

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 432
Committee Substitute Favorable 4/6/11
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
4/20/11

Short Title: Swine in Transport/Regulate Feral Swine. (Public)

Sponsors:

Referred to:

March 23, 2011

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE UNLESS THE SWINE HAS AN OFFICIAL FORM OF IDENTIFICATION APPROVED BY THE STATE VETERINARIAN FOR THIS PURPOSE, TO CLASSIFY ALL FREE-RANGING MAMMALS OF THE SPECIES SUS SCROFA AS FERAL SWINE, TO PROVIDE FOR THE TAKING OF FERAL SWINE AS A NONGAME ANIMAL, AND TO PROHIBIT THE REMOVAL OF LIVE FERAL SWINE FROM TRAPS.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 66A.

"Transportation of Swine.

"§ 106-798. Identification required to transport swine.

(a) No live swine shall be transported on a public road within the State unless the swine has an official form of identification approved by the State Veterinarian for this purpose.

(b) Any live swine that is transported on a public road within this State without identification as required by this section is presumed to be a feral swine and is also subject to regulation by the Wildlife Resources Commission under Chapter 113 of the General Statutes. Any person transporting a swine without identification is subject to a civil penalty under this Article.

(c) Swine that do not leave the premises of the swine owner are not subject to the identification requirement under this section.

(d) The Board of Agriculture shall adopt rules to charge any swine owner a fee for the identification required under this section. The fee may not exceed the actual cost to the Department of Agriculture and Consumer Services for the identification approved by the State Veterinarian and any direct administrative costs associated with providing the identification to swine owners. The Board of Agriculture shall adopt any other rules necessary to implement this Article.

"§ 106-798A. Penalty for unlawful transport of swine without identification.

Any person who fails to obtain identification as required under this Article shall be subject to a civil penalty of up to five thousand dollars (\$5,000) for each violation. Each swine that has no identification is a separate violation.

"§ 106-798B. Penalty for misuse of identification.

Any person who misuses the identification required under this Article shall be subject to a civil penalty of one thousand dollars (\$1,000) for each occurrence. A person misuses



1 identification required under this Article by knowingly providing it to other than the owner of
 2 the swine or by engaging in other activity that is in violation of this Article."

3 **SECTION 2.** G.S. 113-129 reads as rewritten:

4 **"§ 113-129. Definitions relating to resources.**

5 The following definitions and their cognates apply in the description of the various marine
 6 and estuarine and wildlife resources:

7 ...

8 (1b) Big Game. – Bear, ~~wild bear~~, wild turkey, and white-tailed deer.

9 ...

10 (5c) Feral Swine. – Free-ranging mammals of the species *Sus scrofa*.

11 ...

12 (7c) Game Animals. – Bear, fox, rabbit, squirrel, ~~wild bear~~, white-tailed deer,
 13 and, except when trapped in accordance with provisions relating to
 14 fur-bearing animals, bobcat, opossum, and raccoon.

15 ...

16 (15) Wild Animals. – Game animals; fur-bearing animals; feral swine; and all
 17 other wild mammals except marine mammals found in coastal fishing
 18 waters. In addition, this definition includes members of the following groups
 19 which are on the federal list of endangered or threatened species: wild
 20 amphibians, wild reptiles except sea turtles inhabiting and depending upon
 21 coastal fishing waters, and wild invertebrates except invertebrates declared
 22 to be pests under the Structural Pest Control Act of North Carolina of 1955
 23 or the North Carolina Pesticide Law of 1971. Nothing in this definition is
 24 intended to abrogate G.S. 113-132(c), confer jurisdiction upon the Wildlife
 25 Resources Commission as to any subject exclusively regulated by any other
 26 agency, or to authorize the Wildlife Resources Commission by its
 27 regulations to supersede valid provision of law or regulation administered by
 28 any other agency.

29 ...

30 (15b) ~~Wild Boar. – Free-ranging mammals of the species *Sus scrofa* that occur in
 31 counties identified in the rules of the Wildlife Resources Commission.~~

32"

33 **SECTION 3.** G.S. 113-270.3(b)(1a) reads as rewritten:

34 "(1a) Nonresident ~~Bear/Wild Bear~~Bear Hunting License – \$125.00. This license is
 35 valid for use only by an individual within the State and must be procured
 36 before taking any bear ~~or wild bear~~ within the State. Notwithstanding any
 37 other provision of law, a nonresident individual may not take any bear ~~or~~
 38 ~~wild bear~~ within the State without procuring this license; provided, that
 39 those persons who have a nonresident lifetime sportsman combination
 40 license purchased prior to May 24, 1994, shall not have to purchase this
 41 license."

42 **SECTION 4.** G.S. 113-291.1 reads as rewritten:

43 **"§ 113-291.1. Manner of taking wild animals and wild birds.**

44 ...

45 (b) No wild animals or wild birds may be taken:

46 (1) From or with the use of any vehicle; vessel, other than one manually
 47 propelled; airplane; or other conveyance except that the use of vehicles and
 48 vessels is authorized:

49 a. As hunting stands, subject to the following limitations. No wild
 50 animal or wild bird may be taken from any vessel under sail, under
 51 power, or with the engine running or while still in motion from such

propulsion. No wild animal or wild bird may be taken from any vehicle if it is in motion, the engine is running, or the passenger area of the vehicle is occupied. The prohibition of occupying the passenger area of a vehicle does not apply to a disabled individual whose mobility is restricted.

- b. For transportation incidental to the taking.
- (2) With the use or aid of any artificial light, net, trap, snare, electronic or recorded animal or bird call, or fire, except as may be otherwise provided by statute[;] provided, however, that ~~erows and coyotes may be taken with the aid of electronic calling devices.~~ the Wildlife Resources Commission may adopt rules prescribing seasons and the manner of taking of wild animals and wild birds with the use of artificial light and electronic calls. No wild birds may be taken with the use or aid of salt, grain, fruit, or other bait. No black bear ~~or wild bear~~ may be taken with the use or aid of any salt, salt lick, grain, fruit, honey, sugar-based material, animal parts or products, or other bait, and no wild turkey may be taken from an area in which bait has been placed until the expiration of 10 days after the bait has been consumed or otherwise removed. The taking of wild animals and wild birds with poisons, drugs, explosives, and electricity is governed by G.S. 113-261, G.S. 113-262, and Article 22A of this Subchapter.

Upon finding that the placement of processed food products in areas frequented by black bears is detrimental to the health of individual black bears or is attracting and holding black bears in an area to the extent that the natural pattern of movement and distribution of black bears is disrupted and bears' vulnerability to mortality factors, including hunting, is increased to a level that causes concern for the population, the Wildlife Resources Commission may adopt rules to regulate, restrict, or prohibit the placement of those products and prescribe time limits during which hunting is prohibited in areas where those products have been placed.

Any person who is convicted of unlawfully taking bear ~~or wild bear~~ with the use or aid of any type of bait as provided by this subsection or by rules adopted pursuant to this subsection is punishable as provided by G.S. 113-294(c1).

- ...
- (g) If a season is open permitting such method of taking for the species in question, a hunter may take rabbits, squirrels, opossum, raccoons, fur-bearing animals, and nongame animals and birds open to hunting with a ~~pistol of .22 caliber with a barrel not less than five and one half inches in length.~~ pistol. In addition, a hunter or trapper lawfully taking a wild animal or wild bird by another lawful method may use a knife, pistol, or other swift method of killing the animal or bird taken. The Wildlife Resources Commission may, however, restrict or prohibit the carrying of firearms during special seasons or in special areas reserved for the taking of wildlife with primitive weapons or other restricted methods.

...."

SECTION 5. G.S. 113-291.8(a) reads as rewritten:

"(a) Any person hunting game animals other than foxes, bobcats, raccoons, and opossum, or hunting upland game birds other than wild turkeys, or hunting feral swine, with the use of firearms, must wear a cap or hat on his head made of hunter orange material or an outer garment of hunter orange visible from all sides. Any person hunting deer during a deer firearms season shall wear hunter orange. Hunter orange material is a material that is a daylight fluorescent orange color.

1 This section does not apply to a landholder, his spouse, or children, who are hunting on
2 land held by the landholder. This subsection shall be enforced by warning ticket only until
3 October 1, 1992, with respect to those hunting rabbit, squirrel, grouse, pheasant, and quail."

4 **SECTION 6.(a)** Article 22 of Chapter 113 of the General Statutes is amended by
5 adding a new section to read:

6 "**§ 113-291.12. Unlawful to remove live feral swine from traps.**

7 It is unlawful to remove feral swine from a trap while the swine is still alive or to transport
8 the live swine after that removal."

9 **SECTION 6.(b)** G.S. 113-294 is amended by adding a new subsection to read:

10 "(s) Any person who violates the provisions of G.S. 113-291.12 by unlawfully removing
11 feral swine from a trap while the swine is still alive or by transporting such swine after that
12 removal is guilty of a Class 2 misdemeanor. The acts of removal from a trap and of transporting
13 the swine after removal shall constitute separate offenses."

14 **SECTION 7.** G.S. 106-798A and G.S. 106-798B, as enacted by Section 1 of this
15 act, become effective October 1, 2012. The remainder of this act becomes effective October 1,
16 2011. This act applies to acts that occur on or after the effective date.