

FIRST REGULAR SESSION

HOUSE BILL NO. 115

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), GUERNSEY, WELLS, DUGGER, NOLTE,
DENISON, SMITH (150), WETER, DAY, FISHER, COX AND NETH (Co-sponsors).

0273L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 252.030 and 252.040, RSMo, and to enact in lieu thereof two new sections relating to restrictions on reintroducing wild elk, with existing penalty provisions.

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

Section A. Sections 252.030 and 252.040, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 252.030 and 252.040, to read as follows:

252.030. **1.** The ownership of and title to all wildlife of and within the state, whether
2 resident, migratory or imported, dead or alive, are hereby declared to be in the state of Missouri.
3 Any person who fails to comply with or who violates this law or any such rules and regulations
4 shall not acquire or enforce any title, ownership or possessory right in any such wildlife; and any
5 person who pursues, takes, kills, possesses or disposes of any such wildlife or attempts to do so,
6 shall be deemed to consent that the title of said wildlife shall be and remain in the state of
7 Missouri, for the purpose of control, management, restoration, conservation and regulation
8 thereof.

9 **2. The ownership of and title to all wild elk of and within the state, whether**
10 **resident, migratory or imported, dead or alive, are hereby declared to be in the department**
11 **of conservation. No person shall acquire or enforce any title, ownership or possessory right**
12 **in any such elk; and any person who pursues, takes, kills, possesses or disposes of any such**
13 **elk or attempts to do so, shall be deemed to consent that the title of such elk shall be and**
14 **remain in the department of conservation, for the purpose of control, management,**
15 **restoration, conservation and regulation thereof.**

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.

16 **3. The department of conservation shall be financially responsible for any damage**
17 **caused by wild elk, including but not limited to:**

18 **(1) The value of crops and pasture damaged or destroyed by wild elk;**

19 **(2) Indemnification of losses suffered by livestock producers as a result of**
20 **harassment or disease spread from wild elk;**

21 **(3) The value of fencing and other private property damaged by wild elk; and**

22 **(4) Damages incurred to Missouri licensed motor vehicles when such vehicles are**
23 **involved in a collision with a wild elk.**

 252.040. 1. No wildlife shall be pursued, taken, killed, possessed or disposed of except
2 in the manner, to the extent and at the time or times permitted by such rules and regulations; and
3 any pursuit, taking, killing, possession or disposition thereof, except as permitted by such rules
4 and regulations, are hereby prohibited. Any person violating this section shall be guilty of a
5 misdemeanor except that any person violating any of the rules and regulations pertaining to
6 record-keeping requirements imposed on licensed fur buyers and fur dealers shall be guilty of
7 an infraction and shall be fined not less than ten dollars nor more than one hundred dollars.

8 **2. Wild elk may be destroyed by the land owner or lessor of land when such wild**
9 **elk have caused any damage to such property.**