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LEGISLATIVE RESEARCH

Agency No. 209.01

ARKANSAS SWINE REGULATIONS RULE

MARKUP

DEFINITIONS

~~Commercial Production Swine: Those swine that are continuously managed and have adequate facilities and practices to prevent exposure to either transitional production or feral swine. Swine for which a management plan has been approved by the Arkansas Department of Agriculture (Department).~~

~~Transitional Production Swine: Those feral swine that are captive or swine that have reasonable opportunities to be exposed to feral swine.~~

~~Feral or Wild Swine: Those swine that are free roaming, or released on a private game preserve or hunting area. Also, a hog that is not conspicuously identified.~~

~~Terminal Facility: A facility for the containment of domestic and feral hogs that requires that hog be killed before leaving the facility.~~

~~Commercial Commuter Agreement: Authorization from the Department to import hogs into Arkansas.~~

1. COMMERCIAL PRODUCTION SWINE MANAGEMENT PLANS

~~All swine herds are transitional production swine herds unless a management plan has been submitted and approved by the Arkansas Livestock and Poultry Commission. The management plan must adequately address the separation and control of the potential interface of feral and transitional production swine with the commercial production swine.~~

Plan Requirements:

~~A. Submit management plans to the Arkansas Livestock and Poultry Commission within 90 days after the effective date of regulation, requesting the date you wish to be designated as a commercial swine producer.~~

A. Commercial production swine management plans must adequately address biosecurity measures necessary to protect the herd from diseases and contact with other swine. The plan must include the following at a minimum:

1. Identification of the individual or individuals designated as biosecurity manager;
2. The frequency and types of training required for the biosecurity manager and essential personnel;
3. The plan for protection of the swine herd, including:
  - a) Site entry details, such as restrictions on entry points, entry point security measures, and signage;
  - b) Information about the location and any other details regarding designated parking areas;
  - c) The details and size of the Perimeter Buffer Area (PBA);
  - d) The rules for entry and access to PBA access point(s);
  - e) Information regarding the available cleaning and disinfection (C&D) station or stations;
  - f) The details and plans for lines of separation (LOS) to prevent the spread of virus to susceptible animals; and
  - g) The rules for entry and access to LOS access points.

4. The rules and plans for vehicles and equipment, including but not limited to:

- a) Vehicles and equipment used for animal transport; and
- b) Vehicles and equipment not used for animal transport.

5. Personnel rules, including but not limited to:

- a) Rules for personnel prior to arriving at the site, including limitations on access, disinfection, and any other rules required of personnel prior to entry;
- b) The plan for use of an entry logbook, including which individuals are required to log entry; and
- c) Rules and details regarding the procedure for biosecure entry and exit of PBA or LOS.

6. Rules and biosecurity protocol for animal and semen movement;

7. Rules and biosecurity protocol for carcass disposal;

8. Rules and biosecurity protocol for control of rodent, fly, wildlife, and other animals; and

9. Rules and biosecurity protocol for management of feed.

B. More information on development of commercial production swine management plans may be provided on the Department's website.

~~B. C.~~ Amendments to plans as a result of operational changes, etc. must be submitted to the Department for approval as they occur.

~~C. D.~~ The Department will forward written approvals or disapprovals to plans within ten (10) working days after receipt.

~~D. E.~~ Plan approvals will remain in effect as long as swine herd(s) continue to meet the requirements of commercial production operations.

~~2.~~ II. IMPORT REQUIREMENTS

A. All commercial or Transitional production swine transported into Arkansas shall have an official premise identification, be individually identified, and accompanied by a certificate of veterinary inspection and permit number unless:

1. moved directly to slaughter and individually identified with an official ear tag; or

2. under a commercial commuter agreement approved by the Livestock and Poultry Division.

~~A. B.~~ Breeding Swine

All breeding swine imported into Arkansas not under the authority of a commuter swine agreement must have an official premise identification, be individually identified, and accompanied by a certificate of veterinary inspection and permit number. Pseudorabies vaccinates may not enter. Testing requirements of all breeding swine not under the authority of a commuter swine agreement are as follows:

1. Brucellosis - All animals over six months of age must be tested negative within thirty (30) days prior to shipment; or originate directly from the farm of origin of a validated free herd; ~~or originate directly from the farm of origin of a brucellosis free state.~~

2. Pseudorabies – All ages must be tested negative within thirty (30) days prior to shipment; or originate directly from the farm of origin of a pseudorabies qualified herd; ~~or originate directly from the farm of origin of a Stage IV or V state.~~

~~Retest Provisions – All breeding swine will be quarantined for a thirty to sixty (30–60) day retest for brucellosis and pseudorabies at owner’s expense. Exceptions to the retest provisions are as follows:~~

~~1) Swine intended to be added to a qualified pseudorabies negative herd coming directly from another qualified pseudorabies negative herd may be added without isolation or testing, provided they are included as part of the herd during the next regular herd test to maintain qualified pseudorabies negative status.~~

~~2) b. Swine intended to be added to a qualified pseudorabies negative herd from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, shall:~~

~~be isolated until the swine have been found negative to an official pseudorabies serologic test, conducted not less than thirty (30) days, nor more than sixty (60) days after arrival; or~~

~~develop a written agreement for a random sampling approved by the Livestock and Poultry Commission, utilizing official pseudorabies serologic tests which provide a ninety-five percent (95%) probability of detecting infection in a herd in which at least ten percent (10%) of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premise or those originating from segregated individual sources must be considered a separate herd and individually sampled as follows:~~

~~Less than 100 head – test 25~~

~~100-200 head – test 27~~

~~201-999 head – test 28~~

~~1,000 and over – test 29~~

3. Retest. Retesting shall be performed as required under USDA laws and regulations.

#### B. C. Feeder Pigs

All feeder pigs not under the authority of a commuter swine agreement being imported into the state must have an official premise identification, be individually identified, be accompanied by a certificate of veterinary inspection, and have a permit number. Pseudorabies vaccinates may not enter. Testing requirements and allowable movements of all feeder pigs not under the authority of a commuter swine agreement are as follows:

1.) Direct shipment from a farm of origin or a market in a Stage IV or V state/area;

2.) Direct shipment from a qualified pseudorabies negative herd; or

~~3). Into Stage IV states from Stage III states/areas or from feeder-pig monitored herds in Stage II states when the following conditions are met:~~

~~1. All animals over six months of age must be tested negative for brucellosis - within thirty (30) days prior to shipment;~~

~~2. All ages must be tested negative for pseudorabies within thirty (30) days prior to shipment;~~

~~a. 3. That the swine enter on permit directly to a designated feedlot and not through an all-class market;~~

~~b. 4. That the swine originate from an approved feeder-pig market or direct from a qualified-negative (QN) herd, or feeder-pig monitored (FPM) herd;~~

~~c. 5. That the swine be quarantined to slaughter only;~~

~~d. 6. That the designated feedlot has no breeding swine on the premises and no breeding herds within two (2) miles;~~

~~e. that the feeding herd must be a part of the feeder-pig surveillance system required for Stage IV with testing of a sample of pigs from the feedlot, using the official random-sample test (95/10), and that the test be conducted in each such feedlot at least every six (6) months, and at owner expense. Sampling rate for 95/10 is:~~

~~Less than 100 head — test 25~~

~~100-200 head — test 27~~

~~201-999 head — test 28~~

~~1,000 and over — test 29~~

### ~~C. Feral Swine~~

~~Feral swine may not enter into Arkansas.~~

~~D. C. Entry for sale at in Arkansas Market:~~

~~1). All swine entering Arkansas for sale at an Arkansas market shall be identified by an official premise identification and either:~~

~~a. be tested negative for pseudorabies and brucellosis within thirty (30) days prior to sale;~~

~~b. or originate directly from a qualified-validated commercial production swine herd;~~

~~c. or originate directly from a feeder-pig-monitored commercial production swine herd; or~~

~~d. or meet the requirements for an Arkansas Surveyed Herd.~~

~~2). Any swine entering Arkansas for sale at an Arkansas market that do not meet these requirements shall be:~~

~~a. individually identified;~~

~~b. isolated from all tested swine;~~

c. tested at the market at the owner's (seller's) expense; and

d. sold for slaughter only at the end of the sale.

### ~~3.~~ III. IN-STATE REQUIREMENTS

A. All swine undergoing a change of ownership or lease must be identified with an official premise identification by official eartag, tattoo, or other approved device prior to change of ownership or lease. Ear notches are not an official identification.

B. All breeding swine sold within the state must be tested negative for pseudorabies and brucellosis within thirty (30) days of sale, or originate from a qualified validated commercial production swine herd. Breeding swine purchased and sampled at Arkansas markets will be quarantined to purchaser's premise until results of tests are known, or they may be quarantined to a feeding floor until slaughter. It is recommended that all swine purchased for breeding purposes be retested thirty to sixty (30-60) days after movement.

C. General requirements for change of ownership:

1) All swine forty (40) pounds or over entering a market must be identified with a premise identification on an official eartag or other approved device prior to unloading.

2) Eartags or other approved devices which contain a premise identification may be removed only at slaughter.

3) An Arkansas Surveyed Herd shall, based on an epidemiological risk assessment, be tested negative a maximum of once quarterly and a minimum of at least once yearly for pseudorabies and brucellosis at a rate of:

a. If less than thirty (30) pigs, test all;

b. If more than thirty (30) pigs, test a minimum of thirty (30) head.

4) All swine sold or leased within the state shall be tested negative for pseudorabies and brucellosis within thirty (30) days prior to sale, or originate directly from a qualified-validated herd, or originate directly from a feederpig-monitored herd, or have met the requirements for an Arkansas Surveyed Herd.

5) Any swine originating from an Arkansas farm entering a market for sale that do not meet these requirements shall be individually identified and quarantined to the farm of origin until the requirements for an Arkansas Surveyed Herd are met.

6) The State Veterinarian or designated epidemiologist may modify any testing rates based on epidemiological, safety, or disease status factors.

7) All testing for change of ownership, including Arkansas Surveyed Herds, may be done at the owner's expense by a private veterinary practitioner or by an agent of the State Veterinarian. It is the responsibility of both the seller and purchaser to see that the test is done.

8) The auction market or dealer shall maintain identification of all animals in each consignment sufficient to determine the herd of origin and the buyer(s) for all swine within the consignment. The market or dealer shall ensure that each consignment meets the testing requirements prior to release of

any portion of the consignment from the premises of the market. Auction markets shall maintain records of all movements of swine going back to the farm to include identification numbers, number and kind, buyer and seller and their complete addresses.

9) Feeding swine sold directly to slaughter from the farm of origin shall be exempt from testing requirements if under the authority of a slaughter sale agreement approved by the State Veterinarian and shall be individually identified with an official ear tag.

#### 4 IV. Testing and Handling of Quarantined and Other Epidemiologically Exposed Herds

The herd of origin of any pseudorabies or brucellosis reactors shall be immediately quarantined by handing the quarantine directly to the owner or by registered return receipt mail and shall be required to test within twenty-one (21) days of being quarantined. All swine in herds adjacent to the herd of origin that are within a two-(2) mile radius of the herd shall be quarantined. All trace forward recipient herds and all source herds shall also be quarantined based on epidemiological potential of infection. Each quarantined herd shall remain under quarantine until depopulated, or until negative test results are confirmed on all remaining animals in each herd. Release tests for all adjacent herds shall be performed at least thirty days after the reactors are removed from the herd of origin. All pseudorabies reactor herds shall be required to castrate all boars remaining in the herd and shall have a maximum of one-hundred-eighty (180) days to sell out for slaughter or undergo a mandatory depopulation. All swine brucellosis reactor herds shall be immediately depopulated. Any farm of origin of any depopulated herd or sell-out as the result of these diseases shall be disinfected and must remain free of swine for a minimum of thirty (30) days or up to a maximum of six months based on an epidemiological risk assessment before repopulating.

#### 5 V. Feral Swine

~~1) Arkansas Livestock and Poultry Commission will comply with Act 1104 of 2013, effective August 11, 2013. Act 1104 of 2013 is an act concerning feral hogs. The Act defines "Feral Hogs" and regulates Arkansas Code Annotated § 2-38-501 et. seq., regarding the capturing, killing, and transporting of feral hogs. The Commission has the following regulations on feral hogs:~~

~~a) The Commission will license and inspect the terminal facilities that were in operation at the effective date of the Act that meet the standards put forth in these regulations for the terminal facility. Within fifteen (15) days of the effective date of these regulations, the terminal facilities that intend to continue operating under the Act must make application to the Commission notifying of this intent and requesting an inspection of their facility. Any deficiencies noted during this initial inspection must be corrected to the satisfaction of the assigned Livestock & Poultry Commission inspectors in order for the facility to operate upon the effective date of Act. The application for license must have the owner's (operator) name, address, county, and a day time phone number. In addition, the application must state the number of acres under fence in the facility and dates of at least two hunts in the terminal facility prior to the effective date of the Act and the contact information of those hunters. The application must list the names of the hog trappers/transporters that will supply feral hogs to the terminal facility.~~

~~i.) The terminal facility will be completely fenced with hog proof fencing. Any boundary of the facility that abuts to a commercial swine facility will be required to have double hog proof fencing with a four-~~

foot space between the fences. Hog proof fencing must be able to contain any size hog from going over, under, or through the fence. The Commission requires:

1. 12 ½ gauge web wire minimum wire size
2. 6 sq. inch pull-out maximum wire opening size
3. 60" minimum above ground height
4. 18" minimum below ground burial depth or two strand hotwire that is 6 inches above ground and 24 inches above ground with a minimum 6 inches away from fence to the inside.
5. 8' maximum center to center post placement (outside of fencing)
6. Fencing should overlap a minimum of 12" and secured with a t post or Western Union wire spliced method
7. The operator of the terminal facility shall notify ALPC within 24 hours of any known or possible escapes of feral swine that were caused by damages to the permitted facility and or fencing caused by acts of nature, vandalism or unknown causes. The facility operator shall attempt to recover and euthanize the escaped feral swine.

ii.) No live feral hogs can leave or escape from the terminal facility. Only tagged hogs (Commission approved tags) that were caught by Commission approved trappers/transporters can enter the terminal facility. The approved terminal facilities will supply the Commission with a list of trappers/transporters that were supplying hogs to that facility at the effective date of the Act. Those trappers/transporters will be licensed and issued Commission approved tags. Those tags must be applied in the field to the hogs when caught by the trappers/transporters and then carried to the terminal facility in an approved conveyance. The hog transporters will only transport hogs to a terminal facility during daylight hours which is defined as thirty minutes before sunrise to thirty minutes after sunset. Licensed trappers can transport hogs to a temporary holding facility during nighttime hours.

iii.) The terminal facilities that were in operation at the effective date of the Act will be inspected by the Commission. When a facility is found to be in compliance, the Commission will issue a license to that facility. The Commission will inspect the facility annually to make sure that the facility stays in compliance. The terminal facility must keep records of hogs received, their tag number, and the disposition of the tagged hogs. Any violation of these regulations by a terminal facility will result in the revocation of their license.

1. Inspection fee: \$150.00
2. Terminal facility annual license fee: \$300.00

iv.) The hog trappers/transporters who were identified by the terminal facility will be licensed. A maximum of fifteen (15) hog trappers/transporters per terminal facility will be licensed at the start of the program. The number of hog trappers/transporters may be determined by the Executive Director of the Arkansas Livestock and Poultry Commission, and may increase at any given time, but will not decrease below the 15 per terminal facility. When licensed, these individuals must purchase Commission approved tags. The hog trappers/transporters must keep record of the number of hogs caught, the tag identification number applied to each hog, and to which terminal facility the hog was delivered. Any

violation of these regulations by the trappers/transporter will result in the revocation of their license. License must be carried at all times by trappers/transporter.

1. Tags: \$3.00 each or fair market value

2. Annual license fee: \$25.00

v.) Hog trappers/transporters will be provided an official record book from the commission. Each book will consist of triplicate form(s) that will be used to record all captures and transfers of feral hogs along with description of the animal and the identification number of the tag used to tag each animal. Upon capture of each animal a record of the animal must be made. Upon transfer of animal from trapper/transporter to terminal facility the trapper/transporter will give 2 copies of each form to the terminal operator while retaining one copy for their records. Terminal operator will then keep one copy for their records and submit the additional copy to the ALPC within 15 business days. Once each tagged animal has been terminated, notice shall be made by terminal operator to ALPC.

2) Except for the activities outlined in section 1) it is a violation of the Act to possess or transport a live feral hog. Also, it will be a violation of Commission regulations to import a feral hog into the State of Arkansas. The Commission will train specific Livestock Inspectors to deal with feral hog terminal facilities and licensed hog trappers/transporters. The appropriate fines for violation of the act are outlined in the Act. Commission employees will not be involved in the enforcement of Act 1104 of 2013 violations.

All of the Commission's prior regulations on feral hogs are null and void.

3) Feral swine temporary holding facility—pen or pens approved by the Commission to hold feral swine from the time they are trapped until they are transported to a permitted terminal facility. Permitting of the facility may be given after an inspection by Commission personnel that finds it meets the following criteria:

a) There are no commercial or transitional production swine within two (2) miles of the proposed facility;

b) Each terminal facility may designate up to two (2) temporary holding facilities that will temporarily hold ALPC tagged/identified feral swine for delivery for a period of time not to exceed thirty (30) days;

c) The facility is constructed with livestock panels or stronger fencing material to prevent the escape of any size hog over, under, or through the pen. The pen or pens shall not exceed 1,000 square feet in combined area. Only tagged feral hogs are allowed within the enclosed pens. No free-ranging or other domestic livestock and pets are allowed within 50 feet of the pen at any time. Only ALPC permitted trappers/transporters and the temporary facility owner are allowed on the premises;

d) Only individually identified and ear-tagged feral swine caught by ALPC permitted trappers/transporters being temporarily held for transport to a terminal facility slaughter will be placed in the facility;

e) Swine will be moved from the facility only to go directly to a terminal facility;

f) Records will be maintained to include the number of swine placed in and removed from the facility, dates they were placed or removed, locations where they were trapped, permitted trapper/transporter delivering the feral swine to the temporary facility and the terminal facility to which they were hauled;



~~g) The permitting of a feral swine temporary holding facility will continue until a request to cancel it is received from the owner~~

~~(1) No person shall import a feral hog into the State of Arkansas;~~

~~(2) Although a landowner or lessee is not required to immediately kill a feral hog captured on and not moved from the private property on which the feral hog is taken, any person who releases or attempts to release a live hog upon public or private land violates Arkansas law and Commission rules and may be subjected to criminal prosecution and administrative penalty under Arkansas Code Annotated § 2-38-505; and~~

~~(3) The Commission may impose administrative penalties under Arkansas Code Annotated § 2-38-505 for the violation of any Arkansas law or Commission rule regarding feral hogs, as follows:~~

~~\_\_\_\_\_ A. For an initial violation, the Commission may issue a warning letter and an administrative penalty not to exceed \$500.00.~~

~~\_\_\_\_\_ B. For any additional violations, the Commission may impose an administrative penalty not to exceed \$5,000.00.~~

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S3/31/21

# A Bill

HOUSE BILL 1636

5 By: Representative Vaught  
6 By: Senator K. Hammer  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW REGARDING FERAL HOGS; TO  
10 AMEND THE DEFINITION OF "FERAL HOG"; TO AMEND THE LAW  
11 REGARDING THE CAPTURING AND KILLING OF FERAL HOGS; TO  
12 AMEND THE LAW REGARDING TRANSPORTING AND RELEASING  
13 FERAL HOGS; TO CLARIFY THE POWERS AND DUTIES OF THE  
14 ARKANSAS LIVESTOCK AND POULTRY COMMISSION RELATED TO  
15 FERAL HOGS; AND FOR OTHER PURPOSES.  
16  
17

## Subtitle

18 TO AMEND THE LAW REGARDING FERAL HOGS.  
19  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code § 2-38-501(2), concerning definitions related  
25 to feral hogs, is amended to read as follows:

26 (2) A "feral hog" is deemed to be a public nuisance and an  
27 imminent threat to public health and safety.  
28

29 SECTION 2. Arkansas Code § 2-38-502 is amended to read as follows:  
30 2-38-502. Capturing and killing feral hogs.

31 (a) A person may capture or kill a feral hog only as follows:

32 (1) On private land if the person is the landowner or lessee or  
33 has the permission of the landowner or lessee;

34 (2) On public land if:

35 (A) Allowed by the landowning entity; and

36 (B) The person possesses a valid Arkansas hunting license



1 and complies with Arkansas hunting rules; or

2 (3) After providing verification that he or she has a valid  
3 permit issued under rules established by the Arkansas Livestock and Poultry  
4 Commission in accordance with 16 U.S.C. § 742j-1, as it existed on January 1,  
5 2019, upon determining that the permit applicant has a bona fide need to kill  
6 feral hogs for protection of land, water, wildlife, livestock, domesticated  
7 animals, human life, or crops, and not for a recreational hunting purpose.

8 (b) A person whose hunting license is revoked shall not ~~take or kill~~  
9 participate in the taking or killing of a feral hog during the period of the  
10 revocation, except on his or her own property.

11 (c)(1) A feral hog captured by any means under subsection (a) of this  
12 section shall be immediately killed.

13 (2) If a feral hog is captured on private property and not moved  
14 from the private property on which the feral hog is taken, the landowner or  
15 lessee is not required to kill the feral hog immediately.

16 ~~(d)(1) A feral hog may be released into the wild only when the~~  
17 ~~commission authorizes an employee of a state or federal agency to capture or~~  
18 ~~release a feral hog, or both, for tracking or research purposes and with~~  
19 ~~permission of the owner or lessee of the property.~~

20 ~~(2) Feral hogs that are captured for the purpose of tracking or~~  
21 ~~research shall be killed upon completion of the tracking or research project.~~

22 ~~(e)(d)~~ A certified law enforcement officer or a public employee  
23 engaged in the performance of his or her official duties is exempt from the  
24 requirements under subdivisions (a)(2) and (3) of this section.

25

26 SECTION 3. Arkansas Code § 2-38-504 is amended to read as follows:

27 2-38-504. Releasing hogs into the wild.

28 (a) Except as provided in ~~§ 2-38-502(d)~~ subsection (j) of this  
29 section, a person who ~~knowingly~~ releases or attempts to release a live hog  
30 upon public or private land upon conviction is guilty of an unclassified  
31 misdemeanor and is subject to a fine of not less than one thousand dollars  
32 (\$1,000) per hog nor more than five thousand dollars (\$5,000) per hog,  
33 imprisonment not exceeding ninety (90) days, or a combination of fine and  
34 imprisonment.

35 (b) Subsection (a) of this section does not prohibit a person from  
36 introducing a domestic hog for farm purposes onto private property enclosed

1 with a fence sufficient under § 2-39-101 et seq. and with permission of the  
2 owner or lessee of the property.

3 (c) A person who ~~knowingly~~ purchases, sells, offers for sale,  
4 receives, possesses, imports, distributes, or transports a live feral hog  
5 upon conviction is guilty of an unclassified misdemeanor and is subject to a  
6 fine of one thousand dollars (\$1,000) per hog or imprisonment not exceeding  
7 thirty (30) days, or both.

8 (d) Upon the arrest of a person under this section, the arresting law  
9 enforcement officer may seize and take custody of any hog in the possession  
10 of the arrested person and may seize any equipment used in furtherance of the  
11 violation, including without limitation a motor vehicle, trailer, and trap.

12 (e)(1) A court having competent jurisdiction:

13 (A) Shall order the forfeiture and immediate euthanasia of  
14 any hog:

15 (i) that That was the basis of a conviction under  
16 this section; or

17 ~~(B)(ii) May order the forfeiture and immediate euthanasia~~  
18 ~~of a hog before~~ Before a conviction under this section if the court  
19 determines that the hog poses an imminent risk to public health or safety;  
20 and

21 ~~(C)(B) May order the forfeiture of any seized equipment~~  
22 seized under this section.

23 (2) However:

24 (A) A conveyance used by any person as a common carrier is  
25 not subject to forfeiture under this subsection unless it appears that the  
26 owner or other person in charge of the conveyance was a consenting party or  
27 privy to the commission or attempt to commit the violation;

28 (B) Equipment is not subject to forfeiture under this  
29 subsection by reason of any act or omission established by the owner of the  
30 equipment to have been committed or omitted without his or her knowledge or  
31 consent and without the knowledge or consent of any person having possession,  
32 care, or control of the equipment with the owner's permission; and

33 (C) A forfeiture of equipment encumbered by a security  
34 interest is subject to the security interest of the secured party if the  
35 secured party neither had knowledge of nor consented to the use of the  
36 equipment in the commission or attempt to commit the violation.

1 (f) In addition to the fines, penalties, and forfeitures imposed under  
2 this section, a court may require the defendant to make restitution to the  
3 state or any of its political subdivisions for transporting, housing,  
4 feeding, euthanizing, and disposing of any hog forfeited under this section.

5 (g) A certified law enforcement officer may write a citation for a  
6 violation under this section.

7 (h)(1) Fines and administrative penalties collected under this ~~section~~  
8 subchapter shall be deposited into the Feral Hog Eradication Fund that is  
9 designated as special revenues for the ~~Arkansas Natural Resources Commission~~  
10 Department of Agriculture.

11 (2) The funds designated under subdivision (h)(1) of this  
12 section are to be used for eradication efforts to eliminate feral hogs.

13 (i) This section does not apply to the purchase, sale, receipt,  
14 possession, import, or transportation of a live feral hog that serves as a  
15 mascot for an institution of higher education.

16 (j)(1) A feral hog may be released into the wild only:

17 (A) When the department authorizes an employee of a state  
18 or federal agency to capture or release, or both, a feral hog for tracking or  
19 research purposes; and

20 (B) With permission of the owner of the property upon  
21 which the feral hog is to be released.

22 (2) A feral hog that is captured for the purpose of tracking or  
23 research shall be euthanized upon completion of the tracking or research.

24  
25 SECTION 4. Arkansas Code Title 2, Chapter 38, Subchapter 5, is amended  
26 to add an additional section to read as follows:

27 2-38-505. Powers and duties of Arkansas Livestock and Poultry  
28 Commission.

29 The Arkansas Livestock and Poultry Commission may:

30 (1) Make, modify, and enforce the rules and orders the  
31 commission deems necessary to effectively carry out this subchapter;

32 (2) Establish and collect reasonable fees to administer and  
33 enforce § 2-38-502(a)(3); and

34 (3)(A) Impose administrative penalties not to exceed one  
35 thousand dollars (\$1,000) per feral hog against a person who violates this  
36 subchapter or a rule adopted by the commission under this subchapter.

1                    (B) The imposition of administrative penalties shall be  
2 conducted under the Arkansas Administrative Procedure Act, § 25-15-201 et  
3 seq.

4  
5            SECTION 5. Arkansas Code § 19-6-841(c), concerning the use of the  
6 Feral Hog Eradication Fund, is amended to read as follows:

7            (c) The fund shall be used by the ~~Arkansas Natural Resources~~  
8 ~~Commission~~ Department of Agriculture for expenses associated with the  
9 eradication efforts to eliminate feral hogs.

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12                                    */s/Vaught*

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15                                    **APPROVED: 4/13/21**

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