

*As Amended by Senate Committee*

*As Amended by House Committee*

Session of 2006

## HOUSE BILL No. 2899

By Committee on Agriculture

2-14

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

14  
15 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

42 ~~(h)~~ ***(h)*** No civil penalty shall be imposed pursuant to this section  
43 except upon the written order of the duly authorized agent of the livestock

1 commissioner to the person who committed the violation. Such order  
2 shall state the violation, the penalty to be imposed and the right of the  
3 person to appeal to the commissioner. Any such person, within 20 days  
4 after notification, may make written request to the commissioner for a  
5 hearing in accordance with the provisions of the Kansas administrative  
6 procedure act. The commissioner shall affirm, reverse or modify the order  
7 and shall specify the reasons therefor.

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

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

17 ~~(g)~~ ~~(j)~~ **(k)** The livestock commissioner, or the authorized represen-  
18 tative of the livestock commissioner, may destroy or require the destruc-  
19 tion of any feral swine upon discovery of such swine.

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

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

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