

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1110
(Agriculture Committee)
(At the request of the Agriculture Commissioner)

AN ACT to create and enact chapter 36-26 of the North Dakota Century Code, relating to feral swine; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 36-26 of the North Dakota Century Code is created and enacted as follows:

36-26-01. Definitions. As used in this chapter:

1. "Board" means the state board of animal health.
2. "Feral swine" means a hog, boar, or pig that:
 - a. Appears to be untamed or undomesticated;
 - b. Appears to have reverted from a domesticated to a wild state; and
 - c. Is freeroaming.

36-26-02. Board - Authority. The board is responsible for the control and eradication of feral swine on state lands and on private lands in this state.

36-26-03. Prohibited actions.

1. A person may not import, transport, or possess live feral swine.
2. A person may not intentionally, knowingly, or negligently allow swine to live in a feral state.
3. a. A person may not:
 - (1) Hunt or trap feral swine;
 - (2) Sponsor or promote the hunting or trapping of feral swine;
 - (3) Assist in the hunting or trapping of feral swine;
 - (4) Profit from the release of feral swine; or
 - (5) Profit from the hunting or trapping of feral swine.
- b. Paragraphs 1 through 3 of subdivision a do not apply to a state or federal agency or any person authorized by a state or federal agency to engage in the control or eradication of feral swine.

36-26-04. Presence of feral swine - Notification of board - Immediate threat.

1. Any person having reason to believe that feral swine are present on property owned by or legally occupied by that person shall notify the board and cooperate with the board in controlling or eradicating the feral swine.

2.
 - a. Notwithstanding any other provision of this chapter, if a person encounters a feral swine on property owned by or legally occupied by that person and determines that the feral swine poses a threat of harm or destruction of property, the person may immediately eradicate the feral swine.
 - b. Any person eradicating a swine under this subsection shall notify the board as soon as practicable, but in no event later than twenty-four hours after the time of the eradication. The person shall follow any instructions given by the board with respect to the handling of the carcass, preservation of the carcass for testing, and disposal of the carcass.

36-26-05. Civil penalty.

1. Any person violating section 36-26-03 is subject to:
 - a. A civil penalty in an amount not exceeding five thousand dollars per violation; and
 - b. A claim for the actual costs of control or eradication incurred by any state or federal government agency as a result of the person's violation.
2. Any person violating section 36-26-04 is subject to a civil penalty in an amount not exceeding two hundred fifty dollars for a first offense and a civil penalty in an amount not exceeding five thousand dollars for a subsequent offense.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1110.

House Vote: Yeas 72 Nays 19 Absent 3

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State