

MINUTES OF THE HOUSE AGRICULTURE AND NATURAL RESOURCES BUDGE
COMMITTEE

The meeting was called to order by Chairman John Faber at 12:00 p.m. on February 17, 2010, in Room 152-S of the Capitol.

All members were present except:

Representative Sydney Carlin - excused
Representative John Grange - excused

Committee staff present:

Daniel Yoza, Office of the Revisor of Statutes
Heather O'Hara, Legislative Research
Diane Brian, Committee Assistant

Conferees appearing before the Committee:

NONE

Others attending:

See attached list.

Attachments:

(Attachment 1) Balloon amendment for **HB 2666**
(Attachment 2) Balloon amendment for **HB 2666**

Hearing on:

HB 2666 an act concerning the Animal Health Department; relating to fees

Chairman Faber requested explanation of differences on the balloon amendments on **HB 2666** (Attachment 1 and Attachment 2) from Revisor Yoza.

Discussion among committee members followed.

Representative Powell, moved to pass the balloon amendment (Attachment 1) on HB 2666. The motion was seconded by Representative Holmes. Discussion ensued and motion failed.

Representative Williams, moved to pass the balloon amendment (Attachment 2) on HB 2666. The motion was seconded by Representative Powell. Motion carried.

Representative Powell, moved to pass HB 2666 favorably as amended. The motion was seconded by Representative Williams. Motion carried.

The meeting was adjourned at 1:50 p.m. The next meeting will be "on call of the Chair".

HOUSE BILL No. 2666

By Committee on Appropriations

2-5

Balloon Amendments prepared for
House Agriculture and Natural
Budget Committee
February 17, 2010

HOUSE AG & NATURAL RESOURCES BUDGET
DATE: 2/17/10
ATTACHMENT: 4

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

cattle

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

in an of \$0.05 per
head, based on the
feedlot capacity.

17 Feedlot capacity	Maximum fee
18 Under 1,000 head.....	\$75
19 1,000 to 2,999 head.....	\$150 \$350
20 3,000 to 4,999 head.....	\$300 \$650
21 5,000 to 9,999 head.....	\$750
22 10,000 to 17,999 head.....	\$150 \$1,100
23 18,000 head and over.....	\$750
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 The fees established by this subsection on the day preceding the effective
29 date of this act shall continue in effect until different fees are set as
30 provided under this subsection.

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

(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, goat and sheep 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 an amount of \$0.05 per animal unit, based on the feedlot capacity.

41 (g) The livestock commissioner shall remit all moneys received by or
42 for the commissioner under article 15 of chapter 47 of Kansas Statutes
43 Annotated, and amendments thereto, to the state treasurer in accordance

Renumber subsections accordingly

1 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.

5 Sec. 4. K.S.A. 2009 Supp. 47-2101 is hereby amended to read as follows: 47-2101: (a) It shall be unlawful for any person to engage in the business of raising domesticated deer unless such person has obtained from the livestock 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 30 following the issuance date.

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

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

17 (d) Any person who fails to obtain a permit as prescribed in section 18 (a) shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding ~~\$100~~ \$150. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

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

24 (1) Material misstatement in the application for the original permit or in the application for any renewal of a permit;

26 (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;

29 (3) substantial misrepresentation;

30 (4) the person who is issued a permit is found to be adding to such person's herd by poaching or illegally obtaining deer;

32 (5) willful disregard to any rule or regulation adopted under this section.

34 (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 act for judicial review and civil enforcement of agency actions.

39 (g) Domesticated deer shall be identified through implantation of microchips, ear tags, ear tattoos, ear notches or any other permanent identification on such deer as to identify such deer as domesticated deer. Any person who receives a permit issued pursuant to subsection (a) shall keep records of the deer herd pursuant to rules and regulations.

1 (h) The livestock commissioner shall inspect any premises where a
2 domesticated deer herd has been issued a permit upon receipt of a writ-
3 ten, signed complaint that such premises is not being operated, managed
or maintained in accordance with rules and regulations.

4 (i) The livestock commissioner, on a quarterly basis, shall transmit to
5 the secretary of wildlife and parks a current list of persons issued a permit
6 pursuant to this section.

7 (j) All moneys received under this section shall be remitted to the
8 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
9 amendments thereto. Upon receipt of each such remittance, the state
10 treasurer shall deposit the entire amount in the state treasury to the credit
11 of the animal disease control fund.

12 (k) As used in this section:

13 (1) "Deer" means any member of the family cervidae.

14 (2) "Domesticated deer" means any member of the family cervidae
15 which was legally obtained and is being sold or raised in a confined area
16 for breeding stock; for any carcass, skin or part of such animal; for exhi-
17 bition; or for companionship.

18 Sec. 5. K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and
19 47-2101 are hereby repealed.

20 Sec. 6. This act shall take effect and be in force from and after its
21 publication in the statute book.
22

HOUSE BILL No. 2666

By Committee on Appropriations

2-5

Balloon Amendments prepared for
House Agriculture and Natural
Budget Committee
February 17, 2010

KF

HOUSE AG & NATURAL RESOURCES BUDGET
DATE: 2/17/10
ATTACHMENT: 2

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

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

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

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

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

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

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

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

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

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

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

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

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

2009 K.S.A. 47-1503

...
...
...

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

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

cattle

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

Feedlot capacity	Maximum fee
Under 1,000 head.....	\$75
1,000 to 2,999 head.....	\$150 \$350
3,000 to 4,999 5,999 head.....	\$300 \$650
6,000 to 9,999 head.....	\$750
10,000 to 17,999 head.....	\$150 \$1,100
18,000 head and over.....	\$750
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

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

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

41 (g) The livestock commissioner shall remit all moneys received by or
42 for the commissioner under article 15 of chapter 47 of Kansas Statutes
43 Annotated, and amendments thereto, to the state treasurer in accordance

(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:

Feedlot capacity	Maximum fee
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

Renumber subsections accordingly

1 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
2 receipt of each such remittance, the state treasurer shall deposit the entire
3 amount in the state treasury to the credit of the animal disease control
4 fund.

5 Sec. 4. K.S.A. 2009 Supp. 47-2101 is hereby amended to read as
6 follows: 47-2101. (a) It shall be unlawful for any person to engage in the
7 business of raising domesticated deer unless such person has obtained
8 from the livestock commissioner a domesticated deer permit. Application
9 for such permit shall be made in writing on a form provided by the com-
10 missioner. The permit period shall be for the permit year ending on June
11 30 following the issuance date.

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

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

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

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

24 (1) Material misstatement in the application for the original permit
25 or in the application for any renewal of a permit;

26 (2) the conviction of any crime, an essential element of which is mis-
27 statement, fraud, or dishonesty, or relating to the theft of or cruelty to
28 animals;

29 (3) substantial misrepresentation;

30 (4) the person who is issued a permit is found to be adding to such
31 person's herd by poaching or illegally obtaining deer;

32 (5) willful disregard to any rule or regulation adopted under this sec-
33 tion.

34 (f) Any refusal to issue or renew a permit and any suspension or
35 revocation of a permit under this section shall be in accordance with the
36 provisions of the Kansas administrative procedure act and shall be subject
37 to review in accordance with the act for judicial review and civil enforce-
38 ment of agency actions.

39 (g) Domesticated deer shall be identified through implantation of
40 microchips, ear tags, ear tattoos, ear notches, or any other permanent
41 identification on such deer as to identify such deer as domesticated deer.
42 Any person who receives a permit issued pursuant to subsection (a) shall
43 keep records of the deer herd pursuant to rules and regulations

Handwritten mark resembling a circle with a vertical line through it.

1 (h) The livestock commissioner shall inspect any premises where a
2 domesticated deer herd has been issued a permit upon receipt of a writ-
3 ten, signed complaint that such premises is not being operated, managed
4 or maintained in accordance with rules and regulations.

5 (i) The livestock commissioner, on a quarterly basis, shall transmit to
6 the secretary of wildlife and parks a current list of persons issued a permit
7 pursuant to this section.

8 (j) All moneys received under this section shall be remitted to the
9 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
10 amendments thereto. Upon receipt of each such remittance, the state
11 treasurer shall deposit the entire amount in the state treasury to the credit
12 of the animal disease control fund.

13 (k) As used in this section:

14 (1) "Deer" means any member of the family cervidae.

15 (2) "Domesticated deer" means any member of the family cervidae
16 which was legally obtained and is being sold or raised in a confined area
17 for breeding stock; for any carcass, skin or part of such animal; for exhi-
18 bition; or for companionship.

19 Sec. 5. K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and
20 47-2101 are hereby repealed.

21 Sec. 6. This act shall take effect and be in force from and after its
22 publication in the statute book.