

Introduced by

(At the request of the Department of Agriculture)

1 A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota
2 Century Code, relating to the regulation, control, and destruction of feral swine, and to impose
3 penalties.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 36-01 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Feral swine - Prohibited acts - Penalties.**

- 8 1. In this section "swine" means a hog, boar, or pig.
- 9 2. In this section "feral swine" means:
- 10 a. Any untamed or undomesticated swine;
- 11 b. Swine whose reversion from domesticated to wild is apparent; and
- 12 c. Freely roaming swine having no readily visible tags, markings, or
13 characteristics to indicate such swine is from a domestic herd, and reasonable
14 inquiry within the area does not identify an owner.
- 15 3. A person may not import, transport, or possess live feral swine.
- 16 4. A person may not intentionally, knowingly, or negligently release or allow swine to
17 live in a wild or feral state.
- 18 5. A person may not engage in, sponsor, assist, or profit from the release, hunting, or
19 trapping of feral swine.
- 20 6. Anyone who violates a provision of this section is subject to a civil penalty not to
21 exceed five thousand dollars per violation. In addition, any person who violates
22 this section, thereby causing the board or other government entities to incur costs
23 to control or destroy the feral swine, may be required, in an action brought by the
24 board, to pay these costs.

- 1 7. The board may destroy or require the destruction of feral swine. To carry out this
2 work, the board may cooperate with other governmental entities or engage private
3 contractors.
- 4 8. This section does not prevent owners or legal occupants of land, or their agents,
5 from destroying feral swine found on their land, provided they act under a permit
6 issued by the board and the permit is in their possession when the destruction
7 occurs. The board may impose conditions on issuing a permit, such as limits on its
8 duration and the duty to report kills and to make the animal available for disease
9 testing.
- 10 9. The board's authority under this section may be delegated to and carried out by the
11 state veterinarian, and in an emergency the state veterinarian has the authority to
12 carry out this section without consulting the board.
- 13 10. This section does not apply to swine contained within an approved, compliant
14 nontraditional livestock swine facility.