

HOUSE BILL No. 2426

By Representatives Kuether, Kirk, Loganbill and Ruff

2-9

9 AN ACT concerning domestic animals; relating to certain unlawful acts
10 and civil penalties; amending K.S.A. 2004 Supp. 47-624 and repealing
11 the existing section.
12

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

14 Section 1. K.S.A. 2004 Supp. 47-624 is hereby amended to read as
15 follows: 47-624. (a) In addition to any other penalty provided by law,
16 *except as otherwise provided*, any person who has in such person's pos-
17 session any domestic animal affected with any contagious or infectious
18 disease, knowing such animal to be so affected, who permits such animal
19 to run at large; or who keeps such animal where other domestic animals,
20 not affected with or previously exposed to such disease, may be exposed
21 to such contagious or infectious disease; or who sells, ships, drives, trades
22 or gives away such diseased and infected animal or animals which have
23 been exposed to such infection or contagion, except by sale, trade or gift
24 to a regularly licensed disposal plant; or who moves or drives any domestic
25 animal in violation of the rules and regulations, directions or orders es-
26 tablishing and regulating quarantine may incur a civil penalty imposed
27 under subsection (b) in the amount of not less than \$250 nor more than
28 \$1,000 for each such violation ~~and~~. In the case of a continuing violation,
29 every day such violation continues shall be deemed a separate violation.
30 Any owner of any domestic animal which has been affected with or ex-
31 posed to any contagious or infectious disease may dispose of the same
32 after such owner obtains from the livestock commissioner a bill of health
33 for such animal. *The provisions of this subsection with regard to the im-*
34 *position of a civil penalty for an unlawful act prohibited by this subsection*
35 *shall not apply to the sale, shipment, trade, gift or transfer of a spayed or*
36 *neutered feline infected with feline immunodeficiency virus or feline leu-*
37 *kemia virus as long as full and complete written disclosure of the condi-*
38 *tion, possible complications, communicability and treatment is provided*
39 *to the receiving party prior to such transfer.*

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

- 1 (c) No civil penalty shall be imposed pursuant to this section except
2 upon the written order of the duly authorized agent of the commissioner
3 to the person who committed the violation. Such order shall state the
4 violation, the penalty to be imposed and the right of the person to appeal
5 to the commissioner. Any such person, within 20 days after notification,
6 may make written request to the commissioner for a hearing in accord-
7 ance with the provisions of the Kansas administrative procedure act. The
8 commissioner shall affirm, reverse or modify the order and shall specify
9 the reasons therefor.
- 10 (d) Any person aggrieved by an order of the commissioner made un-
11 der this section may appeal such order to the district court in the manner
12 provided by the act for judicial review and civil enforcement of agency
13 actions.
- 14 (e) Any civil penalty recovered pursuant to the provisions of this sec-
15 tion shall be remitted to the state treasurer in accordance with the pro-
16 visions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each
17 such remittance, the state treasurer shall deposit the entire amount in the
18 state treasury to the credit of the state general fund.
- 19 (f) *The commissioner is hereby authorized to promulgate rules and*
20 *regulations to carry out the provisions of this section.*
- 21 Sec. 2. K.S.A. 2004 Supp. 47-624 is hereby repealed.
- 22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the Kansas register.