

SECOND REGULAR SESSION

HOUSE BILL NO. 2677

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUPPS.

5718H.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 financial responsibility for feral hog damage.

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Section A. Section 270.400, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 270.400, to read as follows: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

5. The director of the department of agriculture shall promulgate rules for fencing and health standards for Russian and European wild boar and wild-caught swine held alive on private land. Any person holding Russian or European wild boar or wild-caught swine on private land

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.

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

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

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

51 **11. The department of conservation shall be financially responsible for any damage**
52 **caused by feral hogs including, but not limited to, the following:**

53 **(1) The value of crops and pasture damaged or destroyed by feral hogs;**

54 **(2) Indemnification of losses suffered by livestock producers as a result of**
55 **harassment or disease spread from feral hogs; and**

56 **(3) The value of fencing and other private property damaged by feral hogs.**

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