

*As Amended by Senate Committee*

Session of 2010

**SENATE BILL No. 571**

By Committee on Ways and Means

3-10

10 AN ACT concerning the animal health department; relating to fees;  
11 amending K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503  
12 and 47-2101 and repealing the existing sections.  
13

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

15 Section 1. K.S.A. 47-1001e is hereby amended to read as follows: 47-  
16 1001e. (a) Each livestock market operator shall pay annually, on or before  
17 June 30, a renewal market license fee in an amount set by the Kansas  
18 animal health board and adopted by rules and regulations of the com-  
19 missioner of not more than ~~\$40~~ \$250 to the commissioner for each public  
20 livestock market operated by such operator, which payment shall consti-  
21 tute a renewal until June 30 of the following year. The renewal market  
22 license fee established by this section on the day preceding the effective  
23 date of this act shall continue in effect until a different renewal market  
24 license fee is set as provided under this section.

25 (b) Any person who owns or operates an electronic auction which is  
26 simulcast into the state of Kansas and at which livestock located in the  
27 state of Kansas are offered for sale, shall apply to the livestock commis-  
28 sioner for an electronic auction license. A license shall be granted to such  
29 person upon a showing that such person meets the bond requirements,  
30 as established in K.S.A. 47-1002, and amendments thereto, and has paid  
31 an annual fee in an amount set by the Kansas animal health board and  
32 adopted by rules and regulations of the commissioner of not more than  
33 ~~\$40~~ \$250. Any such license shall expire on June 30 of each year.

34 Sec. 2. K.S.A. 2009 Supp. 47-1011 is hereby amended to read as  
35 follows: 47-1011. (a) The public livestock market operator shall collect  
36 from the consignor of horses, mules, cattle, hogs, sheep and goats the fee  
37 per head on all such livestock sold at a public livestock market in the  
38 amount fixed by the commissioner under this section. The public livestock  
39 market operator shall remit to the commissioner on or before the 15th  
40 day of each month the amounts collected during the preceding calendar  
41 month.

42 (b) The electronic auction operator shall collect from the consignor  
43 of horses, mules, cattle, hogs, sheep and goats the fee per head in an

1 amount fixed by the commissioner under this section on all such livestock  
2 sold at an electronic auction if such livestock is located in the state of  
3 Kansas. The electronic auction operator shall remit to the commissioner  
4 on or before the 15th day of each month the amounts collected during  
5 the preceding calendar month.

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

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

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

28 Sec. 3. K.S.A. 2009 Supp. 47-1503 is hereby amended to read as  
29 follows: 47-1503. (a) It shall be unlawful for any person to operate a  
30 feedlot within the state of Kansas without having first obtained a license  
31 from the livestock commissioner authorizing and permitting such  
32 operation.

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

41 (c) Application for a livestock feedlot license shall be filed with the  
42 livestock commissioner, on a form prescribed and furnished by the com-  
43 missioner. Upon the filing of such an application and payment of the

1 required fees, the commissioner shall issue a livestock feedlot license to  
2 such applicant, provided the application discloses information assuring  
3 the commissioner that the operation of such feedlot will be conducted in  
4 accordance with the standards set forth elsewhere in this act, and with  
5 rules and regulations adopted by the commissioner.

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

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

<i>Feedlot capacity</i>	<i>Maximum fee</i>
18 Under 1,000 head .....	\$75
19 1,000 to 2,999 head .....	<del>\$150</del> \$350
20 3,000 to <del>9,999</del> 5,999 head .....	<del>\$300</del> \$650
21 6,000 to 9,999 head .....	\$750
22 10,000 to 17,999 head .....	<del>\$450</del> \$1,100
23 <del>18,000 head and over</del> .....	<del>\$750</del>
24 18,000 to 29,999 head .....	\$1,500
25 30,000 to 49,999 head .....	\$1,650
26 50,000 to 99,999 head .....	\$1,800
27 100,000 head and over .....	\$2,000

28  
29 The fees established by this subsection on the day preceding the effective  
30 date of this act shall continue in effect until different fees are set as  
31 provided under this subsection.

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

<i>Feedlot capacity</i>	<i>Maximum fee</i>
41 300 to 999 Animal units .....	\$75
42 1,000 to 2,999 Animal units .....	\$350

1	3,000 to 5,999 Animal units .....	\$650
2	6,000 to 9,999 Animal units .....	\$750
3	10,000 to 17,999 Animal units.....	\$1,100
4	18,000 to 29,999 Animal units.....	\$1,500
5	30,000 to 49,999 Animal units.....	\$1,650
6	50,000 to 99,999 Animal units.....	\$1,800
7	100,000 Animal units and over.....	\$2,000

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

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

25 Sec. 4. K.S.A. 2009 Supp. 47-2101 is hereby amended to read as  
26 follows: 47-2101. (a) It shall be unlawful for any person to engage in the  
27 business of raising domesticated deer unless such person has obtained  
28 from the livestock commissioner a domesticated deer permit. Application  
29 for such permit shall be made in writing on a form provided by the com-  
30 missioner. The permit period shall be for the permit year ending on June  
31 30 following the issuance date.

32 (b) Each application for issuance or renewal of a permit shall be ac-  
33 companied by a fee of not more than ~~\$100~~ \$150 as established by the  
34 commissioner in rules and regulations.

35 (c) The livestock commissioner shall adopt any rules and regulations  
36 necessary to enforce this section.

37 (d) Any person who fails to obtain a permit as prescribed in section  
38 (a) shall be deemed guilty of a misdemeanor and upon conviction shall  
39 be punished by a fine not exceeding ~~\$100~~ \$150. Continued operation,  
40 after a conviction, shall constitute a separate offense for each day of op-  
41 eration.

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

- 1 (1) Material misstatement in the application for the original permit  
2 or in the application for any renewal of a permit;
- 3 (2) the conviction of any crime, an essential element of which is mis-  
4 statement, fraud or dishonesty, or relating to the theft of or cruelty to  
5 animals;
- 6 (3) substantial misrepresentation;
- 7 (4) the person who is issued a permit is found to be adding to such  
8 person's herd by poaching or illegally obtaining deer;
- 9 (5) willful disregard to any rule or regulation adopted under this sec-  
10 tion.
- 11 (f) Any refusal to issue or renew a permit and any suspension or  
12 revocation of a permit under this section shall be in accordance with the  
13 provisions of the Kansas administrative procedure act and shall be subject  
14 to review in accordance with the act for judicial review and civil enforce-  
15 ment of agency actions.
- 16 (g) Domesticated deer shall be identified through implantation of  
17 microchips, ear tags, ear tattoos, ear notches or any other permanent  
18 identification on such deer as to identify such deer as domesticated deer.  
19 Any person who receives a permit issued pursuant to subsection (a) shall  
20 keep records of the deer herd pursuant to rules and regulations.
- 21 (h) The livestock commissioner shall inspect any premises where a  
22 domesticated deer herd has been issued a permit upon receipt of a writ-  
23 ten, signed complaint that such premises is not being operated, managed  
24 or maintained in accordance with rules and regulations.
- 25 (i) The livestock commissioner, on a quarterly basis, shall transmit to  
26 the secretary of wildlife and parks a current list of persons issued a permit  
27 pursuant to this section.
- 28 (j) All moneys received under this section shall be remitted to the  
29 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
30 amendments thereto. Upon receipt of each such remittance, the state  
31 treasurer shall deposit the entire amount in the state treasury to the credit  
32 of the animal disease control fund.
- 33 (k) As used in this section:
- 34 (1) "Deer" means any member of the family cervidae.
- 35 (2) "Domesticated deer" means any member of the family cervidae  
36 which was legally obtained and is being sold or raised in a confined area  
37 for breeding stock; for any carcass, skin or part of such animal; for exhi-  
38 bition; or for companionship.
- 39 Sec. 5. K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and  
40 47-2101 are hereby repealed.
- 41 Sec. 6. This act shall take effect and be in force from and after its  
42 publication in the ~~statute book~~ **Kansas register**.