

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2480

As Amended by Senate Committee on
Agriculture

Brief*

HB 2480 would enact new law relating to the livestock brand fee funds within the Kansas Department of Agriculture (KDA) and make changes to livestock brand law.

Fee Funds

The bill 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. The Livestock Brand Emergency Revolving Fund and the County Option Brand Fee Fund would then be abolished.

Changes to the Livestock Brand Law

Definitions. The bill would provide, for the purposes of livestock branding, that sheep would not be included in the existing definition of "livestock." [Note: Sheep are included in the existing definition; the bill, as introduced, would have included goats in the definition, but sheep and goats were both removed by the Senate Committee.]

Employees. The bill would subject the appointment of any brand inspectors, special investigators, examiners, deputy assistants, and employees by the Animal Health Commissioner to approval by the Secretary of Agriculture.

*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>

New language would permit the Secretary of Agriculture to enter into contractual agreements with the Attorney General with respect to the Kansas brand law.

Brand Renewal and Inspection. The bill would clarify that any brand not renewed within 60 days (currently 120 days) of the end of its registration period would be forfeited and make the use of a forfeited brand unlawful. The bill would change the brand inspection fee when brand inspection is requested and provided. This fee could not exceed \$0.75 per head for all livestock, a change from the current fee not to exceed \$0.75 for cattle and \$0.05 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).

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

Brand Practices. The bill would eliminate the specific language outlining branding to identify livestock with 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 applications. The bill also would prohibit the use of acid or chemicals for branding.

Brand Fraud. The bill would deem 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 guilty of a class A misdemeanor. A person who would willfully and knowingly brand or cause to be branded any brand that is not the recorded brand of the owner would be deemed guilty of a nondrug severity level 6, nonperson felony.

Out-of-state Brands. 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. After that time, the out-of-state brand or a new brand would need to be recorded.

Feedlot Brands. 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.

Repeal of Statutes. 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. The bill would continue to permit reciprocity agreements with livestock commissioners or brand inspection agencies in other states or the United States.

Background

At the hearing on the bill before the House Committee on Agriculture and Natural Resources, the Animal Health Commissioner of the KDA 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 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 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 changing from 8 months to 12 months the time frame during which the person bringing livestock into the state with brands recognized in other states would be exempt from brand requirements.

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; 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 House Committee of the Whole amended the bill to reinsert a provision of law which would have been repealed dealing with the Animal Health Commissioner being permitted to enter into reciprocity agreements with livestock commissioners or brand inspection agencies of other states or the United States. In addition, the House Committee of the Whole amended the bill to delete a provision which would have allowed out-of-state brands to represent legal ownership of livestock for a 12-month period when brought into the state for grazing or feeding purposes.

The Senate Committee on Agriculture amended the bill to:

- Remove sheep (current law) and goats (proposed) from the definition of livestock regarding livestock brands;
- Remove outdated statutory language; and
- Specify that a person who shall willfully and knowingly brand a brand that is not the recorded brand of the owner would be deemed guilty of a nondrug severity level 6, nonperson felony.

According to the fiscal note prepared by the Division of the Budget on the original bill, the KDA states there would be no fiscal impact from the enactment of the bill.