

SENATE BILL No. 345

By Committee on Agriculture and Natural Resources

1-14

1 AN ACT concerning animals; relating to transporting animals into the  
2 state; authorizing the animal health commissioner to assess a civil  
3 penalty for violations relating thereto; amending K.S.A. 47-607c and  
4 repealing the existing section.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 47-607c is hereby amended to read as follows: 47-  
8 607c. ~~(a) Any person or persons violating or failing who~~ **intentionally or**  
9 **knowingly violates or intentionally or knowingly fails** to comply with the  
10 provisions of this act shall be deemed guilty of a ~~class~~ **C nonperson**  
11 misdemeanor, ~~and upon conviction thereof shall be punished by a fine of~~  
12 ~~not less than one hundred dollars (\$100) nor more than one thousand~~  
13 ~~dollars (\$1,000), or by imprisonment in the county jail not less than thirty~~  
14 ~~(30) days nor more than one (1) year, or by both such fine and~~  
15 ~~imprisonment.~~

16 *(b) In addition to any other penalty provided by law, any person who*  
17 *violates K.S.A. 47-607, and amendments thereto, the special permit*  
18 *requirements of K.S.A. 47-607a, and amendments thereto, or rules and*  
19 *regulations promulgated pursuant to K.S.A. 47-607d, and amendments*  
20 *thereto, may incur a civil penalty in an amount not less than \$100 nor*  
21 *more than \$1,000 for each such violation. In the case of a continuing*  
22 *violation, every day such violation continues may be deemed a separate*  
23 *violation shipment into the state.*

24 *(c) No civil penalty shall be imposed pursuant to this section except*  
25 *upon the written order of the duly authorized agent of the animal health*  
26 *commissioner to the person who committed the violation. Such order shall*  
27 *state the violation, the civil penalty to be imposed and the right of the*  
28 *person to appeal to the commissioner. Within 20 days of such notification,*  
29 *any such person may make written request to the commissioner for a*  
30 *hearing in accordance with the Kansas administrative procedure act.*

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

36 *(e) The animal health commissioner may require that any records*

1 *related to animals and the suspected transportation of such animals into*  
2 *the state in violation of K.S.A. 47-607, and amendments thereto, the*  
3 *special permit requirements of K.S.A. 47-607a, and amendments thereto,*  
4 *or rules and regulations promulgated pursuant to K.S.A. 47-607d, and*  
5 *amendments thereto, in the possession of any person be submitted to the*  
6 *commissioner for review within a reasonable time. Failure to cooperate*  
7 *with any such request shall be considered a violation of this act.*

8 Sec. 2. K.S.A. 47-607c is hereby repealed.

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