

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2480

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2480 would transfer all money in and liability of the Livestock Brand Emergency Revolving Fund and the County Option Brand Fee Fund to the Livestock Brand Fee Fund on July 1, 2016.

In addition, the bill would subject the appointment of any brand inspectors, special investigators, examiners, deputy assistant, and employees by the Animal Health Commissioner to approval by the Secretary of Agriculture. New language would permit the Secretary of Agriculture to enter into contractual agreements with the Attorney General with respect to the Kansas brand law.

The bill also would clarify that any brand not renewed within 60 days (currently 120 days) would be forfeited and make the use of a forfeited brand unlawful. Current law would be amended to change the brand inspection fee when brand inspection is requested and provided. This fee could not exceed \$.75 per head for all livestock, a change from the current fee not to exceed \$.75 for cattle and \$.05 for other livestock. An exemption from the brand inspection fee for cattle consigned to or sold at a public livestock market that have clearance from a county option brand inspection area would be removed. The bill also would increase the fee for recording a brand to \$30 (currently \$15).

The bill would give authority to the Animal Health Commissioner to adopt and enforce rules and regulations

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

governing brand inspections and allow brand inspectors and special investigators to aid in the investigations and prosecutions of violations of Kansas livestock laws and rules and regulations.

Further, the bill would eliminate the specific language outlining branding to identify livestock diseases, but would still permit such branding on the tailhead of cattle. The bill would remove language related to obtaining a permit to use a serial or herd brand in conjunction with a registered brand and also would remove the requirement that serial or herd brands be six inches away from recorded brands. The bill would add language allowing brand applicants to denote their use of age, serial, or herd brands on their application. The bill also would prohibit the use of acid or chemicals for branding.

Also, the bill would make any person who willfully brands, or causes to be branded, any livestock in any unauthorized manner or causes livestock to be falsely branded as to incorrectly designate the disease control identification or owners would be subject to a class A misdemeanor.

In addition, the bill would amend current law with respect to livestock with brands recognized in other states and brought into the state for feeding or grazing and exempt them from Kansas brand laws for a period of 12 months rather than the current 8 months. A new provision would authorize out-of-state brands to represent legal ownership for the 12-month period. After that time the out-of-state brand or a new brand would need to be recorded.

The bill would remove the requirement in current law that livestock with feedlot brands be quarantined until released by the feedlot operator for movement to slaughter or by the Animal Health Commissioner through issuance of a permit authorizing movement for grazing purposes.

Finally, the bill would repeal numerous statutes dealing with such issues as the various funds being combined,

branding in an unauthorized manner, and brand inspection areas.

Background

At the hearing on the bill before the House Committee on Agriculture and Natural Resources, the Animal Health Commissioner of the Department of Agriculture indicated the agency had convened a stakeholder group to review the entirety of the brand statutes. The Commissioner indicated statutes were evaluated on their relevance to today's livestock industry, protecting producer property rights, and ensuring statutes did not place an undue burden on producers. After the meetings, proposed changes to the brand laws were developed to reduce the inspection burden. The Committee was told that brand inspection will be available upon request, but will not be mandated and the agency will continue to coordinate with a special investigator who would assist local law enforcement with lost, stray, and stolen livestock.

Other proponents of the bill included a spokesperson from the Kansas Livestock Association who suggested that one of the statutes proposed to be repealed by the bill dealing with the livestock brought into the state with brands recognized in other states be reinserted and amended. The proposed amendment suggested the time frame where the person bringing livestock into the state with brands recognized in other states and be exempt from brand requirements. The change suggested by the spokesperson would expand the time frame from 8 to 12 months.

Written testimony in support of the bill was provided by a representative of the Kansas Veterinary Medical Association. No neutral or opponent testimony was provided at the hearing.

The House Committee on Agriculture and Natural Resources amended the bill to:

- Restore and amend the provisions of KSA 47-423 dealing with the exemption of state branding requirements for livestock being brought into the state for grazing or feeding for a period of 12 months rather than the 8 months under current law;
- Clarify that the brands of livestock brought into the state for grazing or feeding purposes would be granted temporary permission to use the out-of-state brands to represent legal ownership during the 12-month period and after the 12-month period the brand or a new brand must be recorded in the state;
- Restore the provisions of KSA 47-448 dealing with granting permission to the Animal Health Commissioner to enter into reciprocity agreements with similar brand officials in other states and to charge fees for brand inspection subject to any reciprocity agreement; and
- Strike 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 fiscal note prepared by the Division of the Budget on the original bill states that the Department of Agriculture believes there would be no fiscal impact from the enactment of the bill.