

SENATE BILL No. 39

AN ACT concerning agriculture; relating to the Kansas department of agriculture; the division of animal health; license, permit and registration renewal deadlines; calfhood vaccination tag fees; amending K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 and repealing the existing sections.

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

Section 1. K.S.A. 2020 Supp. 47-1001e is hereby amended to read as follows: 47-1001e. (a) Each livestock market operator shall pay annually, on or before ~~June~~ *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 ~~June~~ *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 ~~which~~ *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 ~~June~~ *September 30* of each year.

Sec. 2. K.S.A. 2020 Supp. 47-1002 is hereby amended to read as follows: 47-1002. (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 ~~June~~ *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 ~~which~~ *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 ~~June~~ *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.

Sec. 3. K.S.A. 47-1208 is hereby amended to read as follows: 47-1208. All licenses and permits issued under this act shall expire on ~~June~~ *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.

Sec. 4. K.S.A. 2020 Supp. 47-1503 is hereby amended to read as follows: 47-1503. (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 ~~June~~ *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:

<i>Feedlot capacity</i>	<i>Maximum fee</i>
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:

<i>Feedlot capacity</i>	<i>Maximum fee</i>
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.

Sec. 5. K.S.A. 2020 Supp. 47-1805 is hereby amended to read as follows: 47-1805. (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 ~~June~~ *September* 30 following the date of issuance.

(b) The animal health commissioner shall determine annually the amount of funds ~~which will be~~ 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.

Sec. 6. K.S.A. 2020 Supp. 47-2101 is hereby amended to read as follows: 47-2101. (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 ~~June~~ *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 ~~which~~ *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.

Sec. 7. K.S.A. 2020 Supp. 47-1831 is hereby amended to read as follows: 47-1831. (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.* ~~Such~~ *The commissioner may also charge a processing fee for such tags that shall not exceed \$.25 \$.20* for each tag.

(b) The commissioner shall determine ~~annually tag~~ *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.

Sec. 8. K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503, 47-1805, 47-1831 and 47-2101 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.