided in subsection (b), any person shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100 or more than \$1,000, who commits any of the following acts:

- (1) Assumes or attempts to act as a public livestock market operator without a license;
- (2) imposes false charges for handling or services in connection with livestock handled, sold or offered for sale at a public livestock market;
- (3) fails to account promptly, correctly and fully for any livestock sold or handled by him and properly to make settlements therefor;
- (4) makes false or misleading statements as to market conditions at any public livestock market conducted or operated by the person making such statement or for whom such individual is in the employment of;
- (5) makes any false or misleading statements as to the health or physical condition of the livestock or quantity of livestock shipped or sold; or
- (6) fails to comply in any respect with this act and any and all lawful rules, regulations and orders of the commissioner issued and promulgated hereunder.

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

(c) In the case of a continuing violation, every day such violation continues shall be deemed a separate violation for the purposes of assessing civil penalties therefor. Such civil penalty may be assessed in addition to any other penalty provided by

law. The recipient of a civil penalty may appeal the order to the district court in the manner provided by the Kansas judicial review act.

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

History: L. 1937, ch. 262, § 10; L. 1939, ch. 224, § 7; L. 1947, ch. 304, § 3; L. 1965, ch. 333, § 14; June 30.; L. 2012, ch. 125, § 15; July 1.

47-1010a. Inapplicability of act to certain businesses. Nothing in this act shall in any manner affect any person engaged in the business of buying or assembling livestock for the purpose of shipment to any packinghouse which is subject to regulation under what is commonly known as the packers and stockyards act of 1921, or for shipment to a livestock market where federal veterinary inspection is regularly maintained, or for shipment to a public livestock market.

History: L. 1965, ch. 333, § 15; June 30.

47-1011. Fees for sale of livestock; disposition of moneys. (a) The public livestock market operator shall collect from the consignor of horses, mules, cattle, hogs, sheep and goats the fee per head on all such livestock sold at a public livestock market in the amount fixed by the commissioner under this section. The public livestock market operator shall remit to the commissioner on or before the 15th day of each month the amounts collected during the preceding calendar month.

(b) The electronic auction operator shall collect from the consignor of horses, mules, cattle, hogs, sheep and goats the fee per head in an amount fixed by the commissioner under this section on all such livestock sold at an electronic auction if such livestock is located in the state of Kansas. The electronic auction operator shall remit to the commissioner on or before the 15th day of each month the amounts collected during the preceding calendar month.

(c) The fee per head provided for in this section shall be in addition to the inspection fee stated in K.S.A. 47-1008, and amendments thereto, to the license fee payable to the commissioner for licenses mentioned and described in K.S.A. 47-1002, and amendments thereto, and to the fee provided for in K.S.A. 74-534, and amendments thereto.

(d) The commissioner shall determine annually the amount of funds which will be required, in addition to the funds received for fees imposed under K.S.A. 47-1001a and 47-1001e, and amendments thereto, to properly enforce and administer the laws contained in article 10 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and shall fix and adjust from time to time the fee per head imposed under this section in such reasonable sum as may be necessary for such purposes, except that the fee per head fixed under this section shall not be more than \$.25. The fee per head in effect on the day preceding the effective date of this act shall continue in effect until the commissioner fixes a different fee per head under this section.

(e) The commissioner shall remit all moneys received by or for the commissioner under K.S.A. 47-1001a, 47-1001e and this section, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

History: L. 1937, ch. 262, § 11; L. 1939, ch. 224, § 8; L. 1941, ch. 272, § 1; L. 1959, ch. 229, § 1; L. 1967, ch. 293, § 1; L. 1969, ch. 265, § 1; L. 1970, ch. 206, § 4; L. 1973, ch. 2, § 23; L. 1980, ch. 156, § 1; L. 1986, ch. 197, § 2; L. 1991, ch. 152, § 12; L. 2000, ch. 111, § 9; L. 2001, ch. 5, § 168; L. 2010, ch. 105, § 2; Apr. 22.

47-1011a. Brand inspection fees; additional fees collected, when; disposition of fees; livestock market brand inspection fee fund. (a) The public livestock market operator shall collect from the consignor of cattle sold at a public livestock market, where brand inspection of such cattle is requested, by the public livestock market operator, as a brand inspection fee, in addition to amounts specified in K.S.A. 47-1011, and amendments thereto, a sum of not more than \$.40 per head on all such cattle. Such amount shall be determined by the animal health commissioner. If a public livestock market operator requests brand inspection at a public livestock market pursuant to this section, the public livestock market operator shall contract with the animal health commissioner to perform such brand inspection services.

(b) The public livestock market operator shall pay all amounts received under this section to the animal health commissioner.

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

History: L. 1973, ch. 2, § 24; L. 1975, ch. 281, § 1; L. 1982, ch. 223, § 4; L. 1991, ch. 152, § 13; L. 1994, ch. 213, § 3; L. 2001, ch. 5, § 169; July 1; L. 2012, ch. 140, § 85; July 1; L. 2016, ch. 51, § 15; July 1; L. 2016, ch. 51, § 15; July 1.

47-1012. Invalidity of part. If any clause, section, paragraph, or part of this act shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such adjudication shall have taken place.

History: L. 1937, ch. 262, § 12; June 30.

47-1013. Inspectors, contract with; reports; fees. (a) The commissioner shall contract with inspectors and such other persons as in the commissioner's judgment may be necessary to properly administer the provisions of this act. Such persons

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shall be under the direct supervision of the commissioner. The commissioner shall also contract with state brand inspectors as in the commissioner's judgment may be necessary to curtail livestock thefts and assist in the enforcement of the provisions of this act.

(b) The state brand inspectors shall file a report of such inspector's inspections of brands and marks of identification of each sale inspected at the place of inspection, which copy shall be kept for a period of one year from date of filing by the organization conducting such sale.

(c) Fees paid to the state brand inspectors shall be paid out of the fees to be collected as provided in K.S.A. 47-1011a, and amendments thereto.

History: L. 1937, ch. 262, § 13; L. 1939, ch. 224, § 9; L. 1943, ch. 277, § 2; L. 1996, ch. 90, § 9; July 1.

47-1014. Injunction remedy for violations. In addition to the remedies provided under K.S.A. 47-1001 *et seq.*, and amendments thereto, the commissioner is hereby authorized to apply to the district court for an injunction restraining any person from violating any provision of K.S.A. 47-1001 *et seq.*, and amendments thereto. Such court, upon a showing of cause therefore, shall have jurisdiction to grant such injunction irrespective of whether or not there exists an adequate remedy at law.

History: L. 2012, ch. 125, § 1; July 1.

Article 11 - DELIVERIES IN MOTOR VEHICLE

47-1101. Record of sale, purchase or receipt of livestock; exemption. Every person, firm or corporation engaged in the business of buying, purchasing or otherwise receiving livestock from the driver of any auto truck or other motor vehicle shall be required to keep a record of the sale, purchase or receipt of said livestock. The record shall contain the name and post-office address of the driver of the truck or motor vehicle, the license tag thereof, and a description of the livestock. Such record shall be preserved for a period of two years from the date of sale and shall be available to all duly constituted peace officers of this state: *Provided*, That the provisions of this act are not intended to repeal or modify any of the provisions relating to community sales nor shall this act apply to sales or deliveries of livestock to any person or persons regularly engaged in the business and whose principal business is that of farming or livestock raising.

History: L. 1941, ch. 273, § 1; June 30.

47-1102. Penalties for violations. Any person, firm or corporation violating or failing to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than \$1,000 by imprisonment in the county jail for not less than 60 days nor more than six months or by both such fine and imprisonment.

History: L. 1941, ch. 273, § 2; June 30; L. 2012, ch. 125, § 16; July 1.

Article 12 - DISPOSAL OF DEAD ANIMALS

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

(a) "Commissioner" means the animal health commissioner of the state of Kansas.

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

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

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

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

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

History: L. 1943, ch. 198, § 1; L. 1947, ch. 305, § 1; L. 1989, ch. 156, § 52; L. 2001, ch. 163, § 4; May 17; L. 2012, ch. 140, § 86; July 1.

47-1202. Disposal of dead animals, license for; transportation, permit for. It shall be unlawful for any person to engage in the business of operating a disposal plant without first obtaining a license from the commissioner. It shall be unlawful for any person to transport or move upon a public highway carcasses of domestic animals or packing house refuse, except in a vehicle for which a permit has been obtained from the commissioner.

History: L. 1943, ch. 198, § 2; L. 1947, ch. 305, § 2; March 25.

47-1203. Application for license; fee. (a) Application for such license shall be made to the commissioner on forms provided by the commissioner, which application shall set forth:

(1) The name and residence of the applicant;

- (2) the proposed place of business;
- (3) the location of the proposed disposal plant, all proposed substations and all places of transfer;
- (4) the particular method which applicant intends to employ in the disposal of such carcasses and packing house refuse;
- (5) the number and kind of vehicles the applicant intends to use and the proposed methods of operation; and
- (6) such other information as the commissioner may require.

(b) Each application for license shall be accompanied by a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than \$525 for each disposal plant. The fee established by this subsection on the day preceding the effective date of this act shall continue in effect until a different fee is set as provided under this subsection.

History: L. 1943, ch. 198, § 3; L. 1947, ch. 305, § 3; L. 1980, ch. 156, § 2; L. 1991, ch. 152, § 14; L. 1993, ch. 167, § 4; April 22.

47-1204. Investigation and inspection. Upon a receipt of such application with accompanying fee, the commissioner, or some person appointed and designated by him, shall proceed to inspect the buildings, substations, places of transfer, and equipment which the applicant proposes to use in conducting such business, and the vehicles intended to be used in the transportation of carcasses. The person making such investigation and inspection shall record his findings in writing in the office of the commissioner.

History: L. 1943, ch. 198, § 4; April 1

47-1205. Findings by commissioner, notice to applicant; license and permit fees; posting of permits. (a) If the commissioner finds that an applicant is a responsible and suitable person to conduct such business, and that the disposal plant, substations, places of transfer, vehicles, and equipment of such applicant and the methods of operation proposed comply with all the provisions of this act, and with the rules and regulations authorized and adopted under provisions of this act, and that such disposal plants, substations, and places of transfer are located in places approved by the commissioner, the commissioner shall thereupon notify such applicant of such findings.

(b) Upon receipt of such notification, such applicant shall pay to the commissioner the following permit fees:

- (1) \$150 for each substation and
- (2) \$150 for each place of transfer.

(c) Upon receipt of such fees, the commissioner shall issue to such applicant a license for each disposal plant and a permit for each substation and for each place of transfer.

(d) The permit for each substation and place of transfer shall be posted in a conspicuous place on each of such premises.

History: L. 1943, ch. 198, § 5; L. 1947, ch. 305, § 4; L. 1980, ch. 156, § 3; L. 1991, ch. 152, § 15; July 1.

47-1206. Rejection of application; notice; fee not refunded. If the commissioner finds that the buildings, substations, equipment, vehicles, places of transfer, and proposed methods of operation do not fully comply with the requirements of this act and the rules and regulations authorized and adopted hereunder, he shall notify the applicant wherein the same fails to so comply. If, within a reasonable time thereafter, to be fixed by the commissioner, the applicant notifies him that such defects are remedied, a second inspection shall be made in the same manner as upon the original application, and not more than two such inspections need be made under one application. In case a license is refused or denied such applicant, no part of the fee paid by him shall be refunded.

History: L. 1943, ch. 198, § 6; April 1.

47-1207. Vehicle permits; application; fee; posting on vehicles. (a) Application for a permit for a vehicle, or vehicles, to be used in the transportation of carcasses of domestic animals or packing house refuse on public highways shall be made to the commissioner on forms provided by the commissioner. Each such application shall set forth:

- (1) The type, make and year model of each vehicle,
- (2) the area of proposed operations,
- (3) the name and address of the disposal plant or the disposal plants where proposed deliveries are to be made and
- (4) such other information as the commissioner may require.

(b) Each such application shall be accompanied by a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than \$75 for each such vehicle. The fee established by this subsection on the day preceding the effective date of this act shall continue in effect until a different fee is set as provided under this subsection.

(c) The permit for each vehicle used in the transportation upon public highways of the carcasses of domestic animals or packing house refuse, or approved evidence of such permit, shall be attached to such vehicles in a conspicuous place on the left side of the cab.

History: L. 1943, ch. 198, § 7; L. 1947, ch. 305, § 5; L. 1980, ch. 156, § 4; L. 1991, ch. 152, § 16; L. 1993, ch. 167, § 5; April 22.

47-1208. Duration and renewal of licenses and permits. All licenses and permits issued under this act shall expire on September 30 following date of issuance. All applications for renewal of licenses and permits shall be in compliance with the requirements of this act for the issuance of original licenses and permits.

History: L. 1943, ch. 198, § 8; April 1; as amended by 2021 SB 39, sec. 3; effective May 27, 2021.

47-1209. Transportation of carcasses of domestic animals and packing house refuse; conditions and limitations. All vehicles used in the transportation upon public highways of the carcasses of any domestic animals or packinghouse refuse, shall conform with the following conditions and limitations:

- (1) The carcasses of dead animals or packinghouse refuse, shall be placed in containers or vehicles which are constructed of, or lined with, impervious material, and which do not permit the escape of any liquid;
- (2) after original loading, the carcasses of domestic animals shall not be moved from the transporting container or vehicle upon a public highway or in any other place except at the disposal plant, at an authorized substation, or at an authorized place for transfer of carcasses or refuse into line vehicles;
- (3) containers and vehicles shall be disinfected each time before leaving a disposal plant, or substation, and the exterior thereof shall be disinfected each time after loading and before entering the public highway, all in conformance with requirements and regulations prescribed by the commissioner;
- (4) containers and vehicles used for transporting of carcasses of animals or packinghouse refuse shall not be used for the transportation of live animals except to a licensed disposal plant or the transportation of food or feed for human or livestock consumption until properly cleaned and sterilized.

History: L. 1943, ch. 198, § 9; L. 1969, ch. 266, § 1; July 1.

47-1210. Buildings and disposal plants; specifications. All disposal plants, substations, and buildings used in connection therewith shall conform with the following requirements:

- (1) All floors of buildings shall be constructed of concrete or other impervious material;
- (2) adequate sanitary drainage must be provided; and all buildings must be so constructed and maintained that no unsterile liquid is permitted to escape openly therefrom. All disposal plants, substations and places of transfer shall be so located, arranged, constructed, and maintained, and the operation so conducted at all times consistent with public health and safety.

History: L. 1943, ch. 198, § 10; April 1.

47-1211. Disposal of carcasses and refuse; requirements; release of portions of carcasses. (a) The operator of a licensed disposal plant shall dispose of the carcasses of domestic animals or packinghouse refuse by complying with the following standards and requirements:

- (1) The skinning and dismembering of carcasses of domestic animals shall be performed within the building where the carcasses are processed;
 - (2) the cooking vats or tanks shall be airtight, except proper escape for live steam;
 - (3) steam shall be so disposed of as not to be detrimental to public health or safety;
 - (4) the materials not cooked or entirely consumed by burning within the plant, shall be disposed of:
 - (A) By burying to such a depth that no part of such carcass shall be nearer than three feet to the surface of the ground, and shall be covered with quick-lime and with at least three feet of earth; or
 - (B) in such manner as may be prescribed by rules and regulations adopted by the commissioner;
 - (5) all carcasses of domestic animals or packinghouse refuse shall be disposed of within 48 hours after delivery to the disposal plant;
 - (6) all carcasses, parts thereof, or refuse under process for marketing shall not be permitted to come in contact with any part of the building or the equipment used in connection with the unloading, skinning, dismembering and grinding of carcasses or refuse as originally received at disposal plant;
 - (7) the cooking of materials shall be at a temperature of 212° F. (boiling point) for a period of 30 minutes.
- (b) The commissioner may issue a release for portions of carcasses of dead animals which are uncooked, or which are cooked for a period shorter than 30 minutes or at a temperature less than 212° F., or both. Such release requires that the products so released shall be identified by freely slashing and covering all exposed surfaces of such products with an edible green dye or other such suitable substance as may be approved by the commissioner. Such products shall otherwise meet the requirements of the Kansas feeding stuffs statute, article 10 of chapter 2, Kansas Statutes Annotated.

History: L. 1943, ch. 198, § 11; L. 1967, ch. 294, § 1; L. 2001, ch. 163, § 5; May 17.

47-1212. Animal inspection. The commissioner, or his authorized representatives, shall inspect disposal plants, substations, places of transfer, and vehicles at least once each year, and so often as deemed necessary, and shall have free and uninterrupted access of all such buildings and premises.

History: L. 1943, ch. 198, § 12; April 1.

47-1213. Suspension and revocation of licenses; notice and hearing. The commissioner, after providing notice and opportunity for a hearing in accordance with the Kansas administrative procedure act, shall have power to suspend or revoke any license or permit issued under this act for the failure or refusal of any licensee or permit holder to obey and comply with the provisions of this act and all rules and regulations authorized and adopted thereunder.

History: L. 1943, ch. 198, § 13; L. 1988, ch. 356, § 154; July 1, 1989; L. 2012, ch. 125, § 17; July 1.

47-1214. Declaration of construction; "refuse" defined. The provisions of this act shall be construed to apply to the transportation upon public highways of carcasses and refuse, from packing houses or other points of origin to disposal plants or substations. The term "refuse" as used in K.S.A. 47-1201 to 47-1220, inclusive, or any amendments thereto, shall include offal, bones, suet and meat trimmings. The provisions of this act shall not apply to disposal plants operating under the supervision of the United States bureau of animal industry, meat inspection division, or those licensed by the secretary of

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health and environment, meat inspection division, and processing only packing house refuse received from a packing house operated by the same person or group upon contiguous premises.

History: L. 1943, ch. 198, § 14; L. 1951, ch. 319, § 1; L. 1975, ch. 462, § 57; July 1.

47-1215. Rules and regulations; filing. The commissioner may adopt and enforce such reasonable rules and regulations relating to transportation of carcasses of domestic animals and packing house refuse, specifications for disposal plants, substations, places of transfer, equipment and vehicles, and all operations in connection therewith, as the commissioner deems advisable and which are not inconsistent with provisions of this act. All such rules and regulations shall be filed with the secretary of state.

History: L. 1943, ch. 198, § 15; L. 1988, ch. 366, § 15; June 1.

47-1216. Judicial review of commissioner's actions. Any action of the commissioner is subject to review in accordance with the Kansas judicial review act.

History: L. 1943, ch. 198, § 16; L. 1986, ch. 318, § 69; L. 2010, ch. 17, § 86; July 1.

47-1217. Penalties for violations; actions. The willful violation of any of the provisions of this act, or the willful failure to comply with any of the provisions of this act, or any of the rules and regulations adopted thereunder, is hereby made a misdemeanor, and any person upon conviction thereof shall be punished by a fine of not less than \$25 nor more than \$500. It shall be the duty of the attorney general and the various county attorneys, to file suit in a court of competent jurisdiction to enjoin any violation of this act or any rule and regulation authorized and adopted under the provisions of this act.

History: L. 1943, ch. 198, § 17; April 1; L. 2012, ch. 125, § 18; July 1.

47-1218. Disposition of moneys received under article. (a) All moneys received by the animal health commissioner under article 12 of chapter 47 of Kansas Statutes Annotated, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

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

History: L. 1943, ch. 198, § 18; L. 1973, ch. 2, § 25; L. 1986, ch. 197, § 3; L. 2001, ch. 5, § 170; July 1; L. 2012, ch. 140, § 87; July 1.

47-1219. Unlawful disposal; penalty. (a) Any person or persons who shall put any dead animals, carcasses of such animals or domestic fowl, or any part thereof, into any well, spring, brook, branch, river, creek, pond, road, street, alley, lane other than the person's own private driveway, lot not owned or leased by such person, field not owned or leased by such person, meadow not owned or leased by such person or commonly-owned or public property shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$500.

(b) Any owner or owners of any dead animals, carcasses of such animals or domestic fowl, or any part thereof, who shall knowingly permit the same to remain in any well, spring, brook, branch, river, creek, pond, road, street, alley, lane other than the person's own private driveway, lot not owned or leased by such person, field not owned or leased by such person, meadow not owned or leased by such person or commonly-owned or public property to the injury of the health or to the annoyance of or damage to the citizens of the state or any of them, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding \$500. Every 24 hours the owners shall permit the same to remain thereafter shall be deemed an additional offense.

(c) Persons disposing of dead animals shall do so in one of the following ways:

(1) Burial;

(2) incineration;

(3) delivery or unloading of the carcasses of dead animals or packing house refuse at a disposal plant, substation, rendering plant or place of transfer licensed by the commissioner;

(4) composting; or

(5) in accordance with rules and regulations adopted pursuant to K.S.A. 65-1,199, and amendments thereto.

History: L. 1947, ch. 305, § 6; L. 1996, ch. 90, § 10; L. 1998, ch. 143, § 27; May 7; L. 2012, ch. 125, § 19; July 1.

47-1220. Act inapplicable to movement of certain farm animals; exception. The provisions of this act, exclusive of subsection (b) of K.S.A. 47-1219 shall not apply to the movement of the carcasses of cattle and horses from one farm to another, if said carcasses are moved by the person who owned such animals immediately prior to their deaths, and if such animals were not affected with any contagious or infectious disease at the time of their deaths.

History: L. 1947, ch. 305, § 7; March 25.

Article 13 - GARBAGE RESTRICTIONS

47-1301. Garbage defined. As used in article 13 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, "garbage" means all waste material derived in whole or in part from the meat of any animal, including fish and poultry, or other

animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking or consumption of food. For the purposes of article 13 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, "garbage" shall not be deemed to include pasteurized dairy products.

History: L. 1953, ch. 257, § 1; L. 1995, ch. 244, § 2; July 1; L. 2012, ch. 125, § 20; July 1.

47-1302. Unlawful to feed unprocessed garbage to animals; exceptions. (a) Except as provided in subsection (b), it shall be unlawful for any person, firm, partnership or corporation to feed garbage to animals.

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

History: L. 1953, ch. 257, § 2; L. 1989, ch. 156, § 53; L. 2001, ch. 163, § 6; May 17; L. 2012, ch. 125, § 21; July 1.

47-1303. Unlawful acts. (a) It shall be unlawful for the governing body of any city, or any official or employee of a city, to enter into any contract or agreement for the collection or disposal of garbage unless such contract or agreement requires a disposal of garbage in accordance with rules and regulations of the state animal health commissioner, when disposed of by other means.

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

History: L. 1953, ch. 257, § 3; L. 1989, ch. 156, § 54; L. 2001, ch. 163, § 7; May 17; L. 2012, ch. 140, § 89; July 1.

47-1304. Rules and regulations by animal health commissioner. The state animal health commissioner is hereby authorized to promulgate and enforce all rules and regulations deemed necessary to carry out the provisions of K.S.A. 47-1301 through 47-1307, and amendments thereto.

History: L. 1953, ch. 257, § 4; L. 1957, ch. 305, § 1; L. 1989, ch. 156, § 55; L. 2001, ch. 163, § 8; May 17; L. 2012, ch. 140, § 90; July 1.

47-1305. Penalty for violation of act. Any person, firm, partnership, corporation, city or official of any corporation or city, violating the provisions of this act or of any rule or regulation promulgated pursuant thereto shall, upon conviction thereof, be fined not less than \$100 nor more than \$500. Each day the provisions of this act or any rule and regulation made pursuant thereto is violated shall be a separate offense.

History: L. 1953, ch. 257, § 5; March 13; L. 2012, ch. 125, § 22; July 1.

47-1306. Moving garbage or refuse on public street; restrictions. It shall be unlawful to move any garbage or the refuse of any locker plant or slaughterhouse upon any public street, alley, or highway, unless such garbage and such refuse shall be contained in a liquid-tight barrel or container, and so covered as to prevent spilling, or access to flies or insects.

History: L. 1957, ch. 305, § 2; June 29; L. 2012, ch. 125, § 23; July 1.

Article 14 - HUMANE SLAUGHTER

47-1401. Humane methods; state policy. It is declared to be the policy of this state to require that the slaughter of all livestock and the handling of livestock, in connection with slaughter, shall be carried out only by humane methods.

History: L. 1961, ch. 256, § 1; Jan. 1, 1962.

47-1402. Same; definitions. As used in this act: (a) "Person" means any individual, partnership, corporation, or association doing business in this state, in whole or in part.

(b) "Slaughterer" means any person regularly engaged in the commercial slaughtering of livestock.

(c) "Livestock" means cattle, calves, sheep, swine, horses, mules, goats, aquatic animals, domesticated deer, all creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas, and any other animal which can or may be used in and for the preparation of meat or meat products.

(d) "Packer" means any person engaged in the business of slaughtering of livestock.

(e) "Stockyard" means any place, establishment, or facility commonly known as a stockyard, conducted or operated for compensation or profit as a public market, consisting of pens, or other enclosures, and their appurtenances, for the handling, keeping, and holding of livestock for the purpose of sale or shipment.

(f) "Humane method" means either:

(a) A method whereby the animal is rendered insensible to pain by mechanical, electrical, chemical, or other means that is rapid and effective, before being shackled, hoisted, thrown, cast, or cut; or

(b) a method in accordance with ritual requirements of the Jewish faith or any other religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

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

History: L. 1961, ch. 256, § 2; L. 1992, ch. 102, § 3; L. 1993, ch. 143, § 6; L. 1994, ch. 79, § 6; July 1.

47-1403. Same; unlawful acts. No slaughterer, packer, or stockyard operator shall: (a) Shackle, hoist, or otherwise bring livestock into position for slaughter, by any method which shall cause injury or pain; or
(b) bleed or slaughter any livestock except by a humane method. The handling or other preparation of livestock for ritual slaughter shall be exempt from the provisions of this act.

History: L. 1961, ch. 256, § 3; Jan. 1, 1962.

47-1404. Same; certain method of slaughter declared inhumane. The use of a manually operated hammer, sledge, or poleax is declared to be an inhumane method of slaughter within the meaning of this act.

History: L. 1961, ch. 256, § 4; Jan. 1, 1962.

47-1405. Same; penalties for violations of act. Any person who violates any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by law.

History: L. 1951, ch. 256, § 5; Jan. 1, 1962.

Article 15 - FEEDLOTS

47-1501. Definitions. As used in this act:

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

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

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

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

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

(f) "Commissioner" means the state animal health commissioner.

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

History: L. 1963, ch. 287, § 1; L. 1989, ch. 156, § 56; L. 2012, ch. 140, § 91; July 1.

47-1502. Feeding livestock as agricultural pursuit; zoning. Feeding of livestock, and animal husbandry, for the purpose of this act shall be considered to be, and shall be construed to be, an agricultural pursuit: *Provided*, Such agricultural pursuit may be subject to any city zoning provisions created under the laws of Kansas or any subdivision thereof.

History: L. 1963, ch. 287, § 2; June 30.

47-1503. Feedlot operator's license; fees; disposition of moneys. (a) It shall be unlawful for any person to operate a feedlot within the state of Kansas without having first obtained a license from the animal health commissioner authorizing and permitting such operation.

(b) An operator of any feedlot in the state of Kansas, or a person desiring to operate a feedlot in the state of Kansas shall obtain from the animal health commissioner, a license to operate a feedlot, unless exempted therefrom. The owner or operator of any livestock feedlot, with a capacity of less than 1,000 head of livestock, may apply for and obtain a license for feedlot operations, if such owner or operator chooses and elects to come under the terms and provisions of this act, but the licensing for operations at a capacity of less than 1,000 head shall not be required.

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

(d) Feedlot licenses shall be issued for the term of one year, to expire on September 30 following the date of issuance. Feedlot licenses may be continued in force by annual renewal or extension of such license with the payment of an annual license fee, and with continued compliance by the operator with the provisions of this act, and rules and regulations adopted hereunder.

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

Feedlot capacity	Maximum fee
Under 1,000 head.....	\$75
1,000 to 2,999 head.....	\$350
3,000 to 5,999 head.....	\$650
6,000 to 9,999 head.....	\$750
10,000 to 17,999 head.....	\$1,100
18,000 to 29,999 head.....	\$1,500

30,000 to 49,999 head.....	\$1,650
50,000 to 99,999 head.....	\$1,800
100,000 head and over.....	\$2,000

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

(f) For the purposes of this subsection, "animal unit" means the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of swine weighing 55 pounds or less multiplied by 0.1; plus the number of sheep or lambs multiplied by 0.1; plus the number of goats multiplied by 0.1. Each swine, sheep and goat feedlot operator, who shall be granted a license, shall pay a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner for such license and for annual renewal thereof, in accordance with and subject to the following schedule of maximum fees:

Feedlot capacity	Maximum fee
300 to 999 animal units.....	\$75
1,000 to 2,999 animal units.....	\$350
3,000 to 5,999 animal units.....	\$650
6,000 to 9,999 animal units.....	\$750
10,000 to 17,999 animal units.....	\$1,100
18,000 to 29,999 animal units.....	\$1,500
30,000 to 49,999 animal units.....	\$1,650
50,000 to 99,999 animal units.....	\$1,800
100,000 animal units and over.....	\$2,000

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

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

History: L. 1963, ch. 287, § 3; L. 1970, ch. 207, § 1; L. 1973, ch. 2, § 27; L. 1980, ch. 156, § 6; L. 1986, ch. 197, § 5; L. 1991, ch. 152, § 18; L. 1993, ch. 167, § 6; L. 2001, ch. 5, § 171; L. 2010, ch. 105, § 3; Apr. 22; L. 2012, ch. 140, § 92; July 1; as amended by 2021 SB 39, sec. 4; effective May 27, 2021.

47-1504. Meetings of commission; calling, notice, minutes. The board is authorized and required to meet upon call by the commissioner, or upon written request of a majority of the members of the board. The secretary of the board shall keep minutes of all meetings called under authority of this act, separate, but concurrent with other duties prescribed by law. At least 10 days' notice shall be given of all called meetings of the board by the person or persons calling the meeting, unless the chairperson and secretary and the commissioner agree upon a shorter notice period.

History: L. 1963, ch. 287, § 4; L. 1989, ch. 156, § 57; July 1.

47-1505. Standards of operations for feedlots. Owners and operators who are granted a feedlot license shall:

- (1) Provide reasonable methods for the disposal of animal excrement;
- (2) provide chemical and scientific control procedure for prevention and eradication of pests;
- (3) provide adequate drainage, from feedlot premises, and such drainage shall be so constructed as to control pollution of streams and lakes;
- (4) provide adequate veterinarian services for detection, control and elimination of livestock diseases;
- (5) have available for use at all times, mechanical means for scraping, cleaning and grading feedlot premises;
- (6) provide weather resistant aprons adjacent to all permanently affixed feed bunks, water tanks, and feeding devices;
- (7) conduct feedlot operations in conformity with established practices in the feedlot industry as approved by regulations made and promulgated by the commissioner, and in accordance with the standards set forth in this act.

Any feedlot operated in compliance with such standards, and in compliance with the regulations made and promulgated by the commissioner shall be deemed to be prima facie evidence that a nuisance does not exist.

History: L. 1963, ch. 287, § 5; L. 1967, ch. 295, § 1; April 20.

47-1506. Powers and duties of the animal health commissioner. (a) The animal health commissioner shall have the power to:

- (1) Receive applications for feedlot licenses;
- (2) issue licenses to qualifying applicants;
- (3) make and enforce reasonable regulations pertaining to the operation of feedlots, within the framework of the standards set forth in this act, and acts amendatory and supplemental thereto;
- (4) make rules of procedure for the administration and enforcement of this act; and

(5) determine adequateness of the compliance with the requirements fixed in standards prescribed in this act.

(b) The commissioner shall have the duty to

(1) Prepare, design and have printed application forms which shall be available to feedlot operators and to applicants for such a license. Such forms shall provide for answers and statements by applicants, to disclose whether such applicants can, and are capable of complying with standards of operation set forth in this act, and as set forth in the regulations made by such commissioner under authority of this act;

(2) keep, maintain and compile all necessary records; and

(3) undertake and carry through research studies, investigations and surveys which are needed and required for the proper administration of this act.

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

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

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

History: L. 1963, ch. 287, § 6; L. 1988, ch. 356, § 156; July 1, 1989; L. 2012, ch. 140, § 93; July 1.

47-1507. Review of actions of commissioner and board. (a) If any feedlot operator is aggrieved by any action of the commissioner pertaining to the operation and licensed feedlot operations, other than an order of the commissioner resulting from a hearing conducted in accordance with the Kansas administrative procedure act, such aggrieved operator shall have the right to appeal to the board, by serving written notice upon the commissioner within 15 days after notice of such action is deposited in the mail, addressed to such operator, as evidenced by date stamp applied by the United States postal service.

Upon the filing of such a notice of appeal with the commissioner, the commissioner shall cause the matter to be set for hearing for a date certain within 30 days after receipt of such notice of appeal. The commissioner shall call the board into session for the purpose of hearing such appeal in the county where the operation is being conducted. The board shall conduct a hearing thereon in accordance with the provisions of the Kansas administrative procedure act and issue an order and decision determining whether the grievance of such operator is justified. If the record shows any abuse of discretion or any misinterpretation of the law or rules and regulations by the commissioner, the board may reverse the decision of the commissioner or modify or affirm the commissioner's decision.

An order of the commissioner resulting from a hearing in accordance with the provisions of the Kansas administrative procedure act is subject to review by the board in accordance with K.S.A. 77-527 and amendments thereto.

(b) Any action of the board pursuant to subsection (a) is subject to review in accordance with the Kansas judicial review act.

(c) The commissioner and, upon appeal, the board shall have the exclusive power to determine whether or not a feedlot operator has complied with the standards set forth in this act and rules and regulations adopted by the commissioner, subject to review as provided by subsection (b).

History: L. 1963, ch. 287, § 7; L. 1986, ch. 318, § 70; L. 1988, ch. 356, § 157; L. 1989, ch. 156, § 58; L. 2010, ch. 17, § 87; July 1.

47-1508. Compensation of board members. The members of the board shall receive no compensation for their services, but shall be reimbursed for all necessary expenses, including travel and subsistence, in connection with the performance of their duties as members of the board, and may be allowed a reasonable per diem for service in hearing appeals and in performance of assigned services as members of committees.

History: L. 1963, ch. 287, § 8; L. 1989, ch. 156, § 59; July 1.

47-1509. Unlawful acts; penalty. Any person violating any of the provisions of this act, or any regulation promulgated by the commissioner, thereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$500. Each day upon which a violation shall be committed, or shall be permitted to continue, shall be deemed to be a separate offense.

History: L. 1963, ch. 287, § 9; June 30; L. 2012, ch. 125, § 24; July 1.

47-1510. Invalidity of part. If any part of this act be declared unconstitutional, by any court of competent jurisdiction, the validity of the remaining parts of said act shall not hereby be affected or impaired.

History: L. 1963, ch. 287, § 10; June 30.

47-1511. Planning assistance for feedlots. Upon request of the animal health commissioner, the secretary of health and environment shall make staff engineers available to assist:

(1) an operator of any feedlot in the state of Kansas; and
(2) any person who has applied for a license to operate a feedlot in the state of Kansas, in the development of plans and in the design for the construction of facilities for a feedlot in order to control pollution of streams and lakes. Nothing in this act shall be construed as limiting the authority of the secretary of health and environment in matters of stream and lake pollution as provided for in K.S.A. 65-161 through 65-171h, and amendments thereto.

History: L. 1967, ch. 295, § 2; L. 1975, ch. 462, § 58; L. 1989, ch. 156, § 60; July 1; L. 2012, ch. 140, § 94; July 1.

Article 18 - MISCELLANEOUS

47-1801. Payment for livestock purchased for slaughter; definitions. As used in K.S.A. 47-1801 through 47-1803, amendments thereto, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them in this section:

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

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

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

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

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

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

History: L. 1975, ch. 279, § 1; L. 1993, ch. 143, § 7; L. 1994, ch. 79, § 7; July 1; L. 2012, ch. 125, § 36; July 1.

47-1802. Same; unlawful acts; payment by check, requirements; penalty. (a) Unless otherwise agreed to in writing between the owner and the purchaser or their respective agent or representative for each transaction, it shall be unlawful for any person who purchases livestock for slaughter, whether acting individually or as an agent or representative of another, to fail or refuse to make payment by check or wire transfer of funds to the owner of such livestock, owner's representative, agent or assignee, for such livestock on the business day within which the ownership of said livestock is transferred within the state of Kansas, except that if the transfer of ownership is accomplished after normal banking hours said payment shall be made in the manner herein provided not later than the close of the first business day following the transfer of ownership. For the purposes of this section, where livestock is sold and purchased on a "grade and yield" basis, the transfer of ownership shall be deemed to have occurred on the day when the grade and yield is determined.

(b) Whenever payment for livestock purchased for slaughter is made by check, such check shall be drawn on a banking institution within the same federal reserve district in which the transaction takes place, unless otherwise agreed to in writing between the owner and the purchaser or their respective agent or representative.

(c) Any person violating any of the provisions of this section shall be deemed guilty of a class B misdemeanor.

History: L. 1975, ch. 279, § 2; July 1.

47-1803. Disposition of injured or diseased animals. (a) Any public health officer, officer or agent of a duly incorporated humane society, animal shelter or other appropriate facility, licensed veterinarian or police officer may take charge of any livestock or other domestic animal found injured or diseased upon public property. Such animal may be transported to a licensed veterinarian or a duly incorporated humane society, animal shelter or other appropriate facility for treatment, or, if such animal is injured or diseased beyond recovery or appears likely to injure any person or property, such animal may be killed in a humane manner by any such officer or agent.

(b) Any public health officer, officer or agent of a duly incorporated humane society, animal shelter or other appropriate facility, licensed veterinarian or police officer may take charge of any livestock or other domestic animal found injured or diseased upon private property if such animal appears likely to injure any person or property. The disposition of such animal shall be as provided in subsection (a) of this section.

(c) Unless any such animal's death appears to be imminent by reason of its disease or disability, or such animal is likely to injure any person or property, no such animal may be killed under the provisions of this section unless its owner cannot be located within twenty-four (24) hours.

History: L. 1975, ch. 280, § 1; July 1.

47-1804. Registration of livestock dealers; definitions. As used in K.S.A. 47-1804 through 47-1808, amendments thereto, unless the context otherwise requires:

(a) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

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

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

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

(e) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for:

- (1) Breeding stock;
- (2) any carcass, skin or part of such animal;
- (3) exhibition; or
- (4) companionship.

History: L. 1984, ch. 194, § 1; L. 1990, ch. 193, § 2; L. 1993, ch. 143, § 8; L. 1994, ch. 79, § 8; July 1; L. 2012, ch. 125, § 37; July 1; L. 2013, ch. 133, § 21; July 1.

47-1805. Livestock dealer; registration; fees; disposition of moneys. (a) Any person operating as a livestock dealer in Kansas shall register with the Kansas department of agriculture division of animal health. Registration shall be made on an application form approved by the animal health commissioner. The application shall be accompanied by the livestock dealer registration fee or renewal fee fixed by the commissioner under subsection (b). If an application for registration or renewal of registration is denied by the commissioner or withdrawn by the applicant, the fee shall not be refunded. Unless renewed under this section, each registration shall expire on the September 30 following the date of issuance.

(b) The animal health commissioner shall determine annually the amount of funds required for the administration and enforcement of this section and K.S.A. 47-1806, and amendments thereto, and shall fix and adjust from time to time a livestock dealer registration fee and a renewal fee in such reasonable amounts as may be necessary for such purposes, except that in no case shall either the livestock dealer registration fee or the renewal fee exceed \$75.

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

History: L. 1984, ch. 194, § 2; L. 1986, ch. 197, § 7; L. 1991, ch. 152, § 20; L. 2001, ch. 5, § 173; July 1; L. 2012, ch. 140, § 103; July 1; as amended by 2021 SB 39, sec. 5; effective May 27, 2021.

47-1806. Livestock dealer; records and accounts; denial of application or suspension or revocation of registration, hearings. (a) Each livestock dealer shall keep records and accounts of all livestock purchased for resale that are sufficient to enable the commissioner to trace individual animals back to the herd of origin, to the point of destination or both. These records and accounts shall be kept for a minimum of two years after livestock were purchased for resale. The commissioner or the commissioner's employees or agents may examine the records and accounts during normal working hours.

(b) After notice and hearing in accordance with the provisions of the Kansas administrative procedure act, the commissioner may deny any application for registration or suspend or revoke any registration in force, if formal findings are made that the person has failed repeatedly to maintain records and accounts that are sufficient to allow the commissioner to trace animals back to the herd of origin, to the point of destination or both.

History: L. 1984, ch. 194, § 3; L. 1988, ch. 356, § 160; July 1, 1989.

47-1807. Penalties. Any person violating or failing to comply with the provisions of K.S.A. 47-1804 through 47-1808, and amendments thereto, shall be deemed guilty of a class A misdemeanor.

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

History: L. 1984, ch. 194, § 4; L. 1990, ch. 193, § 3; July 1; L. 2012, ch. 125, § 38; July 1.

47-1808. Bonding of livestock dealers; exceptions; amount of bond; who bond benefits; additional bond may be required; attorney fees assessed as costs in certain actions; penalties. (a) Except if bonded under the packers and stockyards act, 1921, as amended and supplemented, 7 U.S.C. 181 *et seq.*, every livestock dealer required to be registered pursuant to K.S.A. 47-1805, and amendments thereto, upon notification by the animal health commissioner of the amount of bond required, shall file with the animal health commissioner a bond with good corporate surety qualified under the laws of the state of Kansas in a sum computed by dividing the dollar value of livestock sold during the preceding business year, or the substantial part of that business year, in which the livestock dealer did business, by the actual number of days on which livestock was sold. The divisor, the number of days on which livestock was sold, shall not exceed 130. The amount of bond coverage must be the next multiple of \$5,000 above the amount so determined. When the computation exceeds \$75,000, the amount of bond coverage need not exceed \$75,000 plus 10% of the excess over \$75,000, raised to the next \$5,000 multiple. In cases where a business operation is being commenced, an estimated amount of business to be transacted during the next

12 months may be used subject to adjustment later, if indicated. In no event shall the bond be for an amount less than \$10,000.

(b) The bond shall be in favor of the state of Kansas for the benefit of all persons interested, their legal representatives, attorneys or assigns and shall be conditioned on the faithful performance of all the registrant's duties as a livestock dealer. Any person injured by the breach of any obligation of the livestock dealer may commence suit on the bond in any court of competent jurisdiction to recover damages that the person has sustained, but any suit commenced shall either be a class action or shall join as parties plaintiff or parties defendant or other persons who may be affected by such suit on the bond. No bond shall be canceled by the surety on less than 30 days' notice by mail to the animal health commissioner and the principal except that no such notice shall be required for cancellation of any bond by reason of nonpayment of the premium thereon. The liability of the surety on the bond may continue for each successive registration period the bond covers. The total liability of the surety shall be limited to the amount stated on the current bond or on an appropriate rider or endorsement to the current bond. It is the intent of this statute that the bonds be nonaccumulative, that stacking of bonds not occur in excess of the face value of the current bond.

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

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

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

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

History: L. 1990, ch. 193, § 1; July 1; L. 2012, ch. 140, § 104; July 1.

47-1809. Feral swine; prohibited acts related to such swine; penalties; appeals; destruction of such swine; duties of animal health commissioner. (a) As used in this section, "feral swine" means any untamed or undomesticated hog, boar or pig; swine whose reversion from the domesticated state to the wild state is apparent; or an otherwise freely roaming swine having no visible tags, markings or characteristics indicating that such swine is from a domestic herd, and reasonable inquiry within the area does not identify an owner. Feral swine includes members of the species *sus scrofa lineas*, including, but not limited to, swine commonly known as old world swine, Russian wild boar, European wild boar, Eurasian wild boar and razorbacks. Feral swine does not include members of the species *sus domestica* which are involved in domestic hog production.

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

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

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

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

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

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

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

(i) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the animal health commissioner to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to request a hearing in the matter. Any such person, within 20 days after notification, may make written request to the commissioner for a hearing in accordance with the provisions of the Kansas administrative procedure act.

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

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

(l) The animal health commissioner of the Kansas department of agriculture, or the authorized representative of the animal health commissioner, may destroy or require the destruction of any feral swine upon discovery of such swine.

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

(n) The animal health commissioner may adopt rules and regulations to carry out the provisions of this section.

History: L. 1995, ch. 244, § 1; L. 2000, ch. 121, § 2; L. 2001, ch. 5, § 174; L. 2006, ch. 114, § 1; L. 2010, ch. 17, § 91; L. 2012, ch. 125, § 39; Jan. 1, 2013.

47-1825. Short title. The provisions of K.S.A. 47-1825 through 47-1828, and amendments thereto, shall be known and may be cited as the farm animal and field crop and research facilities protection act.

History: L. 1990, ch. 192, § 1; L. 2001, ch. 90, § 1; July 1; L. 2012, ch. 125, § 40; July 1.

47-1826. Definitions. As used in the farm animal and field crop and research facilities protection act:

(a) "Animal" means any warm or coldblooded animal used in food, fur or fiber production, agriculture, research, testing or education and includes dogs, cats, poultry, fish and invertebrates.

(b) "Animal facility" includes any vehicle, building, structure, research facility or premises where an animal is kept, handled, housed, exhibited, bred or offered for sale.

(c) "Consent" means assent in fact, whether express or apparent.

(d) "Deprive" means to:

(1) Withhold an animal or other property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the animal or property is lost to the owner;

(2) restore the animal or other property only upon payment of reward or other compensation; or

(3) dispose of an animal or other property in a manner that makes recovery of the animal or property by the owner unlikely.

(e) "Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if:

(1) Induced by force, fraud, deception, duress or threat;

(2) given by a person the offender knows is not legally authorized to act for the owner; or

(3) given by a person who by reason of youth, mental disease or defect or under the influence of drugs or alcohol is known by the offender to be unable to make reasonable decisions.

(f) "Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

(g) "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a joint or common interest or other legal entity.

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

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

History: L. 1990, ch. 192, § 2; L. 2001, ch. 90, § 2; July 1; L. 2012, ch. 125, § 41; July 1.

47-1827. Prohibited acts; criminal penalties. (a) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, damage or destroy an animal facility or any animal or property in or on an animal facility.

(b) No person shall, without the effective consent of the owner, acquire or otherwise exercise control over an animal facility, an animal from an animal facility or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property and to damage the enterprise conducted at the animal facility.

(c) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility:

(1) Enter an animal facility, not then open to the public, with intent to commit an act prohibited by this section;

(2) remain concealed, with intent to commit an act prohibited by this section, in an animal facility;

(3) enter an animal facility and commit or attempt to commit an act prohibited by this section; or

(4) enter an animal facility to take pictures by photograph, video camera or by any other means.

(d) (1) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, enter or remain on an animal facility if the person:

(A) Had notice that the entry was forbidden; or

(B) received notice to depart but failed to do so.

(2) For purposes of this subsection (d), "notice" means:

(A) Oral or written communication by the owner or someone with apparent authority to act for the owner;

(B) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

(C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

(e) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(f) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, enter any property, with the intent to damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(g) (1) Violation of subsection (a) or (e) is a severity level 7, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of \$25,000 or more. Violation of subsection (a) or (e) is a severity level 9, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of at least \$1,000 but less than \$25,000. Violation of subsection (a) or (e) is a class A nonperson misdemeanor if the facility, animals, field crop product or property damaged or destroyed is of the value of less than \$1,000 or is of the value of \$1,000 or more and is damaged to the extent of less than \$1,000.

(2) Violation of subsection (b) is a severity level 10, nonperson felony.

(3) Violation of subsection (c) is a class A, nonperson misdemeanor.

(4) Violation of subsection (d) or (f) is a class B nonperson misdemeanor.

(h) The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their duties under law.

History: L. 1990, ch. 1092, § 3; L. 2001, ch. 90, § 3; L. 2006, ch. 194, § 32; May 25.

47-1828. Recovery of damages. (a) Any person who has been damaged by reason of a violation of K.S.A. 47-1827, and amendments thereto may bring an action in the district court against the person causing the damage to recover:

(1) An amount equal to three times all actual and consequential damages. Actual and consequential damages shall include the damages involving production, research, testing, replacement and crop or animal development costs directly related to the field crop or animal that has been damaged or destroyed; and

(2) court costs and reasonable attorney fees.

(b) Nothing in this act shall be construed to affect any other rights of a person who has been damaged by reason of a violation of this act. Subsection (a) shall not be construed to limit the exercise of any such rights arising out of or relating to a violation of K.S.A. 47-1827, and amendments thereto.

History: L. 1990, ch. 192, § 4; L. 2001, ch. 90, § 4; July 1.

47-1831. Animal health commissioner authorized to register original veterinary certificates and provide official calfhood vaccination tags. (a) The animal health commissioner is hereby authorized to:

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

(2) provide official calfhood vaccination tags and may require reimbursement for the actual cost of the tags. The commissioner may also charge a processing fee for such tags that shall not exceed \$.20 for each tag.

(b) The commissioner shall determine the processing fee annually and shall fix such fee by rules and regulations.

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

History: L. 1991, ch. 152, § 1; L. 2001, ch. 5, § 175; July 1; L. 2012, ch. 140, § 106; July 1; as amended by 2021 SB 39, sec. 7; effective May 27, 2021.

47-1832. Animal health commissioner to establish rules and regulations on farm and exotic animals. The animal health commissioner is hereby authorized to establish rules and regulations on disease control programs for and on the sale and importation into Kansas of farm animals and exotic animals. As used in this section "farm animals" and "exotic animal" means the definitions given by rules and regulations in 9 C.F.R. 1.1, pursuant to 7 U.S.C. § 2131 *et seq.*

History: L. 1991, ch. 152, § 2; L. 1993, ch. 143, § 12; July 1; L. 2012, ch. 140, § 107; July 1.

47-1833. Chronic wasting disease tests; results reported to animal health commissioner. (a) All tests for chronic wasting disease must be conducted in laboratories in a method approved by the animal plant health inspection service of the United States department of agriculture.

(b) All results of testing for chronic wasting disease shall be reported to the animal health commissioner.

History: L. 2013, ch. 90, § 2; July 1.

Article 20 - KANSAS SHEEP COUNCIL

47-2001. Definitions. As used in this act:

(a) "Council" means the Kansas sheep council.

(b) "Purchaser" means any person, public or private corporation, association or partnership who buys sheep or wool from the seller or acts as an agent for the sale or slaughter transaction.

(c) "Producer" means a person who is actively engaged within this state in the business of producing or marketing sheep or wool and who receives income from the production of sheep or wool.

(d) "Sale" or "sold" means a transaction in which the property in or to sheep or wool is transferred from the seller to a purchaser for full or partial consideration.

- (e) "Secretary" means the secretary of agriculture.
- (f) "Sheep" means an animal of the ovine species, produced, fed, slaughtered or marketed in this state.
- (g) "Wool" means the natural fiber produced by sheep.
- (h) "Seller" means any private entity or corporation that sells sheep or wool.

History: L. 1992, ch. 275, § 1; L. 2004, ch. 101, § 85; July 1.

47-2002. Kansas sheep council; members, officers, compensation. (a) There is hereby created the Kansas sheep council.

(b) The council shall consist of seven members who will be elected at the annual meeting of the Kansas sheep association. The board of directors of the Kansas sheep association shall act as interim council members until council members can be elected and qualified. Vacancies which may occur shall be filled for unexpired terms by the board of directors of the Kansas sheep association from among the producers of the state. Each council member appointed on and after the effective date of this act, other than a council member appointed to fill a vacancy for an unexpired term, shall be elected for a term of four years except that three of the council members first elected on and after the effective date of this act shall be elected for a term of two years. No member may serve more than one consecutive term. Upon the expiration of a term of a member of the council, such member shall continue to serve as a member of the council until a successor to such member is elected and qualified.

(c) Members of the council shall be residents of this state and have been an active producer in this state for at least five years immediately preceding their appointment. Of such members, two members shall be lamb feeders, two members shall have ewe flocks, one member shall produce purebred sheep and two members shall be from producers at large. The selections shall be made from nominations for each respective position by each respective producer group. The elections will be held at an open session to all sheep producers at the annual meeting of the Kansas sheep association.

(d) The dean of the college of agriculture of Kansas state university or the dean's representative and the secretary or the secretary's designee shall serve as ex officio nonvoting members of the board.

(e) The council shall annually elect a chairperson from its membership.

(f) A member of the council may cease to hold such member's position on the council for any of the following reasons, at the discretion of a majority of the council, upon resolution duly adopted by the council dismissing such member:

- (1) Failure to attend two or more regular meetings of the council; or
- (2) ceasing to be a producer.

(g) Members of the Kansas sheep council attending meetings of such council, or attending a subcommittee meeting authorized by such council, shall be paid compensation and other expenses.

(h) The council shall meet at least once every calendar quarter regularly and hold an annual meeting which shall be open to the public. The day, time and place of each meeting shall be determined by the council. The chairperson or any three members of the council may call special meetings of the council upon such notice as may be prescribed by the duly adopted rules and regulations of the council.

History: L. 1992, ch. 275, § 2; July 1.

47-2003. Same; powers and duties. In the administration of this act, the council shall have the following duties, authorities and powers:

- (a) To conduct a campaign of market development, through research, education and promotion;
- (b) to find new markets for sheep and wool, or their products;
- (c) to accept grants and donations;
- (d) to sue and be sued;
- (e) to enter into such contracts as may be necessary or advisable for the purpose of this act;
- (f) to appoint an administrator who is knowledgeable about the sheep industry and fix the compensation. With the approval of the council, the administrator may appoint such other personnel as is needed;
- (g) to cooperate or contract with any local, state or national organization or agency, whether voluntary or created by the law of any state, or by national law, engaged in work or activities similar to the work and activities of the council, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and promotion;
- (h) to establish an office of the administrator at any place in this state the council may select;
- (i) to adopt, rescind, modify and amend all necessary and proper orders, resolutions and rules and regulations for the procedure and exercise of its powers and the performance of its duties; and
- (j) to approve an annual budget and establish a reserve. Each market research project budgeted and approved by the council shall include a stated objective and anticipated results. In the council's annual report to the industry, the council shall include those objectives and actual results.

History: L. 1992, ch. 275, § 3; July 1.

47-2004. Assessment; receipts, refunds. (a) An assessment to be set by the council at not more than \$.02 for each pound of wool produced and sold by a seller and not more than \$.35 per head for each sale transaction or slaughter transaction for each sheep of all classes shall be imposed on the seller at the time of delivery of the wool or sheep to the purchaser who will deduct the assessment from the price paid to the seller at the time of sale. If the seller sells, ships, or otherwise disposes of wool or sheep to a purchaser or other person outside the state of Kansas, the seller shall deduct the assessment from the amount received from the sale. Any sheep owned less than 30 days or any sheep less than 30 days of age shall be exempt from such assessment.

(b) The council shall not change the assessment rate, either to increase or reduce, more than once a year. The administrator shall furnish to every purchaser receipt forms which shall be issued by such purchaser to the seller upon

payment of such assessment. The form shall indicate thereon the procedure by which the seller may obtain a refund of any such assessment, except a refund shall not be issued unless the amount of the refund is \$5 or more. Within one year after any and all sales during such period the seller, upon submission of a request therefor to the administrator, may obtain such refund in the amount of the assessment deducted by the purchaser. Such request shall be accompanied by evidence of the payment of the assessment which need not be verified.

(c) The council shall keep complete records of all refunds made under the provisions of this section. Records of refunds may be destroyed two years after the refund is made. All funds expended in the administration of this act and for the payment of all claims whatsoever growing out of the performance of any duties or activities pursuant to this act shall be paid from the proceeds derived from such act. In the case of a lien holder who is a first purchaser as defined herein, the assessment shall be deducted by the lien holder from the proceeds of the claim secured by such lien at the time the sheep or wool, or their products, is pledged or mortgaged. The assessment shall constitute a preferred lien and shall have priority over all other liens and encumbrances upon such sheep or wool, or their products. The assessment shall be deducted and paid as herein provided whether such sheep or wool, or their products, is in this or any other state.

History: L. 1992, ch. 275, § 4; July 1.

47-2005. Collection and disbursement of assessment. (a) The council shall negotiate and contract with a person or persons to collect and disburse the assessments pursuant to this act.

(b) The assessment hereby imposed, on or before the 20th day of the calendar month following the date of settlement, shall be paid by the purchaser or seller who sells out of state to such person or persons. The person or persons shall issue a receipt to the purchaser or seller therefor and shall remit all moneys received in payment of such assessment to a bank account at least monthly.

(c) Each bank account for use in operating and conducting the council's duties shall be secured by pledge of securities in the manner prescribed for state bank accounts under K.S.A. 75-4218, and amendments thereto or if such bank account is in an institution outside the state of Kansas, the institution shall be licensed by a state or the federal government.

(d) All money collected pursuant to K.S.A. 47-2004 shall be expended in the administration of this act, and for the payment of claims based upon obligations incurred in the performance of the activities and functions set forth in this act, and for no other purpose.

History: L. 1992, ch. 275, § 5; July 1.

47-2006. Lien; foreclosure. If the assessment is not deducted and paid to the person or persons as provided in K.S.A. 47-2005, or within 10 days thereafter, such lien, within one year after the expiration of such 10-day period, may be foreclosed by action in any court having jurisdiction in the county in which such sheep or wool, or their products, was sold, or in which such sheep or wool, or their products, may be found, or in which such sheep or wool, or their products, shall have been commingled with other sheep or wool, or their products.

History: L. 1992, ch. 275, § 6; July 1.

47-2007. Penalties. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment in the county jail for not less than 30 nor more than 90 days, or by both such fine and imprisonment.

History: L. 1992, ch. 275, § 7; July 1.

Article 21 - DOMESTICATED DEER

32-951. Game breeder permit. (a) Except as provided further, a game breeder permit is required to engage in the business of raising and selling game birds, game animals, furbearing animals or such other wildlife as required by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.

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

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

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

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

(f) Any person who is engaged in the business of raising domesticated deer shall not be required to have a game breeder permit as required by this section. As used in this section, "domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for: (1) Breeding stock;

(2) any carcass, skin or part of such animal;

- (3) exhibition; or
- (4) companionship.

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

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

History: L. 1943, ch. 171, § 4; L. 1978, ch. 152, § 7; L. 1987, ch. 138, § 3; L. 1989, ch. 118, § 82; L. 1991, ch. 106, § 1; L. 1993, ch. 143, § 4; L. 2007, ch. 144, § 1; July 1; L. 2012, ch. 140, § 7; July 1.

47-2101. Raising domesticated deer; unlawful acts; permit; identification of deer; inspection of premises;

communications with assistance from wildlife, parks and tourism; definitions. (a) It shall be unlawful for any person to possess domesticated deer unless such person has obtained from the animal health commissioner a domesticated deer permit. Application for such permit shall be made in writing on a form provided by the commissioner. The permit period shall be for the permit year ending on September 30 following the issuance date.

(b) Each application for issuance or renewal of a permit shall be accompanied by a fee of not more than \$400 as established by the commissioner in rules and regulations.

(c) The animal health commissioner shall adopt any rules and regulations necessary to enforce the provisions of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, ensure compliance with federal requirements and protect domestic animals and wildlife from disease risks related to domestic deer production.

(d) Any person who fails to obtain a permit as prescribed in subsection (a) shall be deemed guilty of a class C nonperson misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

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

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

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

(3) substantial misrepresentation;

(4) the person who is issued a permit is found to be poaching or illegally obtaining deer; or

(5) the permit holder's willful disregard of any rule or regulation adopted under this section.

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

(g) Each domesticated deer, regardless of age, that enters a premises alive or leaves a premises alive or dead for any purpose, other than for direct movement to a licensed or registered slaughter facility in Kansas, shall have official identification, as prescribed by rules and regulations of the commissioner. Any person who receives a permit issued pursuant to subsection (a) shall keep records of such deer as required by rules and regulations adopted pursuant to this section.

(h) (1) The animal health commissioner or the commissioner's representatives may inspect the premises and records of any person issued a domesticated deer permit, but shall not inspect such premises and records more than once each permit year, unless the commissioner has:

(A) Discovered a violation of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto; or

(B) received a complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations adopted pursuant to this section.

(2) The commissioner or the commissioner's representatives may inspect unlicensed premises when the commissioner has reasonable grounds to believe that a person is violating the provisions of this section.

(i) The animal health commissioner, on an annual basis, shall transmit to the secretary of wildlife, parks and tourism a current list of persons issued a permit pursuant to this section. The Kansas department of agriculture may request assistance from the department of wildlife, parks and tourism to assist in implementing and enforcing article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto.

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

(k) As used in this section:

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

(2) "Domesticated deer" means any member of the family cervidae that was legally obtained and is being sold or raised in a confined area for:

(A) Breeding stock;

(B) any carcass, skin or part of such animal;

(C) exhibition; or

(D) companionship.

History: L. 1993, ch. 143, § 1; L. 2001, ch. 5, § 175; L. 2010, ch. 105, § 4; L. 2010, ch. 155, § 17; July 1; L. 2012, ch. 140, § 108; July 1; L. 2013, ch. 90, § 5; July 1; L. 2015, ch. 2, § 1; July 1; as amended by 2021 SB 39, sec. 6; effective May 27, 2021.

47-2102. Intentionally releasing domesticated deer; penalty. (a) It shall be unlawful for any person to intentionally release or set free domesticated deer from a confined area.

(b) Violation of this section is a class C nonperson misdemeanor.

History: L. 1993, ch. 143, § 2; July 1.

47-2103. Raising domesticated deer; civil penalty. In addition to or in lieu of any other civil or criminal penalty provided by law, the animal health commissioner, upon a finding that a person has violated or failed to comply with any provision of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation adopted thereunder, may impose on such person a civil fine not exceeding \$1,000 for each violation. Each day any provision of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation adopted pursuant thereto is violated shall constitute a separate offense.

History: L. 2013, ch. 90, § 1; July 1.

Article 22 - OSTRICHES

47-2201. Classifying ostriches, emus and rheas as livestock. All creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas, are hereby classified as livestock and shall be subject to all appropriate laws and rules and regulations relating to livestock.

History: L. 1994, ch. 79, § 1; July 1.

MISCELLANEOUS STATUTES

48-3502. Creation of working group; organization. (a) There is hereby established the Kansas national bio and agro defense facility interagency working group.

(b) The working group shall consist of the following members ex officio: The secretary of health and environment, the secretary of commerce or designee, the secretary of administration or designee, the secretary of agriculture or designee, the animal health commissioner or designee, the secretary of revenue or designee, the attorney general or designee, the state board of regents or designee, the mayor of the city of Manhattan or designee, the chairperson of the Leavenworth county board of commissioners or designee, the adjutant general (the state director of homeland security) or designee and the superintendent of the Kansas highway patrol or designee.

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

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

History: L. 2007, ch. 6, § 2; Feb. 22; L. 2012, ch. 140, § 109; July 1.

65-171i. Feedlot law administration not affected by this act. Nothing in this act shall be construed as limiting the authority of the state animal health commissioner in matters concerning the administration of the law concerning feedlots, K.S.A. 47-1501 et seq., and amendments thereto.

History: L. 1967, ch. 333, § 6; L. 1989, ch. 156, § 63; July 1; L. 2012, ch. 140, § 110; July 1.

65-5721. Commission on emergency planning and response; establishment; members; terms, compensation and expenses. (a) There is hereby established the commission on emergency planning and response.

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

- (1) The fire marshal;
- (2) the department of health and environment;
- (3) the department of transportation;
- (4) the Kansas highway patrol;
- (5) the adjutant general;
- (6) the department of commerce;
- (7) the Kansas bureau of investigation;
- (8) the Kansas department of agriculture; and
- (9) the Kansas department of agriculture division of animal health.

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

- (1) One individual shall be representative of counties;
- (2) one individual selected to represent cities;
- (3) three individuals selected to represent businesses and industries, one of which represents broadcasting;

- (4) one individual selected to represent agriculture, crop or livestock;
- (5) one individual selected to represent transportation, trucking or rail;
- (6) one individual selected to represent energy;
- (7) one individual selected to represent law enforcement officers;
- (8) one individual selected to represent fire fighters;
- (9) one individual selected to represent county emergency managers;
- (10) one individual selected to represent emergency medical services;
- (11) one individual selected to represent public works services;
- (12) one individual selected to represent hospitals;
- (13) one individual selected to represent public health;
- (14) one individual selected to represent the tribes of Kansas;
- (15) one individual selected to represent individuals with disabilities; and
- (16) one individual selected to represent the seven regional homeland security councils.

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

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

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

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

History: Executive Reorganization Order No. 29, L. 1999, ch. 192, § 1; L. 2003, ch. 154, § 19; L. 2007, ch. 8, § 1; July 1; L. 2012, ch. 140, § 111; July 1.

66-1319. Powers granted to members of highway patrol; inspection and registration of vehicles; cooperation of state agencies. (a) Members of the Kansas highway patrol shall exercise the power and authority of the superintendent of the Kansas highway patrol in the execution of the duties imposed upon the superintendent by this act to the extent that the exercise of such power and authority is delegated to such members by the superintendent or is prescribed by law. In enforcing the laws referred to in K.S.A. 66-1318, and amendments thereto, members of the highway patrol are authorized and empowered to inspect any motor vehicle required by law to comply with any of such laws and rules and regulations relating thereto. Except as otherwise provided in K.S.A. 8-1910, and amendments thereto, whenever any member of the highway patrol shall determine that any vehicle is not properly registered under or not in compliance with any of such laws, such member of the highway patrol may require such vehicle to be driven to the nearest motor carrier inspection station, if there is one within five miles, and if not, to another suitable place, and remain there until the driver thereof has complied with any or all of such laws. Any driver of a vehicle who fails or refuses to drive such vehicle to the nearest inspection station or other suitable place when so directed by a member of the highway patrol shall be deemed guilty of a misdemeanor.

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

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

History: L. 1977, ch. 304, § 4; L. 1988, ch. 266, § 9; July 1; L. 2012, ch. 140, § 112; July 1.

KANSAS ANIMAL HEALTH BOARD

74-4001. Kansas animal health board; creation; membership; appointment and terms of office; vacancies. There is hereby created a Kansas animal health board. On and after July 1, 2004, such board shall consist of nine members and all members shall be appointed by the governor. On and after July 1, 2004, the governor shall appoint five members to comply with the provisions of this act. The two current members of the board for whom their term of office expires on July 1, 2005, and the two current members of the board for whom their term of office expires on July 1, 2006, shall serve their terms of office as provided by law. The members appointed shall represent the major species or phases of the livestock industry and one member shall be a licensed dog or cat breeder, one member shall be a licensed veterinarian, one member shall represent auction markets, one member shall represent the swine industry, one member shall represent the dairy cattle industry and three members shall represent the beef cattle industry. Members of the board shall be appointed for a term of three years, except that, the the five members appointed to comply with the provisions of this act shall be appointed for terms as follows: One member for a term ending July 1, 2005; one member for a term ending July 1, 2006; and three members for terms ending July 1, 2007. Whenever a vacancy occurs on the board, by reason of the expiration of a member's term of office, the governor shall appoint a successor of like qualifications in the manner and for the term of office prescribed in this section. In case of a vacancy occurring on the board before the expiration of a member's term, the governor shall appoint a successor of like

qualifications for the remainder of the unexpired term. Members of the board holding office at the time this act takes effect shall continue in office until their successors are appointed and qualified.

History: L. 1943, ch. 200, § 1; L. 1961, ch. 390, § 1; L. 1969, ch. 258, § 1; L. 2004, ch. 116, § 4; July 1.

74-4002. Same; chairman of animal health board; meetings; compensation and expenses. The members of the Kansas animal health board shall choose their own chairman, who shall serve for a term of one year. Such board shall meet at least once in each quarter. Meetings may be called and held at the discretion of the chairman, and meetings shall be called by the chairman upon written request of a majority of the members of such board. Members of the Kansas animal health board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. Amounts paid under this section shall be paid from appropriations to the animal health commissioner upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner.

History: L. 1943, ch. 200, § 2; L. 1967, ch. 413, § 3; L. 1969, ch. 258, § 2; L. 1974, ch. 348, § 68; July 1; L. 2012, ch. 140, § 113; July 1.

74-4003. Same; advisory board to animal health commissioner. It shall be the duty of the Kansas animal health board to serve in an advisory capacity to the animal health commissioner. It shall aid the commissioner in determining policies and plans relating to the commissioner's office.

History: L. 1943, ch. 200, § 3; L. 1969, ch. 258, § 3; July 1; L. 2012, ch. 140, § 114; July 1.

EXECUTIVE REORGANIZATION ORDER NO. 40, JULY 1, 2011

74-5,119. Powers, duties and functions of animal health department transferred to department of agriculture; appointment of animal health commissioner. (a) The division of animal health is hereby established within the Kansas department of agriculture. The division of animal health shall be a continuation of the Kansas animal health department and the animal health commissioner shall be a continuation of the livestock commissioner of the Kansas animal health department. The division shall be administered under the supervision of the secretary of agriculture, by the animal health commissioner, who shall be the chief administrative officer of the division. On the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, the secretary of agriculture shall appoint the animal health commissioner. Thereafter, upon a vacancy in the office of animal health commissioner, the Kansas animal health board shall submit three nominations to the secretary of agriculture for the office of animal health commissioner, and the secretary of agriculture shall choose one of the three nominations to appoint as the animal health commissioner. The animal health commissioner shall serve at the pleasure of the secretary and the animal health board. The animal health commissioner shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture, with the approval of the governor.

(b) All of the powers, duties and functions of the existing Kansas animal health department and the existing livestock commissioner of the Kansas animal health department are hereby transferred to and imposed upon the animal health division within the Kansas department of agriculture and the animal health commissioner, respectively.

(c) The secretary of agriculture shall appoint such employees as may be needed to carry out the powers and duties of the program, and all such officers and employees shall be within the classified or unclassified service.

History: Executive Reorganization Order No. 40, § 8; L. 2011, ch. 135, § 8; July 1.

74-5,120. Animal health department and livestock commissioner abolished. The Kansas animal health department and the office of livestock commissioner as established by K.S.A. 75-1901, and amendments thereto, are hereby abolished.

History: Executive Reorganization Order No. 40, § 9; L. 2011, ch. 135, § 9; July 1.

74-5,121. Department of agriculture successor to animal health department; application of documentary references and designations; rules and regulations, orders and directives of secretary continued in effect until superseded. (a) The animal health commissioner of the Kansas department of agriculture shall be the successor in every way to the powers, duties and functions of the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which the same were vested prior to the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the Kansas animal health department and the livestock commissioner of the Kansas animal health department in which such powers, duties and functions were vested prior to the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto.

(b) Whenever the Kansas animal health department or the livestock commissioner of the Kansas animal health department, or words of like effect, are referred to or designated by a statute, contract, memorandum of understanding, plan, grant, waiver or other document, such reference or designation shall be deemed to apply to the animal health division of the Kansas department of agriculture or the animal health commissioner under the secretary of agriculture.

(c) All rules and regulations, orders and directives of the livestock commissioner of the Kansas animal health department that are in effect on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the animal health division of

the Kansas department of agriculture until revised, amended, revoked or nullified pursuant to law, by the secretary of agriculture.

(d) Before any proposed rules and regulations of the animal health commissioner of the division of animal health of the department of agriculture are submitted to the secretary of administration or the attorney general pursuant to K.S.A. 77-420, and amendments thereto:

(1) The animal health commissioner shall submit such rules and regulations to the animal health board; and

(2) the animal health board shall review and make recommendations to the animal health commissioner and the secretary of agriculture regarding such proposed rules and regulations.

History: Executive Reorganization Order No. 40, § 10; L. 2011, ch. 135, § 10; July 1.

74-5,121a. “Agency head” means the secretary or animal health commissioner. For purposes of administrative proceedings of the division of animal health of the Kansas department of agriculture, “agency head” means the Kansas secretary of agriculture or the animal health commissioner of the Kansas department of agriculture, when acting on behalf of the secretary.

History: L. 2012, ch. 125, § 2; July 1.

74-5,122. Animal health board and pet animal advisory board continued. (a) The Kansas animal health board, created by K.S.A. 74-4001, and amendments thereto, is hereby continued in existence within the animal health division of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto. Persons who are members of the Kansas animal health board on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall continue to hold such offices under the conditions and limitations provided under K.S.A. 74-4001, and amendments thereto.

(b) The Kansas pet animal advisory board, created by K.S.A. 47-1725, and amendments thereto, is hereby continued in existence within the animal health division of the department of agriculture with respect to powers, duties and functions of the Kansas animal health department that are transferred under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto. Persons who are members of the Kansas pet animal advisory board on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall continue to hold such offices under the conditions and limitations provided under K.S.A. 47-1725, and amendments thereto.

History: Executive Reorganization Order No. 40, § 11; L. 2011, ch. 135, § 11; July 1.

74-5,123. Department of agriculture successor to animal health department and livestock commissioner. The Kansas department of agriculture shall succeed to all property, property rights and records of the Kansas animal health department and the livestock commissioner of the Kansas animal health department.

History: Executive Reorganization Order No. 40, § 12; L. 2011, ch. 135, § 12; July 1.

74-5,124. Funds and liabilities transferred from animal health department to department of agriculture. (a) On the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, the balances of all funds or accounts thereof appropriated or reappropriated for the Kansas animal health department are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to acts of the legislature, all fees and grant funds dedicated to animal health programs shall remain dedicated to animal health programs on and after the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto.

History: Executive Reorganization Order No. 40, § 13; L. 2011, ch. 135, § 13; July 1.

74-5,125. Transfer of officers and employees; rights and benefits preserved. (a) (1) The secretary of agriculture in consultation with the animal health commissioner shall determine such employees as are necessary to enable the secretary to carry out the duties of the animal health division. The livestock commissioner of the animal health department shall become the animal health commissioner of the animal health division of the Kansas department of agriculture on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto. All other officers and employees of the Kansas animal health department who, immediately prior to such date, were engaged in the performance of powers, duties and functions for the Kansas animal health department and who are, in the opinion of the secretary of agriculture in consultation with the animal health commissioner, necessary to perform the powers, duties and functions of the Kansas animal health department that are transferred under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall become officers and employees of the department of agriculture and are hereby transferred to the Kansas department of agriculture on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto.

(2) All classified employees transferred under this subsection (a) shall retain their status as classified employees. Thereafter, the secretary of agriculture may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees of the Kansas animal health department transferred under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall retain all retirement benefits and leave balances and rights that had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. Any subsequent transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall affect the classified status of any transferred person employed by the Kansas animal health department prior to the date of transfer.

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(c) Liability for accrued compensation or salaries of each officer and employee who is transferred from the Kansas animal health department to the Kansas department of agriculture under K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto, shall be assumed and paid by the Kansas department of agriculture on the effective date of K.S.A. 2015 Supp. 74-5,112 through 74-5,132, and amendments thereto.

History: Executive Reorganization Order No. 40, § 14; L. 2011, ch. 135, § 14; July 1.

LIVESTOCK COMMISSIONER

75-1901. Animal health commissioner; appointment; qualifications; executive officer of department; Kansas animal health department created. A animal health commissioner shall be appointed by the secretary of agriculture and shall serve as the executive officer of the Kansas department of agriculture division of animal health. The person so appointed shall have been actively engaged in one of the major phases of the livestock industry for a period of not less than five years immediately preceding such person's appointment. Before entering upon the duties of such office, such commissioner shall take and subscribe an oath of office to faithfully and honestly discharge the duties of such office to the best of such commissioner's knowledge and ability, and shall file the same with the secretary of state. The animal health commissioner shall serve at the pleasure of the secretary of agriculture and the animal health board.

History: L. 1905, ch. 495, § 1; L. 1919, ch. 286, § 1; R.S. 1923, 75-1901; L. 1967, ch. 434, § 57; L. 1969, ch. 258, § 4; July 1; L. 2012, ch. 140, § 115; July 1.

75-1903. Commissioner and livestock sanitary commissioner means animal health commissioner; livestock commission and commission means Kansas animal health board. (a) Whenever in any of the statutes of this state the term "livestock sanitary commissioner" is used, or the term "commissioner" is used to refer to the livestock sanitary commissioner, such terms shall be construed to mean the animal health commissioner appointed by the secretary of agriculture pursuant to K.S.A. 74-5,119, and amendments thereto.

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

History: L. 1969, ch. 258, § 7; July 1; L. 2012, ch. 140, § 116; July 1.

75-3141. Animal health commissioner; compensation. The animal health commissioner shall devote full time to the discharge of official duties, and shall be within the unclassified service under the Kansas civil service act. The commissioner's compensation shall be determined by the secretary of agriculture, subject to the approval of the governor.

History: R.S. 1923, 75-3141; L. 1933, ch. 271, § 15; L. 1937, ch. 329, § 31; L. 1945, ch. 325, § 2; L. 1949, ch. 442, § 1; L. 1963, ch. 419, § 11; L. 1965, ch. 458, § 24; L. 1967, ch. 443, § 18; L. 1969, ch. 258, §5; L. 1978, ch. 332, § 40; L. 1989, ch. 156, § 64; July 1; L. 2012, ch. 140, § 117; July 1.

75-3142. Same; appointment of employees. The animal health commissioner is hereby authorized to appoint, within the provisions of the civil service law and within available appropriations, such employees as are necessary to properly discharge the duties of office.

History: R.S. 1923, 75-3142; L. 1933, ch. 271, § 16; L. 1937, ch. 329, § 32; L. 1943, ch. 277, § 22; L. 1969, ch. 258, § 6; July 1; L. 2012, ch. 140, § 118; July 1.