

**SB 57 Balloon attachment SO 3/13/13**

(h)(1) The animal health commissioner or the commissioner's representative may inspect the premises and records of any person issued a domesticated deer permit, but shall not inspect such premises and records more than once each permit year, except as provided in subsection (h)(2).

(2) The commissioner or the commissioner's representative shall inspect such premises:

(A) Whenever the commissioner has discovered a violation of article 21 of chapter 47, and amendments thereto, and as often as necessary until the violation has been remedied; or

(B) upon receipt of a complaint that such premises are not being operated, managed or maintained in accordance with rules and regulations adopted pursuant to this section.

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

Substitute for SENATE BILL No. 57

By Committee on Agriculture

2-27

SO - Revisor Balloon 2 - 3/12/13

4-2

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, 47-672 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.~~  
36 Sec. 4. K.S.A. 2012 Supp. 47-2101 is hereby amended to read as

1 follows: 47-2101. (a) It shall be unlawful for any person to engage in the  
 2 ~~business of raising~~ possess domesticated deer unless such person has  
 3 obtained from the animal health commissioner a domesticated deer permit.  
 4 Application for such permit shall be made in writing on a form provided  
 5 by the commissioner. The permit period shall be for the permit year ending  
 6 on June 30 following the issuance date.  
 7 (b) Each application for issuance or renewal of a permit shall be  
 8 accompanied by a fee of not more than \$150 \$400 as established by the  
 9 commissioner in rules and regulations.

10 (c) The animal health commissioner shall adopt any rules and  
 11 regulations necessary to enforce this section, ~~ensure compliance with~~  
 12 ~~federal requirements and protect domestic animals and wildlife from~~  
 13 ~~disease risks related to domestic deer production.~~

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

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

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

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

26 (3) substantial misrepresentation;

27 (4) the person who is issued a permit is found to be adding to such  
 28 ~~persons herd by poaching or illegally obtaining deer; or~~  
 29 ~~willful disregard to any rule or regulation adopted under this~~  
 30 ~~section.~~

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

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

40 (h) The animal health commissioner shall or the commissioner's  
 41 ~~representatives may inspect any premises where issued a domesticated~~  
 42 ~~deer herd has been issued a permit, and the records of such premises; no~~  
 43 ~~more than once each year. Additionally, the commissioner or the~~

the provisions of  
 article 21 of  
 chapter 47 of the  
 Kansas Statutes  
 Annotated, and  
 amendments  
 thereto,

subsection

deer

the permit holder's

adopted pursuant  
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the premises and  
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(1)

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SB 57

3 shall

are

(2)(A) If the  
commissioner has  
discovered a  
violation of article  
21 of chapter 47,  
and amendments  
therein; or (B)

violating the provisions  
of this section.

2 ~~often~~ upon receipt of a ~~written, signed~~ complaint that such premises ~~is~~ ~~not~~  
3 ~~being~~ operated, managed or maintained in accordance with rules and  
4 regulations. ~~The commissioner or the commissioner's representatives may~~  
5 ~~also inspect unlicensed premises when the commissioner has reasonable~~  
6 ~~grounds to believe that a person or premises is required to be licensed.~~  
7 (i) The animal health commissioner, on ~~a quarterly~~ ~~an~~ annual basis,  
8 shall transmit to the secretary of wildlife ~~and~~ parks and tourism a current  
9 list of persons issued a permit pursuant to this section. ~~Additionally, the~~  
10 ~~department of agriculture may request assistance from the department of~~  
11 ~~wildlife, parks and tourism to assist in implementing and enforcing article~~  
12 ~~21 of chapter 47 of the Kansas Statutes Annotated, and amendments~~  
13 ~~thereto.~~  
14 (j) All moneys received under this section shall be remitted to the  
15 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
16 amendments thereto. Upon receipt of each such remittance, the state  
17 treasurer shall deposit the entire amount in the state treasury to the credit  
18 of the animal disease control fund.  
19 (k) As used in this section:  
20 (1) "Deer" means any member of the family cervidae.  
21 (2) "Domesticated deer" means any member of the family cervidae  
22 which was legally obtained and is being sold or raised in a confined area  
23 for: (A) Breeding stock; (B) any carcass, skin or part of such  
24 animal; (C) exhibition; or (D) companionship.  
25 Sec. 5. K.S.A. 2012 Supp. 2-907, 47-619, 47-650, 47-651, 47-653,  
26 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666,  
27 47-667, 47-672, 47-2101 and 47-2101a are hereby repealed.  
28 Sec. 6. This act shall take effect and be in force from and after its  
29 publication in the statute book.

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