

HOUSE BILL No. 2899

AN ACT concerning animals; relating to feral swine; penalties; amending K.S.A. 2005 Supp. 47-1809 and repealing the existing section.

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

Section 1. K.S.A. 2005 Supp. 47-1809 is hereby amended to read as follows: 47-1809. (a) As used in this section, “feral swine” means any untamed or undomesticated hog, boar or pig; *swine whose reversion from the domesticated state to the wild state is apparent; or an otherwise freely roaming swine having no visible tags, markings or characteristics indicating that such swine is from a domestic herd, and reasonable inquiry within the area does not identify an owner.*

~~(b) Importation or possession, or both, of feral swine into the state of Kansas is a violation of state law, which may incur~~ *No person shall import, transport or possess live feral swine in this state.*

(c) No person shall intentionally or knowingly release any hog, boar, pig or swine to live in a wild or feral state upon public or private land.

(d) No person shall engage in, sponsor, instigate, assist or profit from the release, killing, wounding or attempted killing or wounding of feral swine for the purpose of sport, pleasure, amusement or production of a trophy.

(e) Violation of subsection (b) or (c) may result in a civil penalty in the amount of not less than \$1,000 nor more than \$5,000 for each such violation. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(f) Violation of subsection (d) may result in a civil penalty of not less than \$250 nor more than \$2,500 for each such violation.

~~(e)~~ *(g) Any duly authorized agent of the livestock commissioner, upon a finding that any person, or agent or employee thereof, has violated any of the provisions stated above, may impose a civil penalty upon such person as provided in this section.*

~~(d)~~ *(h) No civil penalty shall be imposed pursuant to this section except upon the written order of the duly authorized agent of the livestock commissioner to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of the person to appeal to the commissioner. Any such person, within 20 days after notification, may make written request to the commissioner for a hearing in accordance with the provisions of the Kansas administrative procedure act. The commissioner shall affirm, reverse or modify the order and shall specify the reasons therefor.*

~~(e)~~ *(i) Any person aggrieved by an order of the commissioner made under this section may appeal such order to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions.*

~~(d)~~ *(j) Any civil penalty recovered pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.*

~~(e)~~ *(k) The livestock commissioner, or the authorized representative of the livestock commissioner, may destroy or require the destruction of any feral swine upon discovery of such swine.*

(l) The provisions of this section shall not be construed to prevent owners or legal occupants of land, the employees of such owners or legal occupants or persons designated by such owners or legal occupants from killing any feral swine when found on their premises or when destroying property. Such designees shall have a permit issued by the livestock commissioner in their possession at the time of the killing of the feral swine.

(m) The livestock commissioner may adopt rules and regulations to carry out the provisions of this section.

Sec. 2. K.S.A. 2005 Supp. 47-1809 is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.