

(Corrected)

As Amended by House Committee

Session of 2013

Substitute for SENATE BILL No. 57

By Committee on Agriculture

2-27

1 AN ACT concerning agriculture; relating to animal health; poultry
2 improvement; domesticated deer; amending K.S.A. 2012 Supp. 2-907
3 and 47-2101 and repealing the existing sections; also repealing K.S.A.
4 2012 Supp. ~~47-619~~, 47-650, 47-651, 47-653, 47-653d, 47-653e, 47-
5 653f, 47-653g, 47-653h, 47-654, 47-655, 47-666, 47-667, 47-672 and
6 47-2101a.

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

9 New Section 1. In addition to or in lieu of any other civil or criminal
10 penalty provided by law, the animal health commissioner, upon a finding
11 that a person has violated or failed to comply with any provision of article
12 21 of chapter 47 of the Kansas Statutes Annotated, and amendments
13 thereto, or any rule and regulation adopted thereunder, may impose on
14 such person a civil fine not exceeding \$1,000 for each violation. Each day
15 any provision of article 21 of chapter 47 of the Kansas Statutes Annotated,
16 and amendments thereto, or any rule and regulation adopted pursuant
17 thereto is violated shall constitute a separate offense.

18 New Sec. 2. (a) All tests for chronic wasting disease must be
19 conducted in laboratories in a method approved by the animal plant health
20 inspection service of the United States department of agriculture.

21 (b) All results of testing for chronic wasting disease shall be reported
22 to the animal health commissioner.

23 Sec. 3. K.S.A. 2012 Supp. 2-907 is hereby amended to read as
24 follows: 2-907. The Kansas ~~poultry improvement association of~~
25 ~~Manhattan, Kansas, whose articles of incorporation are recorded in the~~
26 ~~office of the secretary of state,~~ department of agriculture is hereby
27 designated and declared to be the official state agency for the state of
28 Kansas, for the purpose of carrying out the national poultry improvement
29 plan. The Kansas ~~poultry improvement association shall~~ department of
30 agriculture may cooperate with the United States department of
31 agriculture; and Kansas state university of agriculture and applied science,
32 ~~Kansas department of agriculture and the Kansas animal health~~
33 ~~commissioner~~ for the purpose of promoting the poultry industry and its
34 allied branches and shall supervise and administer the national
35 improvement plan in this state.

1 Sec. 4. K.S.A. 2012 Supp. 47-2101 is hereby amended to read as
2 follows: 47-2101. (a) It shall be unlawful for any person to ~~engage in the~~
3 ~~business of raising~~ *possess* domesticated deer unless such person has
4 obtained from the animal health commissioner a domesticated deer permit.
5 Application for such permit shall be made in writing on a form provided
6 by the commissioner. The permit period shall be for the permit year ending
7 on June 30 following the issuance date.

8 (b) Each application for issuance or renewal of a permit shall be
9 accompanied by a fee of not more than ~~\$150~~ *\$400* as established by the
10 commissioner in rules and regulations.

11 (c) The animal health commissioner shall adopt any rules and regulations
12 necessary to enforce ~~this section~~ **the provisions of article 21 of chapter**
13 **47 of the Kansas Statutes Annotated, and amendments thereto, ensure**
14 *compliance with federal requirements and protect domestic animals and*
15 *wildlife from disease risks related to domestic ~~cervid~~ deer production.*

16 (d) Any person who fails to obtain a permit as prescribed in ~~section~~
17 **subsection** (a) shall be deemed guilty of a *class C nonperson*
18 misdemeanor and upon conviction shall be punished by a fine not
19 exceeding ~~\$150~~ *\$1,000*. Continued operation, after a conviction, shall
20 constitute a separate offense for each day of operation.

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

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

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

28 (3) substantial misrepresentation;

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

31 (5) **the permit holder's** willful disregard ~~to~~ **of** any rule or regulation
32 adopted under this section.

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

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

43 (h) (1) The animal health commissioner ~~shall~~ *or the commissioner's*

1 *representatives may inspect ~~any premises where~~ the premises and*
2 **records of any person issued a domesticated deer herd has been issued a**
3 **permit, ~~and the records of such premises, no~~ but shall not inspect such**
4 **premises and records more than once each permit year, except as**
5 **provided in subsection (h)(2). ~~Additionally,~~**

6 **(2) The commissioner or the commissioner's representatives ~~may~~ shall**
7 **inspect premises and records more often: (A) If the commissioner has**
8 **discovered a violation of article 21 of chapter 47, and amendments**
9 **thereto; or (B) upon receipt of a written, signed complaint that such**
10 **premises ~~is~~ are not being operated, managed or maintained in accordance**
11 **with rules and regulations adopted pursuant to this section.**

12 **(3) The commissioner or the commissioner's representatives may ~~also~~**
13 **inspect unlicensed premises when the commissioner has reasonable**
14 **grounds to believe that a person ~~or premises~~ is ~~required to be licensed~~**
15 **violating the provisions of this section.**

16 (i) The animal health commissioner, on ~~a quarterly~~ *an annual* basis, shall
17 transmit to the secretary of wildlife ~~and~~, parks *and tourism* a current list of
18 persons issued a permit pursuant to this section. ~~Additionally,~~ (2) *The*
19 *department of agriculture may request assistance from the department of*
20 *wildlife, parks and tourism to assist in implementing and enforcing article*
21 *21 of chapter 47 of the Kansas Statutes Annotated, and amendments*
22 *thereto.*

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

28 (k) As used in this section:

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

30 (2) "Domesticated deer" means any member of the family cervidae
31 which was legally obtained and is being sold or raised in a confined area
32 for: (1) (A) Breeding stock; (2) (B) any carcass, skin or part of such
33 animal; (3) (C) exhibition; or (4) (D) companionship.

34 Sec. 5. K.S.A. 2012 Supp. 2-907, ~~47-619~~, 47-650, 47-651, 47-653,
35 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666,
36 47-667, 47-672, 47-2101 and 47-2101a are hereby repealed.

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