

1 As Amended by House Committee

2  
3 [As Amended by Senate Committee of the Whole]

4 *Session of 2003*

5  
6 **SENATE BILL No. 238**

7  
8 By Committee on Ways and Means

9  
10 2-17

11  
12 ~~AN ACT enacting the efficiency in local government act; amending~~  
13 ~~K.S.A. 12-301 and 12-3000 and K.S.A. 2002 Supp. 10-205 and re-~~  
14 ~~pealing the existing sections; AN ACT concerning livestock; enact-~~  
15 ~~ing the competitive livestock markets act.~~

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

18 ~~New Section 1. As used in this act:~~

19 ~~— (a) “Board” means the board of county commissioners.~~

20 ~~— (b) “City” means any city.~~

21 ~~— (c) “Commission” means a reorganization study commission selected~~  
22 ~~pursuant to section 2, and amendments thereto.~~

23 ~~— (d) “County” means any county.~~

24 ~~— New Sec. 2. (a) The board of county commissioners of a county and~~  
25 ~~the governing body of any city or cities located within such county may~~  
26 ~~adopt a joint resolution providing for the establishment of a reorganiza-~~  
27 ~~tion study commission to prepare a plan for the reorganization of the~~  
28 ~~county and such city or cities located in such county. If the governing~~  
29 ~~body of a city within the county does not adopt such joint resolution, such~~  
30 ~~city shall not be included within nor subject to the provisions of any~~  
31 ~~reorganization plan in regard to the status of such city as a separate entity~~  
32 ~~from the county.~~

33 ~~— Such resolution shall not be effective until the question has been sub-~~  
34 ~~mitted to and approved by a majority of the qualified electors of the~~  
35 ~~county voting at an election thereon. Such election shall be called and~~  
36 ~~held in the manner provided by the general bond law.~~

37 ~~— (b) Any resolution adopted pursuant to subsection (a) shall provide~~  
38 ~~for the establishment of a reorganization study commission and shall pro-~~  
39 ~~vide either that the members be appointed or that the members be~~  
40 ~~elected by the qualified electors of the county on a nonpartisan basis. If~~  
41 ~~the commission is to be elected, the procedure for holding such election~~  
42 ~~shall be determined by such resolution. The laws applicable to the pro-~~  
43 ~~cedure, manner and method provided for the election of county officers~~

1 ~~shall apply to the election of members of the commission except that such~~  
2 ~~election shall be called in the manner provided by the general bond law.~~

3 ~~— (c) If a majority of the qualified electors of the county voting on a~~  
4 ~~resolution submitted pursuant to subsection (a) vote in favor thereof, the~~  
5 ~~commission shall be elected or appointed as provided by the resolution.~~  
6 ~~The number of members on a reorganization study commission shall be~~  
7 ~~determined by the resolution. At least 1/3 of the membership of a reor-~~  
8 ~~ganization study commission shall be residents of the unincorporated area~~  
9 ~~of the county.~~

10 ~~— New Sec. 3. — (a) Within 30 days following the certification of the re-~~  
11 ~~sults of the election or appointment of members of the reorganization~~  
12 ~~study commission, the chairperson of the board of county commissioners,~~  
13 ~~acting as the temporary chairperson of the commission, shall call and hold~~  
14 ~~an organizational meeting of the commission. The commission shall elect~~  
15 ~~a chairperson, vice chairperson and other officers deemed necessary. The~~  
16 ~~commission may adopt rules governing the conduct of its meetings.~~

17 ~~— (b) The commission shall be subject to the open meetings law and~~  
18 ~~the open records law.~~

19 ~~— (c) Members of the commission shall be reimbursed for the actual~~  
20 ~~and necessary expenses incurred in the performance of their official~~  
21 ~~duties.~~

22 ~~— (d) The commission may appoint an executive director of the com-~~  
23 ~~mission. The executive director shall *[may]* receive compensation estab-~~  
24 ~~lished by the commission. The executive director shall *[may]* employ~~  
25 ~~other staff and may contract with consultants, as the executive director~~  
26 ~~deems necessary to carry out the functions of the commission. Staff em-~~  
27 ~~ployed by the executive director shall *[may]* receive compensation es-~~  
28 ~~tablished by the executive director and approved by the commission.~~

29 ~~— (e) The commission shall prepare and adopt a budget for the oper-~~  
30 ~~ation and functions of the commission and commission activities.~~

31 ~~— New Sec. 4. — (a) The commission shall prepare and adopt a plan ad-~~  
32 ~~dressing the reorganization of the city or cities and county or certain city~~  
33 ~~and county offices, functions, services and operations. The commission~~  
34 ~~shall conduct such studies and investigations as it deems appropriate to~~  
35 ~~complete its work. Such studies and investigations shall include, but not~~  
36 ~~be limited to:~~

37 ~~— (1) Studies of the efficiency and effectiveness of the administrative~~  
38 ~~operations of the city or cities and county.~~

39 ~~— (2) Studies of the costs and benefits of reorganizing the city or cities~~  
40 ~~and county or certain city or cities and county offices, functions, services~~  
41 ~~and operations.~~

42 ~~— (b) The commission shall hold public hearings for the purpose of~~  
43 ~~receiving information and materials which will aid in the drafting of the~~

1 ~~plan.~~

2 ~~—(c) For the purposes of performing its studies and investigations, the~~  
3 ~~commission or its executive director may administer oaths and affirma-~~  
4 ~~tions, subpoena witnesses, compel their attendance, take evidence, re-~~  
5 ~~quire the production of any books, papers, correspondence, memoranda,~~  
6 ~~agreements or other documents or records which the commission or ex-~~  
7 ~~ecutive director deems relevant or material to its studies and investigation.~~

8 ~~—(d) The commission shall prepare and adopt a preliminary plan ad-~~  
9 ~~dressing the reorganization of the city or cities and county or certain city~~  
10 ~~and county offices, functions, services and operations it deems advisable.~~  
11 ~~Copies of the preliminary plan shall be filed with the county election~~  
12 ~~officer, city clerk of each city to be reorganized and each public library~~  
13 ~~within the county and shall be available to members of the public for~~  
14 ~~inspection upon request. The commission shall hold at least two public~~  
15 ~~hearings to obtain citizen views concerning the preliminary plan. At least~~  
16 ~~seven days shall elapse between the holding of such hearings. Notice of~~  
17 ~~such hearings shall be published at least once in a newspaper of general~~  
18 ~~circulation within the county. Following the public hearings on the pre-~~  
19 ~~liminary plan, the commission may adopt, or modify and adopt, the pre-~~  
20 ~~liminary plan as the final plan.~~

21 ~~—(e) The final plan shall include the full text and an explanation of the~~  
22 ~~proposed plan, and comments deemed desirable by the commission, a~~  
23 ~~written opinion by an attorney admitted to practice law in the state of~~  
24 ~~Kansas and retained by the executive director for such purpose that the~~  
25 ~~proposed plan is not in conflict with the constitution or the laws of the~~  
26 ~~state, and any minority reports. Copies of the final plan shall be filed with~~  
27 ~~the county election officer, city clerk of each city to be reorganized and~~  
28 ~~each public library within the county and shall be available to members~~  
29 ~~of the public for inspection upon request. The commission shall continue~~  
30 ~~in existence at least 90 days following the submission of the final plan for~~  
31 ~~approval at an election as provided by subsection (f).~~

32 ~~—(f) The final plan shall be submitted to the qualified electors of the~~  
33 ~~county at the next general election of the county held at least 45 days~~  
34 ~~following the adoption of the final plan by the commission. Such election~~  
35 ~~shall be called and held by the county election officer in the manner~~  
36 ~~provided by the general election law. A summary of the final plan shall~~  
37 ~~be prepared by the commission and shall be published at least once each~~  
38 ~~week for two consecutive weeks in a newspaper of general circulation~~  
39 ~~within the county.~~

40 ~~—If a majority of the qualified electors of the county voting on the plan~~  
41 ~~vote in favor thereof, the reorganization plan shall be implemented in the~~  
42 ~~manner provided by the plan except that no city shall be reorganized with~~  
43 ~~the county and no offices, functions, services or operations of a city shall~~

~~1 be reorganized with the county unless such reorganization plan is ap-  
2 proved by a majority of the qualified electors of such city voting at the  
3 election held on such plan.~~

~~4 — There shall be printed on the ballots at any election called to approve  
5 the final plan the following statement:~~

~~6 —“If the majority of the qualified electors of a county and the majority  
7 of the qualified electors of a city voting at the election to approve the  
8 final plan vote in favor of such plan, such city shall be included within  
9 and subject to the provisions of such plan.~~

~~10 — If the majority of the qualified electors of a city voting at the election  
11 to approve the final plan, do not vote in favor of such plan, such city shall  
12 not be included within nor subject to the provisions of such plan in regard  
13 to the status of such city as a separate entity from the county.”~~

~~14 — If such a majority of the electors vote against such plan, the proposed  
15 reorganization plan shall not be implemented.~~

~~16 — If the commission submits a final plan which does not recommend the  
17 reorganization of the city or cities and county or certain city and county  
18 offices, functions, services and operations, the provisions of this subsec-  
19 tion shall not apply.~~

~~20 — New Sec. 5. (a) Any plan submitted by the commission shall provide  
21 for the exercise of powers of local legislation and administration not in-  
22 consistent with the constitution or other laws of this state.~~

~~23 — (b) If the commission submits a plan providing for the reorganization  
24 of certain city and county offices, functions, services and operations, the  
25 plan shall:~~

~~26 — (1) Include a description of the form, structure, functions, powers  
27 and officers and the duties of such officers recommended in the plan.~~

~~28 — (2) Provide for the method of amendment or abandonment of the  
29 plan.~~

~~30 — (3) Authorize the election, appointment or elimination of elective of-  
31 ficials and offices.~~

~~32 — (4) Specify the effective date of the reorganization.~~

~~33 — (5) In the case of multi-city reorganization with a county, the plan  
34 shall include provisions addressing the situation if the plan is approved  
35 by the electors of one, but not all cities to be reorganized under the plan.~~

~~36 — (6) Include other provisions determined necessary by the  
37 commission.~~

~~38 — (c) If the plan provides for the reorganization of the city or cities and  
39 county, in addition to the requirements of subsection (b) the plan shall:~~

~~40 — (1) Fix the boundaries of the governing body’s election districts, pro-  
41 vide a method for changing the boundaries from time to time, any at-  
42 large positions on the governing body, fix the number, term and initial  
43 compensation of the governing body of the reorganized city-county and~~

- 1 ~~the method of election;~~
- 2 ~~—(2) Determine whether elections of the governing body of the reor-~~  
3 ~~ganized city-county shall be partisan or nonpartisan elections and the time~~  
4 ~~at which such elections shall be held;~~
- 5 ~~—(3) Determine the distribution of legislative and administrative duties~~  
6 ~~of the reorganized city-county officials, provide for reorganization or ex-~~  
7 ~~ansion of services as necessary, authorize the appointment of a reorgan-~~  
8 ~~ized city-county administrator or a city-county manager, if deemed ad-~~  
9 ~~visable, and prescribe the general structure of the reorganized city-county~~  
10 ~~government;~~
- 11 ~~—(4) Provide for the official name of the reorganized city-county;~~
- 12 ~~—(5) Provide for the transfer or other disposition of property and other~~  
13 ~~rights, claims and assets of the county and city;~~
- 14 ~~—New Sec. 6. (a) If the voters approve a plan which provides for the~~  
15 ~~reorganization of the city or cities and county, such reorganized city-~~  
16 ~~county shall be subject to the provisions of this section;~~
- 17 ~~—(b) The reorganized city-county shall be subject to the cash-basis and~~  
18 ~~budget laws of the state of Kansas;~~
- 19 ~~—(c) Except as provided in subsection (d), and in any other statute~~  
20 ~~which specifically exempts bonds from the statutory limitations on bonded~~  
21 ~~indebtedness, the limitation on bonded indebtedness of a reorganized~~  
22 ~~city-county under this act shall be determined by the commission in the~~  
23 ~~plan, but shall not exceed 30% of the assessed value of all tangible taxable~~  
24 ~~property within such county on the preceding August 25;~~
- 25 ~~—(d) The following shall not be included in computing the total bonded~~  
26 ~~indebtedness of the reorganized city-county for the purposes of deter-~~  
27 ~~mining the limitations on bonded indebtedness:~~
- 28 ~~—(1) Bonds issued for the purpose of refunding outstanding debt, in-~~  
29 ~~cluding outstanding bonds and matured coupons thereof, or judgments~~  
30 ~~thereon;~~
- 31 ~~—(2) Bonds issued pursuant to the provisions of article 46 of chapter~~  
32 ~~19 of the Kansas Statutes Annotated, and amendments thereto;~~
- 33 ~~—(3) Bonds issued for the purpose of financing the construction or~~  
34 ~~remodeling of a courthouse, jail or law enforcement center facility, which~~  
35 ~~bonds are payable from the proceeds of a retailer's sales tax;~~
- 36 ~~—(4) Bonds issued for the purpose of acquiring, enlarging, extending~~  
37 ~~or improving any storm or sanitary sewer system;~~
- 38 ~~—(5) Bonds issued for the purpose of acquiring, enlarging, extending~~  
39 ~~or improving any municipal utility;~~
- 40 ~~—(6) Bonds issued to pay the cost of improvements to intersections of~~  
41 ~~streets and alleys or that portion of any street immediately in front of city~~  
42 ~~or school district property;~~
- 43 ~~—(c) Any bonded indebtedness and interest thereon incurred by the~~

1 ~~city or cities or county prior to reorganization or refunded thereafter shall~~  
2 ~~remain an obligation of the property subject to taxation for the payment~~  
3 ~~thereof prior to such reorganization.~~

4 ~~— (f) Upon the effective date of the reorganization of the city or cities~~  
5 ~~and county, any retailers' sales tax levied by the city or cities or county in~~  
6 ~~accordance with K.S.A. 12-187 *et seq.*, and amendments thereto, prior to~~  
7 ~~such date shall remain in full force and effect, except that part of the rate~~  
8 ~~attributable to the city or cities to be reorganized shall not apply to retail~~  
9 ~~sales in the cities which are not reorganized with the county. The reor-~~  
10 ~~ganized city-county shall be a class A, B, C or D city as determined by~~  
11 ~~the commission in the plan.~~

12 ~~— (g) Upon the effective date of the reorganization of the city or cities~~  
13 ~~and county, the territory of the reorganized city-county shall include:~~

14 ~~— (1) All of the territory of the county for purposes of exercising the~~  
15 ~~powers, duties and functions of a county.~~

16 ~~— (2) All of the territory of the county, except the territory of the cities~~  
17 ~~which are not reorganized with the county and the unincorporated area~~  
18 ~~of the county, for purposes of exercising the powers, duties and functions~~  
19 ~~of a city.~~

20 ~~— (h) For the purposes of section 1 of article 5 of the constitution of~~  
21 ~~the state of Kansas, the "voting area" for the governing body of the re-~~  
22 ~~organized city-county shall include all the territory within the county.~~

23 ~~— (i) Except for the reorganized city-county and unless otherwise pro-~~  
24 ~~vided by law, other political subdivisions of the county shall not be af-~~  
25 ~~ected by reorganization of the city or cities and county. Such other po-~~  
26 ~~litical subdivisions shall continue in existence and operation.~~

27 ~~— (j) Unless otherwise provided by law, the reorganized city-county~~  
28 ~~shall be eligible for the distribution of any funds from the state and federal~~  
29 ~~government as if no reorganization had occurred. Except as provided in~~  
30 ~~this subsection, the population and assessed valuation of the territory of~~  
31 ~~the reorganized city-county shall be considered its population and as-~~  
32 ~~essed valuation for purposes of the distribution of moneys from the state~~  
33 ~~or federal government.~~

34 ~~— (k) The reorganized city-county shall be a county. The governing~~  
35 ~~body of the reorganized city-county shall be considered county commis-~~  
36 ~~sioners for the purposes of section 2 of article 4 of the constitution of the~~  
37 ~~state of Kansas and shall have all the powers, functions and duties of a~~  
38 ~~county and may exercise home rule powers in the manner and subject to~~  
39 ~~the limitations provided by K.S.A. 19-101a, and amendments thereto, and~~  
40 ~~other laws of this state.~~

41 ~~— The governing body of the reorganized city-county shall be responsible~~  
42 ~~for any duties or functions imposed by the constitution of the state of~~  
43 ~~Kansas and other laws of this state upon any county office abolished by~~

1 ~~the reorganization plan. Such duties may be delegated by the governing~~  
2 ~~body or as provided in the reorganization plan.~~

3 ~~—(l) The reorganized city-county shall be a city of the first, second or~~  
4 ~~third class as determined by the commission in the plan. The governing~~  
5 ~~body of the reorganized city-county shall have all the powers, functions~~  
6 ~~and duties of a city of such class and may exercise home rule powers in~~  
7 ~~the manner and subject to the limitations provided by article 12 of section~~  
8 ~~5 of the constitution of the state of Kansas and other laws of this state.~~

9 ~~—(m) The governing body of the reorganized city-county may create~~  
10 ~~special service districts within the city-county and may levy taxes for serv-~~  
11 ~~ices provided in such districts.~~

12 ~~—(n) Changes in the form of government approved by the voters in~~  
13 ~~accordance with the reorganization plan are hereby declared to be leg-~~  
14 ~~islative matters and subject to initiative and referendum in accordance~~  
15 ~~with K.S.A. 12-3013 *et seq.*, and amendments thereto.~~

16 ~~—New Sec. 7. The board of county commissioners may levy a tax not~~  
17 ~~to exceed one mill on all taxable tangible property of the county for the~~  
18 ~~purpose of financing the costs incurred by the reorganization study com-~~  
19 ~~mission while executing the powers, duties and functions of such com-~~  
20 ~~mission. After the payment of such costs incurred by the commission any~~  
21 ~~remaining moneys derived from such tax levy shall be transferred to the~~  
22 ~~county general fund in the manner provided by K.S.A. 79-2958, and~~  
23 ~~amendments thereto.~~

24 ~~—Sec. 8. K.S.A. 12-301 is hereby amended to read as follows: 12-301.~~  
25 ~~(a) Whenever two or more cities organized under the laws of the state of~~  
26 ~~Kansas, which are adjacent to each other, desire to form but one city~~  
27 ~~reorganize, such reorganization may be made under the provisions of this~~  
28 ~~act: *Provided,* That if any one of said. *If one of such cities shall have*~~  
29 ~~adopted the commission form of government, the word “council,” as~~  
30 ~~hereinafter used, shall be construed literally, or shall be held to mean~~  
31 ~~mayor and commissioners, or board of commissioners as the sense shall~~  
32 ~~justify.~~

33 ~~—(b) The provisions of K.S.A. 12-301 through 12-331a, and amend-~~  
34 ~~ments thereto, shall not apply to cities reorganized pursuant to this act,~~  
35 ~~and amendments thereto.~~

36 ~~—Sec. 9. K.S.A. 12-3900 is hereby amended to read as follows: 12-~~  
37 ~~3900. Nothing in this act shall be construed as authorizing the reorgani-~~  
38 ~~zation of any political or taxing subdivision with any other political or~~  
39 ~~taxing subdivision. Nothing in this act *K.S.A. 12-3901 through 12-3908,*~~  
40 ~~and amendments thereto, shall be construed to authorize the closing or~~  
41 ~~the change of use of any school or attendance facility.~~

42 ~~—Sec. 10. K.S.A. 2002 Supp. 19-205 is hereby amended to read as~~  
43 ~~follows: 19-205. Except as provided by K.S.A. 12-344 and, 12-345, see-~~

1 ~~tions 5 and 6, and amendments thereto, no person holding any state,~~  
2 ~~county, township or city office shall be eligible to the office of county~~  
3 ~~commissioner in any county in this state.~~

4 ~~— Nothing in this section shall prohibit the appointment of any county~~  
5 ~~commissioner to any state board, committee, council, commission or simi-~~  
6 ~~lar body which is established pursuant to statutory authority, so long as~~  
7 ~~any county commissioner so appointed is not entitled to receive any pay,~~  
8 ~~compensation, subsistence, mileage or expenses for serving on such body~~  
9 ~~other than that which is provided by law to be paid in accordance with~~  
10 ~~the provisions of K.S.A. 75-3223, and amendments thereto.~~

11 ~~— New Sec. 11. Sections 1 through 7, and amendments thereto, shall~~  
12 ~~be known and may be cited as the efficiency in local government act.~~

13 ~~— Sec. 12. K.S.A. 12-301 and 12-3009 and K.S.A. 2002 Supp. 10-205~~  
14 ~~are hereby repealed.~~

15 **Section 1. The provisions of this act shall be known and may**  
16 **be cited as the competitive livestock markets act.**

17 **Sec. 2. As used in the competitive livestock act, and amend-**  
18 **ments thereto:**

19 (a) **“Packer” means any person engaged in the business of:**

20 (1) **Buying more than 5,000 animal units of livestock per year**  
21 **in commerce for purpose of slaughter;**

22 (2) **manufacturing or preparing meats or meat food products**  
23 **for sale or shipment in commerce; or**

24 (3) **marketing meats, meat food products or livestock products**  
25 **in an unmanufactured form acting as a wholesale broker, dealer**  
26 **or distributor in commerce.**

27 (b) **“Animal units” means the same as prescribed by K.S.A. 65-**  
28 **171d, and amendments thereto.**

29 **Sec. 3. It shall be unlawful for any packer with respect to live-**  
30 **stock, meats, meat products, livestock products in unmanufactured**  
31 **form to:**

32 (a) **Engage in or use any unfair, unjustly discriminatory or de-**  
33 **ceptive practice or device;**

34 (b) **make or give any undue or unreasonable preference or ad-**  
35 **vantage to any particular person or locality in any respect what-**  
36 **soever, or subject any particular person or locality to any unrea-**  
37 **sonable prejudice or disadvantage in any respect whatsoever;**

38 (c) **sell or otherwise transfer to or for any other packer or buy**  
39 **or otherwise receive from or for any other packer any article for**  
40 **the purpose or with the effect of apportioning the supply between**  
41 **any such persons if such apportionment has the tendency or effect**  
42 **of restraining commerce or of creating a monopoly;**

43 (d) **sell or otherwise transfer to or for any other person, or buy**



1 or otherwise receive from or for any other person, any article for  
2 the purpose or with the effect of manipulating or controlling  
3 prices, or of creating a monopoly in the acquisition of buying, sell-  
4 ing or dealing in any article, or of restraining commerce;

5 (e) engage in any course of business or do any act for the pur-  
6 pose or with the effect of manipulating or controlling prices, or of  
7 creating a monopoly in the acquisition of buying, selling, dealing  
8 in any article or of restraining commerce;

9 (f) conspire, combine, agree or arrange with any other person  
10 to apportion territory for carrying on business, to apportion pur-  
11 chases or sales of any article or to manipulate or control prices; or

12 (g) conspire, combine, agree or arrange with any other person  
13 to do, or aid or abet the doing of any act made unlawful by sub-  
14 sections (a), (b), (c), (d) or (e).

15 **Sec. 4. (a) The attorney general or any county or district at-  
16 torney may bring an action:**

17 **(1) To obtain a declaratory judgment that an act or practice  
18 violates this act;**

19 **(2) to enjoin, or to obtain a restraining order against a packer  
20 who has violated, is violating or is otherwise likely to violate this  
21 act;**

22 **(3) to recover damages on behalf of a person by reason of vi-  
23 olations of this act; and**

24 **(4) to recover reasonable expenses and investigation fees.**

25 **(b) In lieu of instigating or continuing an action or proceeding,  
26 the attorney general may accept a consent judgment with respect  
27 to any act or practice declared to be a violation of this act. Such a  
28 consent judgment shall provide for the discontinuance by the  
29 packer of any act or practice declared to be a violation of this act,  
30 and it may include a stipulation for the payment by such packer of  
31 reasonable expenses and investigation fees incurred by the attor-  
32 ney general. Any consent judgment entered into pursuant to this  
33 section shall not be deemed to admit the violation, unless it does  
34 so by its terms. Before any consent judgment entered into pursu-  
35 ant to this section shall be effective, it must be approved by the  
36 district court and an entry made thereof in the manner required  
37 for making an entry of judgment. Once such approval is received,  
38 any breach of the conditions of such consent judgment shall be  
39 treated as a violation of a court order, and shall be subject to all  
40 the penalties provided by law therefor.**

41 **(c) In any action brought by the attorney general or the county  
42 or district attorney, the court may, without requiring bond of the  
43 attorney general or the county or district attorney:**

1 (1) Make such orders or judgments as may be necessary to pre-  
2 vent the use or employment by a packer of any practices declared  
3 to be a violation of this act;

4 (2) make such orders or judgments as may be necessary to com-  
5 pensate any person for damages sustained;

6 (3) revoke any license or certificate authorizing that packer to  
7 engage in business in this state;

8 (4) issue a temporary restraining order or enjoin any packer  
9 from engaging in business in this state;

10 (5) award reasonable expenses and investigation fees, civil pen-  
11 alties and costs; and

12 (6) grant other appropriate relief.

13 Sec. 5. (a) Whether a person seeks or is entitled to damages  
14 or otherwise has an adequate remedy at law or in equity, a person  
15 aggrieved by an alleged violation of this act may bring an action  
16 to:

17 (1) Obtain a declaratory judgment that an act or practice vio-  
18 lates this act; or

19 (2) enjoin or obtain a restraining order against a packer who  
20 has violated, is violating or is likely to violate this act.

21 (b) A person who suffers a loss as a result of a violation of this  
22 act may bring an individual or a class action for the damages  
23 caused by any violation of this act together with reasonable attor-  
24 ney fees.

25 Sec. 6. Every packer shall keep such accounts, records and  
26 memoranda to fully and correctly disclose all transactions involved  
27 in such person's business, including the true ownership of such  
28 business by stockholders or otherwise. Whenever the attorney gen-  
29 eral finds that the accounts, records and memoranda of such per-  
30 son do not fully and correctly disclose all transactions involved in  
31 such person's business, the attorney general may prescribe the  
32 manner and form in which such accounts, records and memoranda  
33 shall be kept. Any such person who fails to keep such accounts,  
34 records and memoranda in the manner and form prescribed or  
35 approved by the attorney general is guilty of a nonperson misde-  
36 meanor and shall be subject to a fine of not more than \$5,000 or  
37 imprisonment of not more than three years, or both.

38 Sec. 7. The attorney general shall be responsible for enforce-  
39 ment of this act and shall promulgate such rules and regulations  
40 and make orders as may be necessary to carry out the provisions  
41 of this act. The attorney general, to carry out the provisions of this  
42 act, may cooperate with any state department, agency or any local  
43 municipality and any department or agency of the federal govern-

1 **ment and state, territory, district or possession or department or**  
2 **agency or political subdivision thereof or any person.**

3 Sec. ~~13~~ 8. This act shall take effect and be in force from and after  
4 its publication in the statute book.

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