

1 State of Arkansas
2 89th General Assembly
3 Fiscal Session, 2014

HR 1002

4
5 By: Representative Lenderman
6

7 **HOUSE RESOLUTION**

8 TO AUTHORIZE THE INTRODUCTION OF A NONAPPROPRIATION
9 BILL CONCERNING FERAL HOGS AND TERMINAL FACILITIES
10 FOR FERAL HOGS.
11

12
13 **Subtitle**

14 TO AUTHORIZE THE INTRODUCTION OF A
15 NONAPPROPRIATION BILL CONCERNING FERAL
16 HOGS AND TERMINAL FACILITIES FOR FERAL
17 HOGS.
18

19
20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL
21 ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 That Representative Lenderman is authorized to introduce a bill, which as
24 introduced will read substantially as follows:
25

26 "For An Act To Be Entitled
27 AN ACT CONCERNING FERAL HOGS; TO REGULATE THE TRANSPORT OF FERAL HOGS TO A
28 TERMINAL FACILITY; TO REGULATE THE REQUIREMENTS FOR TERMINAL FACILITIES; AND
29 FOR OTHER PURPOSES.
30

31 Subtitle
32 TO REGULATE THE TRANSPORT OF FERAL HOGS TO A TERMINAL FACILITY; AND TO
33 REGULATE THE REQUIREMENTS FOR TERMINAL FACILITIES.
34

35 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Arkansas Code § 2-38-502(c), concerning the capturing and killing of feral hogs, is amended to read as follows:

(c) A feral hog captured by any means in accordance with subsection (a) of this section shall be immediately:

(1) Killed; or

(2)(A) ~~Permanently identified~~ Identified by eartag ~~a transport tag~~ approved by the Arkansas Livestock and Poultry Commission and transported to a terminal facility that is certified by the commission.

(B) A feral hog that is transported to a terminal facility under subdivision (c)(2)(A) of this section is exempt from any requirements for disease testing established by the commission.

(C) The commission shall adopt regulations for the issuance of a certification permit for a terminal facility and the requirements for inspection of a terminal facility.

(D) As used in this subsection, "terminal facility" means a facility for the containment of domestic and feral hogs that requires that a hog be killed before leaving the facility.

(E) A feral hog shall not be released into the wild under any circumstances.

(F) A feral hog captured under this section may be transported to a terminal facility at any time of the day or night.

(G) Except as provided in subdivision (c)(2)(H) of this section, a terminal facility shall have an enclosure for the containment of feral hogs bounded by a fence that:

(i) Is at least forty-seven inches (47") in height;

(ii) Is composed of woven and barbed wire mounted on wood or steel posts;

(iii) Has at least one (1) strand of barbed wire at the top of the fence;

(iv) Is constructed of either:

(a)(1) Rounded wood posts and braces that are pressure treated, seasoned, sound, and reasonably straight.

(2) Each rounded wood post shall be at least four inches (4") in diameter and at least seven feet (7') in length, except that each corner post shall be at least five inches (5") in diameter and at least eight feet (8') in length; or

1 (b)(1) Metal posts and braces that are of good
2 commercial quality iron or steel and may be tubular or other shape
3 manufactured for use as fence posts or braces.

4 (2) Each metal post shall be at least
5 six feet (6') in length, except that each corner post shall be tubular, at
6 least two and five-tenths inches (2.5") in diameter, and at least seven feet
7 (7') in length;

8 (v) Has woven-wire components constructed of either:

9 (a) Woven wire farm fence that is American
10 Association of State Highway and Transportation Officials M 279 design number
11 1047-6-11, Grade 60, and complies with American Association of State Highway
12 and Transportation Officials M 279, Class 3 galvanizing, as those
13 specifications existed on January 1, 2014; or

14 (b) American Association of State Highway and
15 Transportation Officials M 279 design number 1047-6-12½, Grade 125, as the
16 specification existed on January 1, 2014, with each wire consisting of high-
17 tensile wire complying with American Association of State Highway and
18 Transportation Officials M 279, as the specification existed on January 1,
19 2014, with a minimum zinc coating at ninety-hundredths ounces per square foot
20 (0.90 oz/ft²) for twelve-and-one-half-gage wire and ninety-five hundredths
21 ounces per square foot (0.95 oz/ft²) for ten-and-one-half-gage wire;

22 (vi) Has barbed-wire components constructed of
23 either:

24 (a) Barbed wire that is twelve and one-half
25 (12 1/2) gage with four-point barbs and conforms to American Association of
26 State Highway and Transportation Officials M 280, Class 3 galvanizing, as the
27 specification existed on January 1, 2014; or

28 (b) Wire that consists of two strands of high-
29 tensile wire, each having the same galvanizing and breaking strength as Class
30 3, twelve-and-one-half-gage wire and complying with the remaining
31 requirements of American Association of State Highway and Transportation
32 Officials M 280, as the specification existed on January 1, 2014, for a four-
33 point barb;

34 (vii) Uses staples that are at least nine (9) gage
35 and one and one-half inches (1½") in length to attach the wire fencing to
36 wood posts;

1 (viii) Uses hardware and fittings that comply with
2 American Society for Testing and Materials F 626, as the specification
3 existed on January 1, 2014;

4 (ix) For fences with steel posts, uses steel line
5 posts that:

6 (a) Comply with American Association of State
7 Highway and Transportation Officials M 281, as the specification existed on
8 January 1, 2014; or

9 (b) If tubular, comply with Grade 1 or Grade 2
10 of American Association of State Highway and Transportation Officials M 181,
11 as it existed on January 1, 2014; and

12 (x) Spaces posts at least seven feet (7') apart but
13 no more than fifteen feet (15') apart.

14 (H) A terminal facility that exists as of the effective
15 date of this act is:

16 (i) Subject to inspection and approval by the
17 commission; and

18 (ii) Is not required to meet the standards stated in
19 subdivision (c)(2)(G) of this section unless the commission denies approval
20 of the terminal facility because the terminal facility does not have fencing
21 that is adequate to contain feral hogs.

22 (I) If there is a reasonable concern that feral hogs may
23 escape a terminal facility, the commission may require the installation of
24 two (2) electrically energized wires that are between six inches (6") and two
25 feet (2') above the surface of the ground.

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27 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that feral hogs present a dangerous
29 nuisance in the state; that the population of feral hogs must be controlled
30 immediately for health and safety reasons and to protect the property of the
31 state and its citizens; that terminal facilities play an important part in
32 reducing the population of feral hogs in the state; that the law needs to be
33 clarified to provide adequate guidance to the Arkansas Livestock and Poultry
34 Commission in promulgating rules that are not overly burdensome for terminal
35 facilities; and that this act is immediately necessary to protect the
36 interests of the state and its citizens. Therefore, an emergency is declared

1 to exist, and this act being immediately necessary for the preservation of
2 the public peace, health, and safety shall become effective on:

3 (1) The date of its approval by the Governor;

4 (2) If the bill is neither approved nor vetoed by the Governor,
5 the expiration of the period of time during which the Governor may veto the
6 bill; or

7 (3) If the bill is vetoed by the Governor and the veto is
8 overridden, the date the last house overrides the veto."