

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 74, Section 221.111, Line 47, by inserting after all of said section and
3 line the following:
4

5 "270.170. ~~[4.]~~ 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 take or kill such feral hogs on such person's own property.]~~

19 270.260. 1. (1) Before August 28, 2020, any person who recklessly or knowingly releases
20 any swine to live in a wild or feral state upon any public land or private land not completely
21 enclosed by a fence capable of containing such animals is guilty of a class A misdemeanor. Each
22 swine so released shall be a separate offense.

23 (2) Beginning on August 28, 2020, any person who recklessly or knowingly releases any
24 swine to live in a wild or feral state upon any public land or private land is guilty of a class E felony.

25 ~~2. [Every person who has previously been found guilty of violating the provisions of this
26 section, committed on two separate occasions where such offense occurred within ten years of the
27 date of the occurrence of the present offense and who subsequently is found guilty of violating this
28 section shall be guilty of a class E felony.~~

29 ~~—3.]~~ Nothing in this section shall be construed to criminalize the accidental escape of
30 domestic swine or the release into a facility under a department of conservation permit.

31 270.270. 1. (1) Before August 28, 2020, any person possessing or transporting live Russian
32 or European wild boar or wild-caught swine on or through public land without a Missouri
33 department of agriculture permit is guilty of a class A misdemeanor.

34 (2) Beginning on August 28, 2020, any person possessing or transporting live feral swine, as
35 defined in section 270.400, is guilty of a class E felony.

36 (3) Each violation of this subsection shall be a separate offense.

Action Taken _____ Date _____

1 2. Any law enforcement officer, any agent of the conservation commission, or the state
2 veterinarian is authorized to enforce the provisions of this section, section 270.260, and section
3 270.400."; and

4
5 Further amend said bill, Pages 74-76, Section 270.400, Lines 1-57, by deleting all of said section
6 and inserting in lieu thereof the following:

7
8 "270.400. 1. For purposes of this section, the following terms mean:

9 (1) "Feral ~~[hog]~~ swine", any ~~[hog, including Russian and European wild boar, that is not~~
10 ~~conspicuously identified by ear tags or other forms of identification and is roaming freely upon~~
11 ~~public or private lands without the landowner's permission]~~ swine that is born, living, or has lived in
12 the wild, and the offspring of such swine. For purposes of this subdivision, "in the wild" means not
13 confined by man to pens, houses, or other facilities designed to hold swine and prevent their escape;

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

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

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

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

24 5. ~~[The director of the department of agriculture shall promulgate rules for fencing and~~
25 ~~health standards for Russian and European wild boar and wild-caught swine held alive on private~~
26 ~~land. Any person holding Russian or European wild boar or wild-caught swine on private land shall~~
27 ~~annually submit an application to the department for a permit. Any applicant that successfully~~
28 ~~meets the requirements under this section as determined by the department and pays an application~~
29 ~~fee shall be issued a permit.] Any person who violates subsection 3 or 4 of this section is guilty of a~~
30 ~~class A misdemeanor. Each violation of subsection 3 or 4 of this section shall be a separate offense.~~

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

35 ~~7. (1) There is hereby created in the state treasury the "Animal Health Fund", which shall~~
36 ~~consist of all fees and administrative penalties collected by the department of agriculture under this~~
37 ~~section and section 270.260. The state treasurer shall be custodian of the fund. In accordance with~~
38 ~~sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation,~~
39 ~~moneys in the fund shall be used for the administration of this section and section 270.260.~~

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

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

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

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

8 ~~10.] Nothing in this section shall be construed to apply to the accidental escape of domestic~~
9 ~~swine."; and~~

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.