

SECOND REGULAR SESSION

HOUSE BILL NO. 2427

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROSS.

5259H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 270.170, 270.270, and 270.400, RSMo, and to enact in lieu thereof three new sections relating to feral hogs.

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

Section A. Sections 270.170, 270.270, and 270.400, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 270.170, 270.270, and 270.400, to read as follows:

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

2. Any swine not conspicuously identified by ear tags or other forms of identification that were born in the wild or that lived outside of captivity for a sufficient length of time to be considered wild by nature by hiding from humans or being nocturnal shall be considered feral hogs. Any person may **at any time** take or kill **any number of** such feral hogs on such person's own property, **on any other person's private property with the permission of the property owner, or on any publicly owned land. Such taking or killing shall be performed as**

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 **provided by law, except that this provision shall not be construed to require any person to**
18 **obtain any permit for such taking or killing or to authorize the state or any political**
19 **subdivision thereof to require a permit for such taking or killing.**

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

5 2. Any law enforcement officer, any agent of the conservation commission, or the state
6 veterinarian is authorized to enforce the provisions of this section, section 270.260, and section
7 270.400.

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

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

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

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

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

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

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

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

21 ~~[6-]~~ 5. Russian and European wild boar and wild-caught swine may move only from a
22 farm to a farm or directly to slaughter or to a slaughter-only market. The department shall

23 promulgate rules for exemption permits and a fee structure to offset the actual and necessary
24 costs incurred to enforce the provisions of this section.

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

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

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

36 ~~[8-]~~ 7. Any person who violates subsection 2 of section 270.260 may, in addition to the
37 penalty imposed under section 270.260, be assessed an administrative penalty of up to one
38 thousand dollars per violation. Any person who is assessed an administrative penalty under this
39 section shall be notified in writing of the right to appeal. Such person may request a hearing
40 before the director of the department of agriculture. Such request shall be made in writing no
41 later than thirty days after the date on which the person was notified of the violation of section
42 270.260.

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

50 ~~[10-]~~ 9. Nothing in this section shall be construed to apply to domestic swine.

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