

KANSAS OFFICE of
REVISOR of STATUTES

LEGISLATURE of THE STATE of KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairman Love and members of the Senate Committee on Agriculture

From: David Wiese, Assistant Revisor

Date: 3/14/2016

Subject: HB 2480; Amendments to livestock brand law.

House Bill No. 2480 amends several provisions relating to livestock brands. The bill, on July 1, 2016, transfers all moneys in the livestock brand emergency revolving fund and the county option brand fee fund to the livestock brand fee fund and abolishes the livestock brand emergency revolving fund and the county option brand fee fund.

HB 2480 also:

- Adds goats to the definition of livestock;
- Strikes outdated references to the animal health board;
- Requires the secretary of agriculture's approval before the commissioner may appoint brand inspectors, special investigators, examiners, deputy assistants and employees necessary to enforce the livestock laws of Kansas;
- Allows the secretary to enter into contractual agreements with the attorney general to carry out the provisions of the brand law;
- Provides that brands not renewed within 60 days of the end of the registration period are forfeited and that use of a forfeited brand is unlawful;
- Assesses a \$.75 per head brand inspection fee for all livestock instead of the current \$.75 per head of cattle and \$.05 per head on sheep and other livestock;
- Authorizes the animal health commissioner to adopt and enforce rules and regulations governing brand inspections for the proper enforcement of the livestock laws in Kansas;
- Removes specific disease control brand instructions from statute;

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS

- Authorizes the commissioner to allow the owner of a registered brand to amend the registered brand to denote whether the applicant will use age, serial or herd brands;
- Eliminates the \$15 fee for recording a brand registration and replaces such fee with a fee cap to not exceed \$30;
- Replaces the term "this act" with "article 4 of chapter 47 of the Kansas Statutes Annotated" to include all provisions of the brand law;
- Provides the specific criminal penalty for willfully branding or causing to be branded any livestock in any manner other than as required or authorized by law or rules and regulations of the commissioner as a class A misdemeanor;
- Removes the requirement that livestock with feedlot brands be quarantined until release by the feedlot operator for movement to slaughter or by the commissioner through issuance of a permit authorizing movement for grazing purposes;
- Repeals K.S.A. 47-436, 47-438, 47-439, 47-440, 47-445 and 47-447 and K.S.A. 2015 Supp. 47-418a, 47-432, 47-433, 47-434, 47-435, 47-437, 47-441, and 47-442;

The House Committee on Agriculture and Natural Resources amended the bill to restore and amend K.S.A. 47-423 concerning the exemption of state branding requirement for livestock being brought into the state for grazing or feeding and increase the exemption from eight to 12 months. The committee also restored the provisions of K.S.A. 47-448 allowing the commissioner to enter into reciprocity agreements with other states and to charge fees for brand inspection subject to such reciprocity agreements. The committee also struck language dealing with the penalty for branding for disease identification to make it consistent with new language outlining the manner in which branding for disease designation is to be conducted.

The House Committee of the Whole amended the bill to delete a provision in K.S.A. 47-423 which would have allowed out-of-state brands to represent legal ownership of livestock for a 12-month period when brought into the state for grazing or feeding purposes.

The bill becomes effective upon publication in the statute book.