

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute  
2 for Senate Bill No. 523, Page 6, Section 213.012, Line 4, by inserting after said section and line the  
3 following:  
4

5 "270.170. 1. If any swine or sheep shall be found running at large, contrary to the  
6 provisions of this chapter, it shall be lawful for any person on whose premises said swine or sheep  
7 shall be found to restrain the same forthwith, and give the owner, if known, notice in writing that  
8 such person has restrained said swine or sheep, and the amount of damages such person claims in  
9 the premises, and requiring the owner to take said swine or sheep away and pay such damages; and  
10 such owner shall pay such person a reasonable sum for taking up, feeding and caring for the same,  
11 and the actual damages done by said swine or sheep. If such owner fails to comply with the  
12 provisions of this section within three days after receiving such notice, or if the owner of such swine  
13 or sheep be unknown, such swine or sheep shall be disposed of in the manner provided for in section  
14 270.180.

15 2. Any swine not conspicuously identified by ear tags or other forms of identification that  
16 were born in the wild or that lived outside of captivity for a sufficient length of time to be  
17 considered wild by nature by hiding from humans or being nocturnal shall be considered feral hogs.  
18 Any person may at any time take or kill any number of such feral hogs on such person's own  
19 property, on any other person's private property with the permission of the property owner, or on  
20 any publicly owned land. Such taking or killing shall be performed as provided by law, except that  
21 this provision shall not be construed to require any person to obtain any permit for such taking or  
22 killing or to authorize the state or any political subdivision thereof to require a permit for such  
23 taking or killing.

24 270.270. 1. Any person possessing or transporting live Russian or European wild boar or  
25 wild-caught swine on or through public land without a Missouri department of agriculture permit is  
26 guilty of a class A misdemeanor. Each violation of this subsection shall be a separate offense.

27 2. Any law enforcement officer, any agent of the conservation commission, or the state  
28 veterinarian is authorized to enforce the provisions of this section, section 270.260, and section  
29 270.400.

30 3. Nothing in this chapter shall be construed to allow any person taking, killing, or  
31 transporting any feral hog to trespass on any property not owned by such person in violation of any  
32 provision of chapter 569.

33 270.400. 1. For purposes of this section, the following terms mean:

34 (1) "Feral hog", any hog, including Russian and European wild boar, that is not  
35 conspicuously identified by ear tags or other forms of identification and is roaming freely upon  
36 public or private lands without the landowner's permission;

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1 (2) "Landowner's agent", any person who has permission from a landowner to be present on  
2 the landowner's property.

3 2. A person may kill a feral hog roaming freely upon such person's land and shall not be  
4 liable to the owner of the hog for the loss of the hog.

5 3. Any person may take or kill a feral hog on public land or private land with the consent of  
6 the landowner; except that, during the firearms deer and turkey hunting season, the regulations of  
7 the Missouri wildlife code shall apply. Such person shall not be liable to the owner of the hog for  
8 the loss of such hog.

9 4. ~~[No person except a landowner or such landowner's agent on such landowner's property  
10 shall take, attempt to take, or kill a feral hog with the use of an artificial light.~~

11 ~~—5.]~~ The director of the department of agriculture shall promulgate rules for fencing and  
12 health standards for Russian and European wild boar and wild-caught swine held alive on private  
13 land. Any person holding Russian or European wild boar or wild-caught swine on private land shall  
14 annually submit an application to the department for a permit. Any applicant that successfully  
15 meets the requirements under this section as determined by the department and pays an application  
16 fee shall be issued a permit.

17 ~~[6.]~~ 5. Russian and European wild boar and wild-caught swine may move only from a farm  
18 to a farm or directly to slaughter or to a slaughter-only market. The department shall promulgate  
19 rules for exemption permits and a fee structure to offset the actual and necessary costs incurred to  
20 enforce the provisions of this section.

21 ~~[7.]~~ 6. (1) There is hereby created in the state treasury the "Animal Health Fund", which  
22 shall consist of all fees and administrative penalties collected by the department of agriculture under  
23 this section and section 270.260. The state treasurer shall be custodian of the fund. In accordance  
24 with sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon  
25 appropriation, moneys in the fund shall be used for the administration of this section and section  
26 270.260.

27 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining  
28 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

29 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are  
30 invested. Any interest and moneys earned on such investments shall be credited to the fund.

31 ~~[8.]~~ 7. Any person who violates subsection 2 of section 270.260 may, in addition to the  
32 penalty imposed under section 270.260, be assessed an administrative penalty of up to one thousand  
33 dollars per violation. Any person who is assessed an administrative penalty under this section shall  
34 be notified in writing of the right to appeal. Such person may request a hearing before the director  
35 of the department of agriculture. Such request shall be made in writing no later than thirty days  
36 after the date on which the person was notified of the violation of section 270.260.

37 ~~[9.]~~ 8. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
38 under the authority delegated in this section shall become effective only if it complies with and is  
39 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
40 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to  
41 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
42 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
43 August 28, 2010, shall be invalid and void.

44 ~~[10.]~~ 9. Nothing in this section shall be construed to apply to domestic swine."; and

45  
46 Further amend said bill by amending the title, enacting clause, and intersectional references  
47 accordingly.