

SECOND REGULAR SESSION

# HOUSE BILL NO. 1292

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

3952H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 270.400, RSMo, and to enact in lieu thereof one new section relating to feral hogs.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 270.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 270.400, to read as follows:

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

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

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

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

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

4. No person except a landowner or such landowner's agent on such landowner's property shall take, attempt to take, or kill a feral hog with the use of an artificial light. **No provision of this section shall be construed to prohibit a landowner or the landowner's agent from using a night vision device or a thermal imaging device.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           5. The director of the department of agriculture shall promulgate rules for fencing and  
18 health standards for Russian and European wild boar and wild-caught swine held alive on private  
19 land. Any person holding Russian or European wild boar or wild-caught swine on private land  
20 shall annually submit an application to the department for a permit. Any applicant that  
21 successfully meets the requirements under this section as determined by the department and pays  
22 an application fee shall be issued a permit.

23           6. Russian and European wild boar and wild-caught swine may move only from a farm  
24 to a farm or directly to slaughter or to a slaughter-only market. The department shall promulgate  
25 rules for exemption permits and a fee structure to offset the actual and necessary costs incurred  
26 to enforce the provisions of this section.

27           7. (1) There is hereby created in the state treasury the "Animal Health Fund", which  
28 shall consist of all fees and administrative penalties collected by the department of agriculture  
29 under this section and section 270.260. The state treasurer shall be custodian of the fund. In  
30 accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.  
31 Upon appropriation, moneys in the fund shall be used for the administration of this section and  
32 section 270.260.

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

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

38           8. Any person who violates subsection 2 of section 270.260 may, in addition to the  
39 penalty imposed under section 270.260, be assessed an administrative penalty of up to one  
40 thousand dollars per violation. Any person who is assessed an administrative penalty under this  
41 section shall be notified in writing of the right to appeal. Such person may request a hearing  
42 before the director of the department of agriculture. Such request shall be made in writing no  
43 later than thirty days after the date on which the person was notified of the violation of section  
44 270.260.

45           9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
46 under the authority delegated in this section shall become effective only if it complies with and  
47 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
48 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly  
49 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
50 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
51 proposed or adopted after August 28, 2010, shall be invalid and void.

52           10. Nothing in this section shall be construed to apply to domestic swine.

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