

SENATE BILL No. 414

By Committee on Agriculture

2-9

1 AN ACT concerning agriculture; relating to animal health; amending
2 K.S.A. 47-120, 47-121, 47-122, 47-237, 47-238, 47-419, 47-422, 47-
3 424, 47-656, 47-1001, 47-1002, 47-1005, 47-1010, 47-1102, 47-1213,
4 47-1217, 47-1219, 47-1301, 47-1305, 47-1306, 47-1509, 47-1701, 47-
5 1710, 47-1711, 47-1712, 47-1723, 47-1725, 47-1727, 47-1801, 47-
6 1804, 47-1807 and 47-2306 and K.S.A. 2011 Supp. 47-1008, 47-1302,
7 47-1706, 47-1707, 47-1708, 47-1709, 47-1809 and 47-1826 and
8 repealing the existing sections; also repealing K.S.A. 47-619, 47-621,
9 47-636, 47-637, 47-638, 47-639, 47-641, 47-642, 47-643, 47-644, 47-
10 647, 47-648, 47-649, 47-650, 47-651, 47-652, 47-653, 47-653d, 47-
11 653e, 47-653f, 47-653g, 47-653h, 47-666, 47-667, 47-668, 47-669, 47-
12 670, 47-671, 47-921, 47-922, 47-923 and 47-1005b and K.S.A. 2011
13 Supp. 47-672 and 47-1307.
14

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

16 New Section 1. In addition to the remedies provided under K.S.A. 47-
17 1001 *et seq.*, and amendments thereto, the commissioner is hereby
18 authorized to apply to the district court for an injunction restraining any
19 person from violating any provision of K.S.A. 47-1001 *et seq.*, and
20 amendments thereto. Such court, upon a showing of cause therefore, shall
21 have jurisdiction to grant such injunction irrespective of whether or not
22 there exists an adequate remedy at law.

23 New Sec. 2. For purposes of administrative proceedings of the
24 division of animal health of the Kansas department of agriculture, "agency
25 head" means the Kansas secretary of agriculture or the animal health
26 commissioner of the Kansas department of agriculture, when acting on
27 behalf of the secretary.

28 Sec. 3. K.S.A. 47-120 is hereby amended to read as follows: 47-120.
29 (d) Nothing herein contained shall be so construed as to prevent drovers or
30 other persons from driving ~~swine~~ livestock from one place to another along
31 any public highway, the owner or owners being responsible for all
32 damages that any person or persons may sustain in consequence of the
33 driving of such ~~swine~~ livestock.

34 (b) For the purposes of K.S.A. 47-120 through 47-122, and
35 amendments thereto, "livestock" shall mean any cattle, bison, swine,
36 sheep, goats, horses, mules, domesticated deer, camelids, all creatures of

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Prepared by David Wiese
Office of Revisor of Statutes

1 regulations adopted hereunder, the commissioner shall pay the costs of
2 care and services provided during seizure and impoundment.

3 Sec. 29. K.S.A. 2011 Supp. 47-1708 is hereby amended to read as
4 follows: 47-1708. Any action of the commissioner pursuant to K.S.A. 47-
5 1705 47-1706 or 47-1706 47-1707, and amendments thereto, is subject to
6 review in accordance with the Kansas judicial review act.

7 Sec. 30. K.S.A. 2011 Supp. 47-1709 is hereby amended to read as
8 follows: 47-1709. (a) The commissioner or the commissioner's authorized,
9 trained representatives shall make an inspection of the premises for which
10 an application for an original license or permit is made under K.S.A. 47-
11 1701 et seq., and amendments thereto, before issuance of such license or
12 permit. *No license or permit shall be issued by the commissioner to an
13 applicant described in this subsection until the premises for which
14 application is made has passed a licensing or permitting inspection.* The
15 application for a license shall conclusively be deemed to be the consent of
16 the applicant to the right of entry and inspection of the premises sought to
17 be licensed or permitted by the commissioner or the commissioner's
18 authorized, trained representatives at reasonable times with the owner or
19 owner's representative present. Refusal of such entry and inspection shall
20 be grounds for denial of the license or permit. Notice need not be given to
21 any person prior to inspection.

22 (b) The commissioner or the commissioner's authorized, trained
23 representatives may ~~make an inspection of each premises for which a~~
24 license or permit has been issued under K.S.A. 47-1701 et seq., and
25 amendments thereto. ~~If such premises are premises of a person licensed or~~
26 ~~permitted under public law 91-579 (7 U.S.C. § 2131 et seq.), such~~
27 ~~premises may be inspected at least once each year. Otherwise, the premises~~
28 ~~may be inspected at least twice each year.~~ ~~The acceptance of a license or~~
29 permit shall conclusively be deemed to be the consent of the licensee or
30 permittee to the right of entry and inspection of the licensed or permitted
31 premises by the commissioner or the commissioner's authorized, trained
32 representatives at reasonable times with the owner or owner's
33 representative present. Refusal of such entry and inspection shall be
34 grounds for suspension or revocation of the license or permit. Notice need
35 not be given to any person prior to inspection.

36 (c) The commissioner or the commissioner's authorized, trained
37 representatives shall make inspections of the premises of a person required
38 to be licensed or permitted under K.S.A. 47-1701 et seq., and amendments
39 thereto, upon a determination by the commissioner that there are
40 reasonable grounds to believe that the person is violating the provisions of
41 K.S.A. 47-1701 et seq., and amendments thereto, or rules and regulations
42 adopted thereunder or that there are grounds for suspension or revocation
43 of such person's license or permit.

Strike

inspect