

Substitute for SENATE BILL No. 57

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

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

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

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

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

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

Sec. 4. K.S.A. 2012 Supp. 47-619 is hereby amended to read as follows: 47-619. ~~When requested by the animal health commissioner, the owner or owners of any stockyards doing business in this state shall keep constantly in their employ a competent inspector of livestock appointed by the commissioner whose compensation shall be fixed and duties prescribed by the animal health commissioner. The animal health commissioner shall prescribe that portion of the compensation which shall be paid by the owner or owners of the stockyards. It shall be the duty of such inspector~~ *the animal health commissioner or the commissioner's designee* to work in conjunction with the United States government authorities to prohibit and prevent any stock affected with any contagious or infectious disease to be driven or shipped out of any such stockyards except to some licensed rendering establishment.

Sec. 5. K.S.A. 2012 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~~ possess domesticated deer unless such person has obtained from the animal health 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.

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

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

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

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

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

(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;

(3) substantial misrepresentation;

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

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

(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 Kansas judicial review act.

(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 such deer herd pursuant to~~ *as required by rules and regulations adopted pursuant to this section.*

(h) (1) The animal health commissioner ~~shall~~ *or the commissioner's representatives may* inspect ~~any the~~ *premises and records of any person where issued a domesticated deer herd has been issued a permit, but shall not inspect such premises and records more than once each permit year, upon receipt of a written, signed complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations unless the commissioner has:*

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

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

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

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

(j) All moneys received under this section shall be remitted to the state treasurer in accordance 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.

(k) As used in this section:

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

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

Sec. 6. K.S.A. 2012 Supp. 2-907, 47-619, 47-650, 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666, 47-667, 47-672, 47-2101 and 47-2101a are hereby repealed.

Sec. 7. 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 SENATE, and passed that body

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.