

{As Amended by House Committee of the Whole}

Session of 2021

SENATE BILL No. 39

By Committee on Agriculture and Natural Resources

1-21

1 AN ACT concerning agriculture; relating to the Kansas department of
2 agriculture; the division of animal health; license, permit and
3 registration renewal deadlines; calfhood vaccination tag fees; amending
4 K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002, 47-1503,
5 47-1805, 47-1831 and 47-2101 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2020 Supp. 47-1001e is hereby amended to read as
9 follows: 47-1001e. (a) Each livestock market operator shall pay annually,
10 on or before ~~June~~ *September* 30, a renewal market license fee in an amount
11 set by the Kansas animal health board and adopted by rules and
12 regulations of the commissioner of not more than \$250 to the
13 commissioner for each public livestock market operated by such operator,
14 which payment shall constitute a renewal until ~~June~~ *September* 30 of the
15 following year. The renewal market license fee established by this section
16 on the day preceding the effective date of this act shall continue in effect
17 until a different renewal market license fee is set as provided under this
18 section.

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

29 Sec. 2. K.S.A. 2020 Supp. 47-1002 is hereby amended to read as
30 follows: 47-1002. (a) The bond required by K.S.A. 47-1001a, and
31 amendments thereto, shall be in the minimum amount of \$20,000 for each
32 license year or fraction thereof, but may be a continuous bond. Each
33 license year shall expire on ~~June~~ *September* 30. Such bond shall be
34 conditioned upon compliance by the principal with the provisions of this
35 act and upon the prompt, faithful and honest handling by the principal of
36 such livestock and the prompt remittance of the proceeds from the sale,

1 purchase or exchange thereof to the lawful owner of such livestock. Such
2 bond shall be to the state for the use and benefit of such person or persons
3 as may suffer loss or damage by breach of the condition thereof. If the
4 commissioner is the trustee and custodian of a surety bond or bond
5 equivalent wherein such public livestock market operator is the principal
6 and is operating under the provisions of the packers and stockyards act of
7 1921 of the United States, the commissioner may accept such bond or
8 bond equivalent in lieu of the one herein otherwise required.

9 (b) For the purposes of this section, a bond equivalent shall be in one
10 of the following forms:

11 (1) A trust fund agreement governing funds actually deposited or
12 invested in fully negotiable obligations of the United States of federally-
13 insured deposits or accounts in the name of and readily convertible to
14 currency by a trustee; or

15 (2) a trust agreement governing funds ~~which~~ *that* may be drawn by a
16 trustee, under one or more irrevocable, transferable, standby letters of
17 credit, issued by a federally-insured bank or institution and physically
18 received and retained by the trustee.

19 (c) Any producer, consignor or purchaser of livestock claiming to be
20 injured by the breach of any public livestock market operator of any of the
21 terms and provisions of such bond may bring action thereon in district
22 court to recover the damages caused by such breach.

23 (d) When such bond shall have been given, the commissioner shall
24 thereupon issue to such applicant a license entitling the applicant, if a
25 public livestock market operator, to conduct the business described in the
26 application at the place named therein for a period expiring on ~~June~~
27 *September* 30 following date of issuance, and for such additional license
28 year periods as the public livestock market operator may be entitled to by
29 reason of the operator's having paid the annual application fee and the
30 proof of the operator's having paid the annual premium upon such
31 continuous bond, or until such license shall have been revoked for cause.

32 Sec. 3. K.S.A. 47-1208 is hereby amended to read as follows: 47-
33 1208. All licenses and permits issued under this act shall expire on ~~June~~
34 *September* 30 following date of issuance. All applications for renewal of
35 licenses and permits shall be in compliance with the requirements of this
36 act for the issuance of original licenses and permits.

37 Sec. 4. K.S.A. 2020 Supp. 47-1503 is hereby amended to read as
38 follows: 47-1503. (a) It shall be unlawful for any person to operate a
39 feedlot within the state of Kansas without having first obtained a license
40 from the animal health commissioner authorizing and permitting such
41 operation.

42 (b) An operator of any feedlot in the state of Kansas, or a person
43 desiring to operate a feedlot in the state of Kansas shall obtain from the

1 animal health commissioner, a license to operate a feedlot, unless
 2 exempted therefrom. The owner or operator of any livestock feedlot, with
 3 a capacity of less than 1,000 head of livestock, may apply for and obtain a
 4 license for feedlot operations, if such owner or operator chooses and elects
 5 to come under the terms and provisions of this act, but the licensing for
 6 operations at a capacity of less than 1,000 head shall not be required.

7 (c) Application for a livestock feedlot license shall be filed with the
 8 animal health commissioner, on a form prescribed and furnished by the
 9 commissioner. Upon the filing of such an application and payment of the
 10 required fees, the commissioner shall issue a livestock feedlot license to
 11 such applicant, provided the application discloses information assuring the
 12 commissioner that the operation of such feedlot will be conducted in
 13 accordance with the standards set forth elsewhere in this act, and with
 14 rules and regulations adopted by the commissioner.

15 (d) Feedlot licenses shall be issued for the term of one year, to expire
 16 on ~~June~~ *September* 30 following the date of issuance. Feedlot licenses may
 17 be continued in force by annual renewal or extension of such license with
 18 the payment of an annual license fee, and with continued compliance by
 19 the operator with the provisions of this act, and rules and regulations
 20 adopted hereunder.

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

<i>Feedlot capacity</i>	<i>Maximum fee</i>
26 Under 1,000 head.....	\$75
27 1,000 to 2,999 head.....	\$350
28 3,000 to 5,999 head.....	\$650
29 6,000 to 9,999 head.....	\$750
30 10,000 to 17,999 head.....	\$1,100
31 18,000 to 29,999 head.....	\$1,500
32 30,000 to 49,999 head.....	\$1,650
33 50,000 to 99,999 head.....	\$1,800
34 100,000 head and over.....	\$2,000

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

38 (f) For the purposes of this subsection, "animal unit" means the
 39 number of swine weighing more than 55 pounds multiplied by 0.4; plus
 40 the number of swine weighing 55 pounds or less multiplied by 0.1; plus
 41 the number of sheep or lambs multiplied by 0.1; plus the number of goats
 42 multiplied by 0.1. Each swine, sheep and goat feedlot operator, who shall
 43

1 be granted a license, shall pay a fee in an amount set by the Kansas animal
 2 health board and adopted by rules and regulations of the commissioner for
 3 such license and for annual renewal thereof, in accordance with and
 4 subject to the following schedule of maximum fees:

5 <i>Feedlot capacity</i>	6 <i>Maximum fee</i>
6 300 to 999 animal units.....	7 \$75
7 1,000 to 2,999 animal units.....	8 \$350
8 3,000 to 5,999 animal units.....	9 \$650
9 6,000 to 9,999 animal units.....	10 \$750
10 10,000 to 17,999 animal units.....	11 \$1,100
11 18,000 to 29,999 animal units.....	12 \$1,500
12 30,000 to 49,999 animal units.....	13 \$1,650
13 50,000 to 99,999 animal units.....	14 \$1,800
14 100,000 animal units and over.....	15 \$2,000

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

25 (h) The animal health commissioner shall remit all moneys received
 26 by or for the commissioner under article 15 of chapter 47 of Kansas
 27 Statutes Annotated, and amendments thereto, to the state treasurer in
 28 accordance with the provisions of K.S.A. 75-4215, and amendments
 29 thereto. Upon receipt of each such remittance, the state treasurer shall
 30 deposit the entire amount in the state treasury to the credit of the animal
 31 disease control fund.

32 Sec. 5. K.S.A. 2020 Supp. 47-1805 is hereby amended to read as
 33 follows: 47-1805. (a) Any person operating as a livestock dealer in Kansas
 34 shall register with the Kansas department of agriculture division of animal
 35 health. Registration shall be made on an application form approved by the
 36 animal health commissioner. The application shall be accompanied by the
 37 livestock dealer registration fee or renewal fee fixed by the commissioner
 38 under subsection (b). If an application for registration or renewal of
 39 registration is denied by the commissioner or withdrawn by the applicant,
 40 the fee shall not be refunded. Unless renewed under this section, each
 41 registration shall expire on the ~~June~~ *September* 30 following the date of
 42 issuance.

43 (b) The animal health commissioner shall determine annually the

1 amount of funds ~~which will be~~ required for the administration and
2 enforcement of this section and K.S.A. 47-1806, and amendments thereto,
3 and shall fix and adjust from time to time a livestock dealer registration fee
4 and a renewal fee in such reasonable amounts as may be necessary for
5 such purposes, except that in no case shall either the livestock dealer
6 registration fee or the renewal fee exceed \$75.

7 (c) The animal health commissioner shall remit all moneys received
8 by or for the commissioner under this section to the state treasurer in
9 accordance with the provisions of K.S.A. 75-4215, and amendments
10 thereto. Upon receipt of each such remittance, the state treasurer shall
11 deposit the entire amount in the state treasury to the credit of the animal
12 disease control fund.

13 Sec. 6. K.S.A. 2020 Supp. 47-2101 is hereby amended to read as
14 follows: 47-2101. (a) It shall be unlawful for any person to possess
15 domesticated deer unless such person has obtained from the animal health
16 commissioner a domesticated deer permit. Application for such permit
17 shall be made in writing on a form provided by the commissioner. The
18 permit period shall be for the permit year ending on ~~June~~ *September* 30
19 following the issuance date.

20 (b) Each application for issuance or renewal of a permit shall be
21 accompanied by a fee of not more than \$400 as established by the
22 commissioner in rules and regulations.

23 (c) The animal health commissioner shall adopt any rules and
24 regulations necessary to enforce the provisions of article 21 of chapter 47
25 of the Kansas Statutes Annotated, and amendments thereto, ensure
26 compliance with federal requirements and protect domestic animals and
27 wildlife from disease risks related to domestic deer production.

28 (d) Any person who fails to obtain a permit as prescribed in
29 subsection (a) shall be deemed guilty of a class C nonperson misdemeanor
30 and upon conviction shall be punished by a fine not exceeding \$1,000.
31 Continued operation, after a conviction, shall constitute a separate offense
32 for each day of operation.

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

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

37 (2) the conviction of any crime, an essential element of which is
38 misstatement, fraud or dishonesty, or relating to the theft of or cruelty to
39 animals;

40 (3) substantial misrepresentation;

41 (4) the person who is issued a permit is found to be poaching or
42 illegally obtaining deer; or

43 (5) the permit holder's willful disregard of any rule or regulation

1 adopted under this section.

2 (f) Any refusal to issue or renew a permit and any suspension or
3 revocation of a permit under this section shall be in accordance with the
4 provisions of the Kansas administrative procedure act and shall be subject
5 to review in accordance with the Kansas judicial review act.

6 (g) Each domesticated deer, regardless of age, that enters a premises
7 alive or leaves a premises alive or dead for any purpose, other than for
8 direct movement to a licensed or registered slaughter facility in Kansas,
9 shall have official identification, as prescribed by rules and regulations of
10 the commissioner. Any person who receives a permit issued pursuant to
11 subsection (a) shall keep records of such deer as required by rules and
12 regulations adopted pursuant to this section.

13 (h) (1) The animal health commissioner or the commissioner's
14 representatives may inspect the premises and records of any person issued
15 a domesticated deer permit, but shall not inspect such premises and
16 records more than once each permit year, unless the commissioner has:

17 (A) Discovered a violation of article 21 of chapter 47 of the Kansas
18 Statutes Annotated, and amendments thereto; or

19 (B) received a complaint that such premises is not being operated,
20 managed or maintained in accordance with rules and regulations adopted
21 pursuant to this section.

22 (2) The commissioner or the commissioner's representatives may
23 inspect unlicensed premises when the commissioner has reasonable
24 grounds to believe that a person is violating the provisions of this section.

25 (i) The animal health commissioner, on an annual basis, shall transmit
26 to the secretary of wildlife, parks and tourism a current list of persons
27 issued a permit pursuant to this section. The *Kansas* department of
28 agriculture may request assistance from the department of wildlife, parks
29 and tourism to assist in implementing and enforcing article 21 of chapter
30 47 of the Kansas Statutes Annotated, and amendments thereto.

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

36 (k) As used in this section:

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

38 (2) "Domesticated deer" means any member of the family cervidae
39 ~~which~~ *that* was legally obtained and is being sold or raised in a confined
40 area for:

41 (A) Breeding stock;

42 (B) any carcass, skin or part of such animal;

43 (C) exhibition; or

1 (D) companionship.

2 Sec. 7. K.S.A. 2020 Supp. 47-1831 is hereby amended to read as
3 follows: 47-1831. (a) The animal health commissioner is hereby
4 authorized to:

5 (1) Register original veterinary certificates of inspection for livestock,
6 as defined in K.S.A. 47-1001, and amendments thereto; and

7 (2) provide official calfhood vaccination tags *and may require*
8 *reimbursement for the actual cost of the tags.* ~~Such~~ *The commissioner may*
9 *also charge a processing fee for such tags that shall not exceed* ~~\$.25~~ **{\$.20}**
10 for each tag.

11 (b) The commissioner shall determine ~~annually tag~~ *the processing fee*
12 *annually* and shall fix such fee by rules and regulations.

13 (c) The commissioner shall remit all moneys received by or for the
14 commissioner under this section to the state treasurer in accordance with
15 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
16 of each such remittance, the state treasurer shall deposit the entire amount
17 in the state treasury to the credit of the animal disease control fund.

18 Sec. 8. K.S.A. 47-1208 and K.S.A. 2020 Supp. 47-1001e, 47-1002,
19 47-1503, 47-1805, 47-1831 and 47-2101 are hereby repealed.

20 Sec. 9. This act shall take effect and be in force from and after its
21 publication in the Kansas register.