

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE.

The meeting was called to order by Chairperson Joann Flower at 9:00 a.m. on March 15, 1995, in Room 423-S of the Capitol.

All members were present except: Representative Luthi - Absent

Committee staff present: Raney Gilliland, Legislative Research Department  
Jill Wolters, Revisor of Statutes  
Kay Scarlett, Committee Secretary

Conferees appearing before the committee:

Jeff Ebert, President, Kansas Sheep Association  
Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Association  
Renee Harris, Shelter Manager, Lawrence Humane Society

Others attending: See attached list

**Hearing on SB 260 - Repealing the statute dealing with the national checkoff for sheep and wool products**

Chairperson Flower opened the hearing on **SB 260** by asking Jill Wolters, Revisor of Statutes, to brief the committee on the bill. **SB 260** repeals the section of the Kansas Sheep Council statutes that provides that no state assessments for sheep or wool would be collected while the national checkoff program for sheep or wool is in effect. It was assumed at the time this legislation was enacted that if a federal checkoff was passed, state checkoffs would be grandfather in. As this will probably not be the case and federal checkoff money will be less than anticipated, the state organization would like to continue the state checkoff assessment.

Jeff Ebert, President, Kansas Sheep Association, appeared in support of **SB 260**. With the vote on a national checkoff scheduled for the fall of 1995, Kansas will lose the benefit of the state checkoff. The state checkoff currently generates about \$40,000 annually. It is estimated that Kansas will receive approximately \$25,000 annually from the national checkoff, or a \$15,000 annual shortfall. The Kansas Sheep Association would like to continue the present state checkoff, but would most likely lower the fee per head. The state checkoff is completely voluntary, a seller may request a refund if he so chooses. (Attachment 1)

Rich McKee, Executive Secretary, Feedlot Division, Kansas Livestock Association, testified in support of **SB 260**. At the Kansas Livestock Association convention in December, 1994, the KLA Sheep Committee recommended to the full membership that the state checkoff be allowed to continue after the national sheep checkoff was instituted. K.S.A. 47-2008 must be repealed for this to happen. These producer checkoff funds are used to promote sheep and wool products, fund research for potential new products, and for educational purposes. (Attachment 2)

This closed the hearing on **SB 260**.

**Hearing on SB 252 - Penalties for animal cruelty; disposition of animals seized; licensure and regulation of pounds and animal shelters**

Chairperson Flower opened the hearing on **SB 252**. Jill Wolters, Revisor of Statutes, briefed the committee on the bill. As amended by the Senate Federal and State Affairs Committee, **SB 252** would change the crime of cruelty to animals from a class B misdemeanor with a fine of up to \$1000, to a class A misdemeanor with a fine of up to \$2500. The word "pound" was put back into the bill. The Senate deleted the section that would have amended the law regarding animals taken into custody in animal cruelty cases. Section 2, lines 29-32 on page 3 provides that dogs confiscated in dog fighting cases could be sedated, isolated, or restrained if such action would be in the best interest of other animals or personnel at the shelter. Section (c) on page 4 requires

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE, Room 423-S Statehouse, at 9:00 a.m. on March 15, 1995.

the court to assess the cost of holding dogs taken into custody in dog fighting cases either to the convicted party, or to the county if there is no conviction. Definitions of "no-kill shelter" and "pound" are included on page 6. Section 4 on page 7 would require no-kill shelters to be licensed. Section 5 (c) at the bottom of page 7 gives the board of directors of a no-kill shelter the authority to determine the method of disposition of any animal released from its shelter. Page 10, Section 6, lines 23 and 24 "no-kill shelters" is added to the list of facilities regulated by the Kansas Animal Health Department. Section 7 on page 11 concerns spaying and neutering of animals in a shelter or pound.

Renee Harris, Shelter Manager, Lawrence Humane Society, testified in support of **SB 252**. She had requested introduction of this legislation in the Senate Federal and State Affairs Committee. The Senate added several amendments to the bill; however, they deleted the section amending the law regarding animals taken into custody in animal cruelty cases that she had requested. She asked the committee to consider an amendment to place the requirement of a cash or corporate surety bond back into Section 2 of the bill. In response to Senate concerns, the amendment now would include notification to the owner or custodian of the animal, as well as the addition of the continuation of the bond posted throughout the case period.

Currently, animals taken into custody in cruelty and dog fighting cases must be held until the court case is finalized, sometimes for many months. Humane societies rarely recover their expenses in these cases. This amendment would permit the disposition of these animals before the case is finalized if the owner doesn't have a cash or corporate surety bond. The animals are not generally needed in court, rather photos, videos, veterinary statements and personal statements are used. Only 3-5 percent of their cases actually require cruelty charges, but the number of animals involved is in the hundreds. It was her opinion that the financial responsibility should be placed on the party responsible for the acts, this being the owners or custodians of the animals involved. (Attachment 3)

The hearing on **SB 252** will continue tomorrow.

The meeting adjourned at 10:00 a.m. The next meeting is scheduled for March 16, 1995.



March 15, 1995

Comments from Jeff Ebert, President, Kansas Sheep Association  
To the House Agriculture Committee

Good morning. I am Jeff Ebert, president of the Kansas Sheep Association.

Senate Bill No. 260 requests a revision of the state law pertaining to the lamb checkoff administered by the Kansas Sheep Council.

The reason for our request is that when the bill was originally approved by the state legislature, the American Sheep Industry Association (ASI) assured us that state checkoffs would be grand fathered into a national bill, if one was passed. However, this is not the case.

With the vote on a national checkoff scheduled for the fall of 1995, Kansas could lose the benefit of our state checkoff. Under current estimates, Kansas would receive approximately \$25,000 annually from the national checkoff, administered by ASI. Currently our state generates about \$40,000.

The Kansas Sheep Association appreciates your time and consideration of Senate Bill No. 260. I would be happy to answer any questions.

Thank you.

*House Agriculture  
Attachment 1  
3-15-95*



*A Century of Service  
1894-1994*

**Statement  
of the  
Kansas Livestock Association**

**to the**

**House Agriculture Committee**

**Representative Joann Flower, Chairperson**

**with respect to**

**Senate Bill 260**

**Kansas Sheep Council**

**presented by**

**Rich McKee**

**Executive Secretary, Feedlot Division  
Kansas Livestock Association**

**March 15, 1995**

*The Kansas Livestock Association (KLA) is a statewide association with a membership of approximately 7,000 members. These members are generally involved in some aspect of livestock production, including cattle, swine and sheep production.*

*The Kansas Livestock Association supports Senate Bill 260. During the KLA convention in December, 1994, the KLA Sheep Committee recommended to the full membership that the state checkoff be allowed to continue after, the national sheep checkoff was instituted. In order for this to occur, K.S.A. 47-2008 must be repealed.*

*Attached for your interest are copies of the statutes pertaining to the Kansas Sheep Council. This council invests producer funds collected through the checkoff for the purpose of promoting sheep and wool products, funding research for potential new products and for educational purposes.*

*The passage of this bill will allow this self-help program to continue. We respectfully request your support for Senate Bill 260. Thank you!*

*House Agriculture  
Attachment 2  
3-15-95*

History: L. 1992, ch. 102, § 10; July 1.

**47-1903.** Aquaculture advisory council; members, officers, compensation. (a) There is hereby created the aquaculture advisory council consisting of 12 members as follows:

(1) A member of the house of representatives and a member of the senate appointed by the legislative coordinating council, and such members shall be from different political parties;

(2) the dean of the college of agriculture at Kansas state university or the dean's designee;

(3) the secretary of the state board of agriculture, or the secretary's designee;

(4) the secretary of commerce, or the secretary's designee;

(5) the secretary of wildlife and parks, or the secretary's designee;

(6) six citizens of Kansas, representing aquaculture producers and a variety of processing interests and including at least one person having recognized expertise in the marketing of aquaculture products, who shall be appointed by the secretary of the state board of agriculture.

(b) The members of the advisory council appointed under subsection (a)(1) shall be appointed for a term ending on the day preceding the commencement of the regular session of the legislature in the first odd-numbered year following appointment. The members of the advisory council appointed by the secretary under subsection (a)(6) shall be appointed for terms as follows: (1) Three members shall be appointed for terms ending on June 30, 1993, and (2) three members shall be appointed for terms ending on June 30, 1994. After the expiration of the initial terms of such members appointed by the secretary, members shall be appointed by the secretary for terms of two years. All vacancies in the office of appointed members shall be filled by appointment by the officer or council making the original appointment for the remainder of the unexpired term of the member creating the vacancy.

(c) The advisory council shall organize annually by the election from its membership of a chairperson and a vice-chairperson. The advisory council shall adopt such rules of procedure as it deems necessary for conducting its business.

(d) The members of the advisory council shall be paid subsistence allowance, mileage and other expenses for attendance at meetings of the leadership council, or subcommittee meetings thereof authorized by the council, as

provided in K.S.A. 75-3223, and amendments thereto.

History: L. 1992, ch. 102, § 11; L. 1993, ch. 53, § 1; July 1.

**47-1904.** Same; duties, powers. The aquaculture advisory council shall have the following duties, authorities and powers to:

(a) Advise the state board of agriculture and other state agencies on the aquaculture industry problems and needs;

(b) determine and recommend specific research priorities;

(c) publish an annual report on the status of the aquaculture industry in the state;

(d) assist the state board of agriculture in updating and modifying the state aquaculture plan; and

(e) advise the state board of agriculture in support of aquaculture.

History: L. 1992, ch. 102, § 12; July 1.

**47-1905.** Aquaculture fund. (a) There is hereby created in the state treasury the aquaculture fund. Such fund shall be used to receive and expend donations and grants to fund research in aquaculture and to promote and market aquaculture and aquaculture products in the state of Kansas.

(b) All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the state board of agriculture or by a person or persons designated by the secretary.

History: L. 1992, ch. 102, § 13; L. 1993, ch. 53, § 2; July 1.

#### Article 20.—KANSAS SHEEP COUNCIL

**47-2001.** Definitions. As used in this act:

(a) "Council" means the Kansas sheep council.

(b) "Purchaser" means any person, public or private corporation, association or partnership who buys sheep or wool from the seller or acts as an agent for the sale or slaughter transaction.

(c) "Producer" means a person who is actively engaged within this state in the business of producing or marketing sheep or wool and who receives income from the production of sheep or wool.

(d) "Sale" or "sold" means a transaction in which the property in or to sheep or wool is

transferred from the seller to a purchaser for full or partial consideration.

(e) "Secretary" means the secretary of the state board of agriculture.

(f) "Sheep" means an animal of the ovine species, produced, fed, slaughtered or marketed in this state.

(g) "Wool" means the natural fiber produced by sheep.

(h) "Seller" means any private entity or corporation that sells sheep or wool.

History: L. 1992, ch. 275, § 1; July 1.

**47-2002.** Kansas sheep council; members, officers, compensation. (a) There is hereby created the Kansas sheep council.

(b) The council shall consist of seven members who will be elected at the annual meeting of the Kansas sheep association. The board of directors of the Kansas sheep association shall act as interim council members until council members can be elected and qualified. Vacancies which may occur shall be filled for unexpired terms by the board of directors of the Kansas sheep association from among the producers of the state. Each council member appointed on and after the effective date of this act, other than a council member appointed to fill a vacancy for an unexpired term, shall be elected for a term of four years except that three of the council members first elected on and after the effective date of this act shall be elected for a term of two years. No member may serve more than one consecutive term. Upon the expiration of a term of a member of the council, such member shall continue to serve as a member of the council until a successor to such member is elected and qualified.

(c) Members of the council shall be residents of this state and have been an active producer in this state for at least five years immediately preceding their appointment. Of such members, two members shall be lamb feeders, two members shall have ewe flocks, one member shall produce purebred sheep and two members shall be from producers at large. The selections shall be made from nominations for each respective position by each respective producer group. The elections will be held at an open session to all sheep producers at the annual meeting of the Kansas sheep association.

(d) The dean of the college of agriculture of Kansas state university or the dean's representative and the secretary or the secretary's

designee shall serve as ex officio nonvoting members of the board.

(e) The council shall annually elect a chairperson from its membership.

(f) A member of the council may cease to hold such member's position on the council for any of the following reasons, at the discretion of a majority of the council, upon resolution duly adopted by the council dismissing such member: (1) Failure to attend two or more regular meetings of the council; or (2) ceasing to be a producer.

(g) Members of the Kansas sheep council attending meetings of such council, or attending a subcommittee meeting authorized by such council, shall be paid compensation and other expenses.

(h) The council shall meet at least once every calendar quarter regularly and hold an annual meeting which shall be open to the public. The day, time and place of each meeting shall be determined by the council. The chairperson or any three members of the council may call special meetings of the council upon such notice as may be prescribed by the duly adopted rules and regulations of the council.

History: L. 1992, ch. 275, § 2; July 1.

**47-2003.** Same; powers and duties. In the administration of this act, the council shall have the following duties, authorities and powers:

(a) To conduct a campaign of market development, through research, education and promotion;

(b) to find new markets for sheep and wool, or their products;

(c) to accept grants and donations;

(d) to sue and be sued;

(e) to enter into such contracts as may be necessary or advisable for the purpose of this act;

(f) to appoint an administrator who is knowledgeable about the sheep industry and fix the compensation. With the approval of the council, the administrator may appoint such other personnel as is needed;

(g) to cooperate or contract with any local, state or national organization or agency, whether voluntary or created by the law of any state, or by national law, engaged in work or activities similar to the work and activities of the council, and to enter into contracts and agreements with such organizations or agencies

for carrying on a joint campaign of research, education and promotion;

(h) to establish an office of the administrator at any place in this state the council may select;

(i) to adopt, rescind, modify and amend all necessary and proper orders, resolutions and rules and regulations for the procedure and exercise of its powers and the performance of its duties; and

(j) to approve an annual budget and establish a reserve. Each market research project budgeted and approved by the council shall include a stated objective and anticipated results. In the council's annual report to the industry, the council shall include those objectives and actual results.

History: L. 1992, ch. 275, § 3; July 1.

**47-2004. Assessment; receipts, refunds.**

(a) An assessment to be set by the council at not more than \$.02<sup>1</sup> for each pound of wool produced and sold by a seller and not more than \$.35 per head for each sale transaction or slaughter transaction for each sheep of all classes shall be imposed on the seller at the time of delivery of the wool or sheep to the purchaser who will deduct the assessment from the price paid to the seller at the time of sale. If the seller sells, ships, or otherwise disposes of wool or sheep to a purchaser or other person outside the state of Kansas, the seller shall deduct the assessment from the amount received from the sale. Any sheep owned less than 30 days or any sheep less than 30 days of age shall be exempt from such assessment.

(b) The council shall not change the assessment rate, either to increase or reduce, more than once a year. The administrator shall furnish to every purchaser receipt forms which shall be issued by such purchaser to the seller upon payment of such assessment. The form shall indicate thereon the procedure by which the seller may obtain a refund of any such assessment, except a refund shall not be issued unless the amount of the refund is \$5 or more. Within one year after any and all sales during such period the seller, upon submission of a request therefor to the administrator, may obtain such refund in the amount of the assessment deducted by the purchaser. Such request shall be accompanied by evidence of the payment of the assessment which need not be verified.

(c) The council shall keep complete records of all refunds made under the provisions of

this section. Records of refunds may be destroyed two years after the refund is made. All funds expended in the administration of this act and for the payment of all claims whatsoever growing out of the performance of any duties or activities pursuant to this act shall be paid from the proceeds derived from such act. In the case of a lien holder who is a first purchaser as defined herein, the assessment shall be deducted by the lien holder from the proceeds of the claim secured by such lien at the time the sheep or wool, or their products, is pledged or mortgaged. The assessment shall constitute a preferred lien and shall have priority over all other liens and encumbrances upon such sheep or wool, or their products. The assessment shall be deducted and paid as herein provided whether such sheep or wool, or their products, is in this or any other state.

History: L. 1992, ch. 275, § 4; July 1.

**47-2005. Collection and disbursement of assessment.** (a) The council shall negotiate and contract with a person or persons to collect and disburse the assessments pursuant to this act.

(b) The assessment hereby imposed, on or before the 20th day of the calendar month following the date of settlement, shall be paid by the purchaser or seller who sells out of state to such person or persons. The person or persons shall issue a receipt to the purchaser or seller therefor and shall remit all moneys received in payment of such assessment to a bank account at least monthly.

(c) Each bank account for use in operating and conducting the council's duties shall be secured by pledge of securities in the manner prescribed for state bank accounts under K.S.A. 75-4218, and amendments thereto or if such bank account is in an institution outside the state of Kansas, the institution shall be licensed by a state or the federal government.

(d) All money collected pursuant to K.S.A. 47-2004 shall be expended in the administration of this act, and for the payment of claims based upon obligations incurred in the performance of the activities and functions set forth in this act, and for no other purpose.

History: L. 1992, ch. 275, § 5; July 1.

**47-2006. Lien; foreclosure.** If the assessment is not deducted and paid to the person or persons as provided in K.S.A. 47-2005, or within 10 days thereafter, such lien, within one year after the expiration of such 10-day period, may be foreclosed by action in any



court having jurisdiction in the county in which such sheep or wool, or their products, was sold, or in which such sheep or wool, or their products, may be found, or in which such sheep or wool, or their products, shall have been commingled with other sheep or wool, or their products.

History: L. 1992, ch. 275, § 6; July 1.

**47-2007.** Penalties. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment in the county jail for not less than 30 nor more than 90 days, or by both such fine and imprisonment.

History: L. 1992, ch. 275, § 7; July 1.

**47-2008.** National checkoff program for sheep or wool. (a) No assessments for sheep or wool, or their products shall be collected pursuant to this act while the national checkoff program for sheep or wool, or their products, remain in effect. Collections of assessments pursuant to this act shall be reinstated upon the withdrawal of the national checkoff program for sheep or wool, or their products.

(b) The Kansas sheep council shall have the ability to pay and transfer portions of the assessments collected pursuant to the national checkoff program for sheep or wool, or their products, to the national board as required.

History: L. 1992, ch. 275, § 8; July 1.

#### Article 21.—DOMESTICATED DEER

**47-2101.** Raising domesticated deer; unlawful acts; permit; identification of deer; inspection of premises; communications with wildlife and parks; definitions. (a) It shall be unlawful for any person to engage in the business of raising domesticated deer unless such person has obtained from the livestock commissioner a domesticated deer permit. Application for such permit shall be made in writing on a form provided by the commissioner. The permit period shall be for the permit year ending on June 30 following the issuance date.

(b) Each application for issuance or renewal of a permit shall be accompanied by a fee of not more than \$100 as established by the commissioner in rules and regulations.

(c) The livestock commissioner shall adopt any rules and regulations necessary to enforce this section.

(d) Any person who fails to obtain a permit as prescribed in section (a) shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$100. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(e) The commissioner may refuse to issue or renew or may suspend or revoke any permit for any one of the following reasons:

(1) Material misstatement in the application for the original permit or in the application for any renewal of a permit;

(2) the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty, or relating to the theft of or cruelty to animals;

(3) substantial misrepresentation;

(4) the person who is issued a permit is found to be adding to such person's herd by poaching or illegally obtaining deer;

(5) willful disregard to any rule or regulation adopted under this section.

(f) Any refusal to issue or renew a permit and any suspension or revocation of a permit under this section shall be in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(g) Domesticated deer shall be identified through implantation of microchips, ear tags, ear tattoos, ear notches or any other permanent identification on such deer as to identify such deer as domesticated deer. Any person who receives a permit issued pursuant to subsection (a) shall keep records of the deer herd pursuant to rules and regulations.

(h) The livestock commissioner shall inspect any premises where a domesticated deer herd has been issued a permit upon receipt of a written, signed complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations.

(i) The livestock commissioner, on a quarterly basis, shall transmit to the secretary of wildlife and parks a current list of persons issued a permit pursuant to this section.

(j) All moneys received under this section shall be remitted to the state treasurer at least monthly. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and the same shall be credited to the animal disease control fund.

(k) As used in this section:

Lawrence Humane Society  
Renee Harris, Shelter Manager  
1805 East 19th Street  
Lawrence, KS 66046  
(913) 843-6835 Telephone  
(913) 843-6369 Fax

House of Representatives  
House Committee of Agriculture  
Chairperson Representative Flowers

Senate Bill 252

Ms. Chairperson and Committee Members:

I would like to thank you for the opportunity to speak before you this morning. In January I was given the opportunity to speak before my local representatives to ask for the initiation of this particular bill. Unfortunately during the hearing process the originality of the bill was lost due to the addition of several amendments. At this I would like to request an amendment be made to place the requirement of the cash or corporate surety bond back into Section 2 K.S.A. 21-4311.

(1) Any public health officer, law enforcement officer, licensed veterinarian or officer or agent of any incorporated humane society, animal shelter or other appropriate facility may take into custody any animal, upon either private or public property, which clearly shows evidence of cruelty to animals, as defined in K.S.A. 21-4310 and amendments thereto. Such officer, agent or veterinarian may inspect, care for or treat such animal or place such animal in the care of a duly incorporated humane society or licensed veterinarian for treatment, boarding or the care or, if an officer of such humane society or such veterinarian determines that the animal appears to be diseased or disabled beyond recovery for any useful purpose, for humane killing. If the animal is placed in the care of an animal shelter or pound, the facility may dispose of the animal by sale, adoption, or euthanasia at the discretion of the facility at any time after 10 days after the animal is taken into custody and notification is made to the owner or custodian of said animal(s) unless the owner or custodian of the animal files a cash or corporate surety bond with the county treasurer of the county where the animal is being held, in an amount equal to not less than the cost of care and treatment of the animal for at least 30 days, however that such bond or security shall be renewable every thirty days and is done prior to the expiration of the first 30 day period and so on. At the conclusion of the case, the surety bond shall be forfeited to the county or in the case of a cash bond a refund granted if there is a judicial determination of no guilt.

The above definition contains the amendments asked in the Senate hearing and is therefore slightly worded differently to include notification to the owner or custodian of the animal as well the addition of the continuation of the bond posted throughout the case period.

Presently animals seized in cruelty and dog-fighting are required to be held until the case is complete within the judicial system. At times this process may take as long as twelve to eighteen months. The difficulties created by this prerequisite creates several burdens on the holding facilities in these cases. Firstly the expenses involved in the care and rehabilitation of these animals is extremely costly. The holding facilities involved will most likely incur costs ranging in the thousands of dollars per case. The humane societies rarely recover the incurred amounts involved even though restitution is a component of the judgment. Most likely the individuals involved have no finances available and we rarely receive even a partial payment. Our shelter

*House Agriculture Attachment 3  
3-15-95*

alone has exceeded the fifty thousand mark within the past two years. This presents a huge burden to the non-profit societies and in the case of municipal pounds, cost to the taxpayers. In some cases cruelty and dog-fighting are allowed to continue simply because there are no facilities financially able to hold and care for these animals while the case is being processed.

Additionally, the animals required to be held will be occupying space that could be used for animals that are homeless and available for immediate placement by adoption. When this space is not available the adoptable animals may have to be euthanized. Although only a handful of our cases actually require cruelty charges the number of animal involved total in the hundreds. On many occasions the seized animals are required to be euthanized at the end of the case, mostly due to chronic illnesses or aggressive behavior.

We are asking for this amendment to help place the financial responsibility on the party responsible for the acts, this being the owners or custodians of the animals involved.

There are currently three states that have similar statutes including the State of Missouri. Attached is a copy of the notification used in Loudoun County, Florida. With this bill it would allow the cruelty laws to be used effectively when situations are warranted. Thank you for your time and consideration to this bill and amendment herein.

### THE LOUDOUN COUNTY SECURITY BOND ORDINANCE AMENDMENT

Amendment to Chapter 612 of the Codified Ordinances of Loudoun County  
Approved by the Board of Supervisors on April 21, 1993—effective immediately

**Chapter 612.24(a). DISPOSITION.** Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized pursuant to Virginia Code Section 3.1-796.115 and humanely disposed of by sale, adoption, or euthanasia at the discretion of the Animal Care & Control Administrator; 1) after 10 days following the date on which the animal was seized; or 2) in accordance with a judicial determination by the General District Court that the owner is unable to adequately provide for the animal or is not a fit person to own the animal, provided, however, that the hearing required by Virginia Code Section 3.1-796.115 to be set within 10 days of the date of seizure may be continued to a later date if the owner of the animal provides a cash or corporate surety bond in accordance with 612.24(b).

**Chapter 612.24(b). SECURITY.** A person claiming an interest in any animal confined pursuant to Virginia Code Section 3.1-796.115 may prevent disposition of the animal after the 10-day period set forth in paragraph 612.24(a) by posting a bond, cash or corporate surety, with the County Treasurer prior to the expiration of the 10-day period in an amount sufficient to secure payment for all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for at least 30 days, however, that such bond or security shall not prevent the authority

having custody of the animal from disposing of such animal at the end of the 30-day period covered by the bond or security, unless the person claiming an interest posts an additional bond, cash or corporate surety, with the County Treasurer to secure payment of reasonable expenses for an additional 30 days, and does so prior to the expiration of the first 30-day period. The amount of the bond shall be determined by the Animal Care and Control Administrator, based on the current rate for board and on the condition of the animal after examination of the animal by the Animal Warden. At the conclusion of the case, the bond shall be forfeited to the County unless there is a finding that the owner is able to adequately provide for such animal and is a fit person to own the animal. If a cash bond was paid into the County Treasurer and a judicial determination is made that the owner is able to adequately provide for such animal and is a fit person to own the animal, the owner shall be entitled to a refund of the cash bond from the Treasurer.

**Chapter 612.24(c) NOTICE.** The authority taking custody of the animal under the foregoing provisions shall give notice of this section by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

### LOUDOUN COUNTY ANIMAL CARE & CONTROL

RT. 1, BOX 985  
WATERFORD, VA 22190  
777-0406 or metro: 478-1950  
EXT. 0406

### NOTICE

Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Animal Warden: \_\_\_\_\_  
Animal Owner: \_\_\_\_\_  
Address/Location: \_\_\_\_\_

Virginia Code Section 3.1-796.115 specifically authorizes an Animal Warden to remove and care for any animals found abandoned, neglected, or cruelly treated or unfit for use. The following animals have been seized from your property in accordance with this code section: \_\_\_\_\_

Pursuant to Section 612.24 of the Codified Ordinances of Loudoun County [which appears on the notice below the Animal Warden's signature], any animal taken into custody pursuant to Virginia Code Section 3.1-796.115 may be placed for adoption or humanely disposed of after 10 days following the date of seizure unless a cash or corporate surety bond is posted with the Treasurer of Loudoun County, pursuant to Section 612.24 of the Codified Ordinances of Loudoun County, to secure the cost of its care and keeping for 30 days.

It is your responsibility to read Section 612.24 and to take appropriate action. **Please contact this office immediately for further information about this notice.**

Animal Warden

Impoundment  
of abused animals

578.018. 1. Any duly authorized public health official or  
2 law enforcement official may seek a warrant from the  
3 appropriate court to enable him to enter private property in  
4 order to inspect, care for, or impound neglected or abused  
5 animals. All requests for such warrants shall be accompanied  
6 by an affidavit stating the probable cause to believe a violation  
7 of sections 578.005 to 578.023 has occurred. A person acting  
8 under the authority of a warrant shall [not be liable for any  
9 necessary damage to property while acting under such warrant.  
10 All animals impounded pursuant to a warrant issued under this  
11 section shall be]:

12 (1) [Placed] Be given a disposition hearing before the  
13 court through which the warrant was issued, within  
14 thirty days of the filing of the request for the purpose of  
15 granting immediate disposition of the animals  
16 impounded;

17 (2) Place impounded animals in the care or custody of  
18 a veterinarian, the appropriate animal control authority, or an  
19 animal shelter. If no appropriate veterinarian, animal control  
20 authority, or animal shelter is available, the animal shall not  
21 be impounded unless it is diseased or disabled beyond recovery  
22 for any useful purpose; [or

23 (2)] (3) Humanely kill any animal impounded if it is  
24 determined by a licensed veterinarian that [an] the animal  
25 [impounded under a warrant] is diseased or disabled beyond  
26 recovery for any useful purpose[, that animal may be humanely  
27 killed.];

28 (4) Not be liable for any necessary damage to  
29 property while acting under such warrant.

30 2. The owner or custodian [of] or any person claiming  
31 an interest in any animal [who has been convicted of animal  
32 neglect or animal abuse shall be liable for reasonable costs for  
33 the care and maintenance of the animal. Any person incurring  
34 reasonable costs for the care and maintenance of such animal  
35 shall have a lien against such animal until the reasonable costs  
36 have been paid, and may put up for adoption or humanely kill  
37 such animal if such costs are not paid within ten days after  
38 demand. Any moneys received for an animal adopted pursuant  
39 to this subsection in excess of costs shall be paid to the owner  
40 of such animal.] that has been impounded because of  
41 neglect or abuse, may prevent disposition of the animal  
42 by posting bond or security in an amount sufficient to

43 provide for the animal's care and keeping for at least  
44 thirty days, inclusive of the date on which the animal was  
45 taken into custody. Notwithstanding the fact that bond  
46 may be posted pursuant to this subsection, the authority  
47 having custody of the animal may humanely dispose of  
48 the animal at the end of the time for which expenses are  
49 covered by the bond or security, unless there is a court  
50 order prohibiting such disposition. Such order shall  
51 provide for a bond or other security in the amount  
52 necessary to protect the authority having custody of the  
53 animal from any cost of the care, keeping or disposal of  
54 the animal. The authority taking custody of an animal  
55 shall give notice of the provisions of this section by  
56 posting a copy of this section at the place where the  
57 animal was taken into custody or by delivering it to a  
58 person residing on the property.

59 3. The owner or custodian of any animal humanely killed  
60 pursuant to this section shall not be entitled to recover any  
61 damages related to nor the actual value of the animal if the  
62 animal was found by a licensed veterinarian to be  
63 diseased or disabled, or if the owner or custodian (shows that  
64 such killing was unwarranted) failed to post bond or security  
65 for the care, keeping and disposition of the animal after  
66 being notified of impoundment.