

## HOUSE BILL No. 2387

By Committee on Appropriations

2-14

---

AN ACT concerning the livestock commissioner; relating to fees; amending K.S.A. 47-1001a, 47-1001e and 47-1013 and K.S.A. 2002 Supp. 47-1011, 47-1011a and 47-1503 and repealing the existing sections.

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

New Section 1. (a) The livestock commissioner of the state of Kansas shall assess a fee not to exceed \$.26 per head for each head of cattle slaughtered in the state of Kansas. Such fee shall only be assessed when a slaughterhouse or slaughter facility, as defined by K.S.A. 65-6a19, and amendments thereto, slaughters more than 5,000 animals per year.

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

Sec. 2. K.S.A. 47-1001a is hereby amended to read as follows: 47-1001a. 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

1 such public livestock market, the benefits to be derived by the livestock  
2 industry and the services proposed to be rendered.

3 ~~Such application shall be accompanied by an application fee in an~~  
4 ~~amount set by the Kansas animal health board and adopted by rules and~~  
5 ~~regulations of the commissioner of not more than \$375, which shall not~~  
6 ~~be refundable if the application is denied or withdrawn. The commissioner~~  
7 ~~may charge a fee if such applications are not filed in a timely manner.~~  
8 Each applicant shall furnish a bond in the manner required by K.S.A. 47-  
9 1002, and amendments thereto. ~~The application fee established by this~~  
10 ~~section on the day preceding the effective date of this act shall continue~~  
11 ~~in effect until a different application fee is set as provided under this~~  
12 ~~section.~~

13 Sec. 3. K.S.A. 47-1001e is hereby amended to read as follows: 47-  
14 1001e. (a) ~~Each livestock market operator shall pay annually, on or before~~  
15 ~~June 30, a renewal market license fee in an amount set by the Kansas~~  
16 ~~animal health board and adopted by rules and regulations of the com-~~  
17 ~~missioner of not more than \$40 to the commissioner for each public~~  
18 ~~livestock market operated by such operator, which payment shall consti-~~  
19 ~~tute a renewal until June 30 of the following year. The renewal market~~  
20 ~~license fee established by this section on the day preceding the effective~~  
21 ~~date of this act shall continue in effect until a different renewal market~~  
22 ~~license fee is set as provided under this section.~~

23 ~~—(b) Any person who owns or operates an electronic auction which is~~  
24 ~~simulcast into the state of Kansas and at which livestock located in the~~  
25 ~~state of Kansas are offered for sale, shall apply to the livestock commis-~~  
26 ~~sioner for an electronic auction license. A license shall be granted to such~~  
27 ~~person upon a showing that such person meets the bond requirements,~~  
28 ~~as established in K.S.A. 47-1002, and amendments thereto, and has paid~~  
29 ~~an annual fee in an amount set by the Kansas animal health board and~~  
30 ~~adopted by rules and regulations of the commissioner of not more than~~  
31 ~~\$40. Any such license shall expire on June 30 of each year.~~

32 Sec. 4. K.S.A. 2002 Supp. 47-1011 is hereby amended to read as  
33 follows: 47-1011. (a) The public livestock market operator shall collect  
34 from the consignor of horses, mules, ~~cattle~~, hogs, sheep and goats the fee  
35 per head on all such livestock sold at a public livestock market in the  
36 amount fixed by the commissioner under this section. The public livestock  
37 market operator shall remit to the commissioner on or before the 15th  
38 day of each month the amounts collected during the preceding calendar  
39 month.

40 (b) The electronic auction operator shall collect from the consignor  
41 of horses, mules, ~~cattle~~, hogs, sheep and goats the fee per head in an  
42 amount fixed by the commissioner under this section on all such livestock  
43 sold at an electronic auction if such livestock is located in the state of

1 Kansas. The electronic auction operator shall remit to the commissioner  
2 on or before the 15th day of each month the amounts collected during  
3 the preceding calendar month.

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

9 (d) The commissioner shall determine annually the amount of funds  
10 which will be required, in addition to the funds received for fees imposed  
11 under ~~K.S.A. 47-1001a and 47-1001e, and amendments thereto,~~ *this act*  
12 to properly enforce and administer the laws contained in article 10 of  
13 chapter 47 of the Kansas Statutes Annotated, and amendments thereto,  
14 and shall fix and adjust from time to time the fee per head imposed under  
15 this section in such reasonable sum as may be necessary for such pur-  
16 poses, except that the fee per head fixed under this section shall not be  
17 more than \$.15. The fee per head in effect on the day preceding the  
18 effective date of this act shall continue in effect until the commissioner  
19 fixes a different fee per head under this section.

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

26 Sec. 5. K.S.A. 2002 Supp. 47-1011a is hereby amended to read as  
27 follows: 47-1011a. (a) The public livestock market operator shall collect  
28 from the consignor of cattle sold at a public livestock market, where brand  
29 inspection of such cattle is requested, by the public livestock market op-  
30 erator, as a brand inspection fee, in addition to amounts specified in  
31 K.S.A. 47-1011, and amendments thereto, a sum of not more than ~~\$.40~~  
32 *\$.20* per head on all such cattle. Such amount shall be determined by the  
33 livestock commissioner. If a public livestock market operator requests  
34 brand inspection at a public livestock market pursuant to this section, the  
35 public livestock market operator shall contract with the livestock com-  
36 missioner to perform such brand inspection services.

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

42 (c) The public livestock market operator shall pay all amounts re-  
43 ceived under this section to the livestock commissioner.

1 (d) The livestock commissioner shall remit all amounts received un-  
2 der this section to the state treasurer in accordance with the provisions  
3 of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
4 remittance, the state treasurer shall deposit the entire amount in the state  
5 treasury to the credit of the livestock market brand inspection fee fund.  
6 All expenditures from such fund shall be made in accordance with ap-  
7 propriation acts upon warrants of the director of accounts and reports  
8 issued pursuant to vouchers approved by the livestock commissioner or  
9 by a person or persons designated by the commissioner.

10 Sec. 6. K.S.A. 47-1013 is hereby amended to read as follows: 47-  
11 1013. (a) The commissioner shall contract with inspectors and such other  
12 persons as in the commissioner's judgment may be necessary to properly  
13 administer the provisions of this act. Such persons shall be under the  
14 direct supervision of the commissioner. The commissioner shall also con-  
15 tract with state brand inspectors as in the commissioner's judgment may  
16 be necessary to curtail livestock thefts and assist in the enforcement of  
17 the provisions of this act.

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

22 (c) Fees paid to the state brand inspectors shall be paid out of the  
23 fees to be collected as provided in K.S.A. 47-1011a, and amendments  
24 thereto *or other funds as deemed appropriate by the commissioner*.

25 Sec. 7. K.S.A. 2002 Supp. 47-1503 is hereby amended to read as  
26 follows: 47-1503. (a) It shall be unlawful for any person to operate a  
27 feedlot within the state of Kansas without having first obtained a license  
28 from the livestock commissioner authorizing and permitting such  
29 operation.

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

38 (c) Application for a livestock feedlot license shall be filed with the  
39 livestock commissioner, on a form prescribed and furnished by the com-  
40 missioner. Upon the filing of such an application and payment of the  
41 required fees, the commissioner shall issue a livestock feedlot license to  
42 such applicant, provided the application discloses information assuring  
43 the commissioner that the operation of such feedlot will be conducted in

1 accordance with the standards set forth elsewhere in this act, and with  
2 rules and regulations adopted by the commissioner.

3 (d) Feedlot licenses shall be issued for the term of one year, to expire  
4 on June 30 following the date of issuance. Feedlot licenses may be con-  
5 tinued in force by annual renewal or extension of such license with the  
6 payment of an annual license fee, and with continued compliance by the  
7 operator with the provisions of this act, and acts amendatory of the pro-  
8 visions thereof and supplemental thereto, and rules and regulations  
9 adopted hereunder.

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

<i>Feedlot capacity</i> .....	<i>Maximum fee</i>
16 Under 1,000 head.....	\$75
17 1,000 to 2,999 head.....	\$150
18 3,000 to 9,999 head.....	\$300
19 10,000 to 17,999 head.....	\$450
20 18,000 head and over.....	\$750

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

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

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

41 Sec. 8. K.S.A. 47-1001a, 47-1001e and 47-1013 and K.S.A. 2002  
42 Supp. 47-1011, 47-1011a and 47-1503 are hereby repealed.

1     Sec. 9. This act shall take effect and be in force from and after its  
2 publication in the statute book.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43