

**HOUSE BILL No. 2398**

By By Committee on Appropriations

3-28

1 AN ACT concerning feral swine; amending K.S.A. 2010 Supp. 47-1809  
2 and repealing the existing section.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2010 Supp. 47-1809 is hereby amended to read as  
6 follows: 47-1809. (a) As used in this section, "feral swine" means any  
7 untamed or undomesticated hog, boar or pig; swine whose reversion from  
8 the domesticated state to the wild state is apparent; or an otherwise freely  
9 roaming swine having no visible tags, markings or characteristics  
10 indicating that such swine is from a domestic herd, and reasonable inquiry  
11 within the area does not identify an owner. *Feral swine includes members*  
12 *of the species sus scrofa lineas, including, but not limited to, swine*  
13 *commonly known as old world swine, Russian boar or European boar.*

14 (b) No person shall import, transport or possess live feral swine in  
15 this state.

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

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

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

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

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

32 ~~(h) No civil penalty shall be imposed pursuant to this section except~~  
33 ~~upon the written order of the duly authorized agent of the livestock~~  
34 ~~commissioner to the person who committed the violation. Such order shall~~  
35 ~~state the violation, the penalty to be imposed and the right of the person to~~  
36 ~~appeal to the commissioner. Any such person, within 20 days after~~

1 notification, may make written request to the commissioner for a hearing  
 2 in accordance with the provisions of the Kansas administrative procedure  
 3 act. The commissioner shall affirm, reverse or modify the order and shall  
 4 specify the reasons therefor.

5 ~~(i)~~ Any person aggrieved by an order of the commissioner made  
 6 under this section may appeal such order to the district court in the manner  
 7 provided by the Kansas judicial review act.

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

13 *(e) Violation of this section is a class C nonperson misdemeanor.*

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

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

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

26 Sec. 2. K.S.A. 2010 Supp. 47-1809 is hereby repealed.

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