

HOUSE BILL No. 2543

By Committee on Agriculture and Natural Resources

Requested by Kelsey Olson on behalf of the Kansas Department of Agriculture

1-18

1 AN ACT concerning agriculture; relating to livestock marks and brands;
2 requiring approval of livestock brand applications by the animal health
3 commissioner; submission of brand application and registration fees;
4 increasing the maximum amount for brand registration and renewal
5 fees; amending K.S.A. 47-417 and repealing the existing section.
6

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

8 Section 1. K.S.A. 47-417 is hereby amended to read as follows: 47-
9 417. (a) Any person may adopt a brand for the purpose of branding
10 livestock in accordance with authorized rules and regulations of the animal
11 health commissioner of the Kansas department of agriculture division of
12 animal health. Such person shall have the exclusive right to use such brand
13 in this state, after ~~registering~~ *receiving approval of the application for*
14 *such brand with from the animal health commissioner.*

15 (b) Any person desiring to register a livestock brand shall forward to
16 the commissioner a facsimile of such brand and shall accompany the same
17 with the ~~registration~~ *application* fee in the amount provided under this
18 section. *Upon a determination by the animal health commissioner that*
19 *such brand is available for use and may be registered, the registrant shall,*
20 *within 60 days of ~~receiving~~ notice of such determination **being sent by the***
21 ***animal health commissioner,** remit to the animal health commissioner a*
22 *brand registration fee in the amount provided under this section. If such*
23 *brand registration fee is not paid as required under this section, the*
24 *animal health commissioner may deny the application. Each person*
25 *making application for the registering of an available livestock brand*
26 *whose brand application is approved shall be issued a certificate of brand*
27 *title upon remittance of the brand registration fee as provided under this*
28 *section. ~~Such~~ Each brand title shall be valid for a recording period ending*
29 *four years subsequent to the next April 1 following date of issuance.*
30 *Separate application and registration fees shall be required for each*
31 *brand for which registration is sought and each brand for which an*
32 *application for registration is approved. The use of a brand for which a*
33 *certificate of brand title has not been issued shall be unlawful **and subject***
34 *to penalties as provided in K.S.A. 47-421, and amendments thereto.*

35 (c) ~~For the purpose of revising the brand records, the animal health~~

1 ~~commissioner shall collect~~ *Each person ~~holding~~ wanting to renew a*
2 *certificate of brand title held by such person shall, upon the expiration of*
3 *the recording period for such certificate of brand title, remit to the animal*
4 *health commissioner a renewal fee in the amount provided under this*
5 *section ~~on all brands upon which the recording period expires~~. Any person*
6 *submitting such renewal fee shall be entitled to a renewal of registration of*
7 *such person's livestock brand for a five-year period from the date of*
8 *expiration of registration of such person's livestock brand as shown by*
9 *such person's last certificate of brand title.*

10 (d) The livestock brand of any person whose registration expires and
11 who fails to pay such renewal fee within a grace period of 60 days after
12 expiration of the registration period shall be forfeited. The use of a
13 forfeited brand shall be unlawful *and subject to penalties as provided in*
14 *K.S.A. 47-421, and amendments thereto.*

15 (e) Upon the forfeiture of a livestock brand, the animal health
16 commissioner is authorized to receive and accept an application for such
17 brand to the same extent as if such brand had never been issued to anyone
18 as a registered brand.

19 (f) The animal health commissioner shall determine annually the
20 amount of funds ~~which~~ *that* will be required for the purposes for which the
21 brand *application*, registration and renewal fees are charged and collected
22 and shall fix and adjust from time to time each such fee in such reasonable
23 amount as may be necessary for such purposes, except that in no case shall
24 ~~either~~ *the total of the brand application fee, registration fee ~~or the~~ and*
25 *renewal fee exceed \$55 \$100.* The amounts of the brand *application fee,*
26 *registration fee and the renewal fee in effect on the day preceding the*
27 ~~effective date of this act~~ *June 30, 2024,* shall continue in effect until the
28 animal health commissioner fixes different amounts for such fees under
29 this section.

30 Sec. 2. K.S.A. 47-417 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the statute book.