

By: Representative Lenderman

HOUSE RESOLUTION

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

Subtitle

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

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

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

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

Subtitle

TO REGULATE THE TRANSPORT OF FERAL HOGS TO A TERMINAL FACILITY; AND TO
REGULATE THE REQUIREMENTS FOR TERMINAL FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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