

Senate Substitute for HOUSE BILL No. 2047

AN ACT concerning agriculture; relating to livestock marks and brands; requiring approval of livestock brand applications by the animal health commissioner; submission of brand application and registration fees; increasing the maximum amount for brand registration and renewal fees; relating to the farm animal and field crop and research facilities protection act; prohibiting entering or remaining on and knowingly making false statements to gain access to animal facilities and field crop production areas; providing penalties for violations therefor; removing the intent to destroy property; amending K.S.A. 47-417, 47-1826 and 47-1827 and repealing the existing sections.

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

Section 1. K.S.A. 47-417 is hereby amended to read as follows: 47-417. (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~~ *receiving approval of the application for such brand with* from 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~~ *application* fee in the amount provided under this section. *Upon a determination by the animal health commissioner that such brand is available for use and may be registered, the registrant shall, within 60 days of notice of such determination being sent by the animal health commissioner, remit to the animal health commissioner a brand registration fee in the amount provided under this section. If such brand registration fee is not paid as required under this section, the animal health commissioner may deny the application.* Each person ~~making application for the registering of an available livestock brand~~ *whose brand application is approved* shall be issued a certificate of brand title *upon remittance of the brand registration fee as provided under this section.* ~~Such~~ *Each* brand title shall be valid for a recording period ending four years subsequent to the next April 1 following date of issuance. *Separate application and registration fees shall be required for each brand for which registration is sought and each brand for which an application for registration is approved. The use of a brand for which a certificate of brand title has not been issued shall be unlawful and subject to penalties as provided in K.S.A. 47-421, and amendments thereto.*

(c) ~~For the purpose of revising the brand records, the animal health commissioner shall collect~~ *Each person wanting to renew a certificate of brand title held by such person shall, upon the expiration of the recording period for such certificate of brand title, remit to the animal health commissioner 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 *and subject to penalties as provided in K.S.A. 47-421, and amendments thereto.*

(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) (1) The animal health commissioner shall determine annually the amount of funds ~~which~~ *that* will be required for the purposes for which the brand *application*, 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 following* exceed \$100:

(A) *The brand renewal fee; or*

(B) *the total of the brand application fee and registration fee or the renewal fee exceed \$55.*

(2) The amounts of the brand *application fee*, registration fee and the renewal fee in effect on ~~the day preceding the effective date of this act~~ *June 30, 2024*, shall continue in effect until the animal health commissioner fixes different amounts for such fees under this section.

Sec. 2. K.S.A. 47-1826 is hereby amended to read as follows: 47-1826. As used in the farm animal and field crop and research facilities protection act:

(a) *"Aircraft"* means the same as defined in 14 C.F.R. § 1.1, as in effect on July 1, 2024.

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

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

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

Sec. 3. K.S.A. 47-1827 is hereby amended to read as follows: 47-1827. (a) No person shall:

(1) 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;

(2) *enter or remain upon or in any animal facility, including flying an aircraft within the airspace directly above such animal facility but below the minimum safe altitude prescribed in 14 C.F.R. 91.119(c), as in effect on July 1, 2024, without the consent of the owner; or*

(3) *knowingly make false statements on an employment application to gain access to 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.~~

~~(e) 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;~~

~~(1) 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;~~

~~(2) enter or remain upon or in any property in a field crop production area of a product development program in conjunction or coordination with a private research facility, a university or any federal, state or local government entity, including flying an aircraft within the airspace directly above such property area but below the minimum safe altitude prescribed in 14 C.F.R. 91.119(c), as in effect on July 1, 2024, without the consent of the owner; or~~

~~(3) knowingly make false statements on an employment application to gain access to a field crop production area of a product development program in conjunction or coordination with a private research facility, a university or any federal, state or 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)(c) (1) Violation of subsection (a)(1) or (e) (b)(1) 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.~~

~~(A) Class A nonperson misdemeanor, except as provided in subparagraph (B) or (C);~~

~~(B) severity level 9, nonperson felony if property damaged or destroyed is of a value of more than \$1,000 but less than \$25,000; or~~

~~(C) severity level 7, nonperson felony if the property damaged or~~

*destroyed is of a value more than \$25,000.*

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

~~(3) Violation of subsection (e) (a)(2) or (b)(2) is a class A, nonperson misdemeanor.~~

~~(4)(3) Violation of subsection (d) (a)(3) or (b)(3) is a class B nonperson misdemeanor.~~

~~(h)(d) 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.~~

Sec. 4. K.S.A. 47-417, 47-1826 and 47-1827 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

\_\_\_\_\_  
HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*