

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

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill Nos. 53 & 60, Page 47, Section 221.105, Line 59, by inserting after all of said section  
3 and line the following:  
4

5 "270.170. ~~[4.]~~ If any domestic swine ~~[or sheep]~~ shall be found running at large, contrary to  
6 the provisions of this chapter, it shall be lawful for any person on whose premises said swine ~~[or~~  
7 ~~sheep]~~ shall be found to restrain the same forthwith, and give the owner, if known, notice in writing  
8 that such person has restrained said swine ~~[or sheep]~~, and the amount of damages such person  
9 claims in the premises, and requiring the owner to take said swine ~~[or sheep]~~ away and pay such  
10 damages; and such owner shall pay such person a reasonable sum for taking up, feeding and caring  
11 for the same, and the actual damages done by said swine ~~[or sheep]~~. If such owner fails to comply  
12 with the provisions of this section within three days after receiving such notice, or if the owner of  
13 such swine ~~[or sheep]~~ be unknown, such swine ~~[or sheep]~~ shall be disposed of in the manner  
14 provided for in section 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.]~~

19 270.180. 1. If the owner of any domestic swine ~~[or sheep]~~ taken up under the provisions of  
20 this chapter be unknown, after three days' diligent inquiry by the taker-up, or if the owner of any  
21 swine ~~[or sheep]~~ taken up under the provisions of this chapter shall not, within three days after  
22 receiving notice as provided for in section 270.170, comply with the provisions of this chapter, the  
23 taker-up of such swine ~~[or sheep]~~ shall apply to an associate circuit judge of the county for the sale  
24 of such swine ~~[or sheep]~~ according to law.

25 2. Such associate circuit judge, being satisfied that the provisions of this chapter have been  
26 complied with, shall order the same to be sold by the sheriff after the expiration of fifteen days, who  
27 shall give notice and sell the same in the same manner as personal property may be sold on  
28 execution by a sheriff; and after paying the costs of sale, and of taking up and keeping the swine ~~[or~~  
29 ~~sheep]~~, and all damages done by the same, such sheriff shall pay the balance, if there be any, over to  
30 the county treasurer, and take ~~[his]~~ a receipt therefor; which balance shall be subject to the order of  
31 the owner of such swine ~~[or sheep]~~, if called for within twelve months after the sale, but if not called  
32 for, the same shall be turned over to the school fund of the county.

33 270.260. 1. Any person who recklessly or knowingly releases any swine to live in a wild or  
34 feral state upon any public land or private land not completely enclosed by a fence capable of  
35 containing such animals is guilty of a class A misdemeanor and may be sentenced to pay a fine up to  
36 two thousand dollars. Each swine so released shall be a separate offense.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           2. Every person who has previously been found guilty of violating the provisions of this  
2 section, committed on ~~two~~ a separate ~~occasions~~ occasion where such offense occurred within ten  
3 years of the date of the occurrence of the present offense and who subsequently is found guilty of  
4 violating this section shall be guilty of a class E felony. Each swine so released shall be a separate  
5 offense.

6           3. Nothing in this section shall be construed to criminalize the accidental escape of domestic  
7 swine or the release into a facility under a department of conservation permit or to hinder the ability  
8 to transport domestic swine to market or slaughter.

9           4. Nothing in this section shall be construed to prohibit the right of an individual to farm or  
10 raise livestock.

11           270.270. 1. (1) Any person possessing or transporting live Russian or European wild boar  
12 or wild-caught swine on or through public land ~~[without a Missouri department of agriculture~~  
13 ~~permit]~~ is guilty of a class A misdemeanor.

14           (2) Every person who has previously been found guilty of violating the provisions of this  
15 section, committed on a separate occasion where such offense occurred within ten years of the date  
16 of the occurrence of the present offense and who subsequently is found guilty of violating this  
17 section shall be guilty of a class E felony.

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

19           (4) Nothing in this section shall apply to the possession of the offspring of domestic swine  
20 that are unintentionally sired by feral swine, as defined in section 270.400, and are reported to the  
21 state veterinarian within thirty days of birth and within fifteen days before slaughter.

22           2. Any law enforcement officer, any agent of the conservation commission, or the state  
23 veterinarian is authorized to enforce the provisions of this section, section 270.260, and section  
24 270.400.

25           270.400. 1. For purposes of this section, the following terms mean:

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

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

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

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

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

43           5. ~~[The director of the department of agriculture shall promulgate rules for fencing and~~  
44 ~~health standards for Russian and European wild boar and wild-caught swine held alive on private~~  
45 ~~land. Any person holding Russian or European wild boar or wild-caught swine on private land shall~~  
46 ~~annually submit an application to the department for a permit. Any applicant that successfully~~  
47 ~~meets the requirements under this section as determined by the department and pays an application~~  
48 ~~fee shall be issued a permit.~~

49           6. ~~Russian and European wild boar and wild-caught swine may move only from a farm to a~~

1 farm or directly to slaughter or to a slaughter-only market. The department shall promulgate rules  
 2 for exemption permits and a fee structure to offset the actual and necessary costs incurred to enforce  
 3 the provisions of this section.

4 ~~7. (1) There is hereby created in the state treasury the "Animal Health Fund", which shall~~  
 5 ~~consist of all fees and administrative penalties collected by the department of agriculture under this~~  
 6 ~~section and section 270.260. The state treasurer shall be custodian of the fund. In accordance with~~  
 7 ~~sections 30.170 and 30.180, the state treasurer may approve disbursements. Upon appropriation,~~  
 8 ~~moneys in the fund shall be used for the administration of this section and section 270.260.~~

9 ~~8. (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining~~  
 10 ~~in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.~~

11 ~~9. (3) The state treasurer shall invest moneys in the fund in the same manner as other funds are~~  
 12 ~~invested. Any interest and moneys earned on such investments shall be credited to the fund.~~

13 ~~10. (4) Any person who violates subsection 2 of section 270.260 may, in addition to the penalty~~  
 14 ~~imposed under section 270.260, be assessed an administrative penalty of up to one thousand dollars~~  
 15 ~~per violation. Any person who is assessed an administrative penalty under this section shall be~~  
 16 ~~notified in writing of the right to appeal. Such person may request a hearing before the director of~~  
 17 ~~the department of agriculture. Such request shall be made in writing no later than thirty days after~~  
 18 ~~the date on which the person was notified of the violation of section 270.260.~~

19 ~~11. (5) Any rule or portion of a rule, as that term is defined in section 536.010, that is created~~  
 20 ~~under the authority delegated in this section shall become effective only if it complies with and is~~  
 21 ~~subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and~~  
 22 ~~chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to~~  
 23 ~~chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently~~  
 24 ~~held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after~~  
 25 ~~August 28, 2010, shall be invalid and void.~~

26 ~~12. (6) Any person who violates subsection 3 or 4 of this section is guilty of a class A~~  
 27 ~~misdemeanor. Each violation of subsection 3 or 4 of this section shall be a separate offense.~~

28 ~~13. (7) Nothing in this section shall be construed to apply to the accidental escape of domestic~~  
 29 ~~swine."; and~~

30  
 31 Further amend said bill by amending the title, enacting clause, and intersectional references  
 32 accordingly.