S T A T E O F N E W Y O R K

3767--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. GLICK, JAFFEE, ROSENTHAL, GUNTHER, DUPREY, SWEENEY -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, BROOK-KRASNY, CROUCH, FAHY, RIVERA, ROBINSON, SOLAGES, STECK, TENNEY -- (at request of the Department of Environmental Conservation) -- read once and referred to the Committee on Environmental Conservation -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to the sale, distribution, transport and trade of Eurasian boars

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph b of subdivision 29 of section 11-0103 of the environmental conservation law, as added by chapter 208 of the laws of 1999, is amended to read as follows:

b. A captive bred North American big game mammal including: cougar, wolf, bear, bison, big horn sheep, mountain goat, antelope, elk, musk ox, mule deer, black tailed deer, caribou, [swine,] and a domestic game animal as defined in paragraph b of subdivision four of this section, provided, however, that nothing herein shall be deemed to expand, diminish, or alter the department's authority under existing statute or regulation to regulate the taking of big game as defined in paragraph b of subdivision two of this section or other protected wildlife as defined in paragraph c of subdivision six of this section.

S 2. The environmental conservation law is amended by adding a new section 11-0514 to read as follows:

S 11-0514. EURASIAN BOARS PROHIBITED.

1. FOR PURPOSES OF THIS SECTION, "EURASIAN BOAR" SHALL MEAN ANY SUBSPECIES, BREED, OR HYBRID OF SWINE RECOGNIZED AS EURASIAN BOAR, RUSSIAN BOAR, WILD BOAR, WILD HOG, RAZORBACK, OR FERAL SWINE. "EURASIAN BOAR" SHALL NOT INCLUDE DOMESTIC PIGS (SUS SCROFA DOMESTICA) POSSESSED

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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FOR MEAT PRODUCTION OR AS PETS, OR ANIMALS POSSESSED OR OWNED BY A ZOOLOGICAL PARK ACCREDITED BY THE ASSOCIATION OF ZOOS AND AQUARIUMS.

2. NO PERSON, FIRM, PARTNERSHIP, CORPORATION, OR GOVERNMENT ENTITY SHALL KNOWINGLY IMPORT, ALLOW TO BREED, OR INTRODUCE INTO THE WILD EURASIAN BOARS.

3. BEGINNING SEPTEMBER FIRST, TWO THOUSAND FIFTEEN, NO PERSON, FIRM, PARTNERSHIP, CORPORATION OR GOVERNMENT ENTITY SHALL KNOWINGLY POSSESS, SELL, OFFER FOR SALE, DISTRIBUTE, TRANSPORT, OR OTHERWISE MARKET OR TRADE LIVE EURASIAN BOARS.

4. THE DEPARTMENT MAY ADOPT RULES AND REGULATIONS NECESSARY TO IMPLEMENT AND ADMINISTER THIS SECTION.

S 3. Section 71-0925 of the environmental conservation law is amended by adding a new subdivision 15 to read as follows:

15. IF THE VIOLATION WAS A FIRST OR SECOND VIOLATION OF SECTION 11-0514 OF THIS CHAPTER, A FINE OF UP TO FIVE HUNDRED DOLLARS FOR EACH ANIMAL FOR EACH ACT OF IMPORTATION, POSSESSION, INTRODUCTION, SALE, OFFER FOR SALE, DISTRIBUTION, TRANSPORTATION OR OTHERWISE MARKETING OR TRADING. FOR A THIRD OR SUBSEQUENT SEPARATE VIOLATION OF SECTION 11-0514 OF THIS CHAPTER, THE GREATER OF A. A FINE OF ONE THOUSAND DOLLARS FOR EACH ANIMAL FOR EACH ACT OF IMPORTATION, BREEDING, POSSESSION, INTRODUCTION, SALE, OFFER FOR SALE, DISTRIBUTION, TRANSPORTATION OR OTHERWISE MARKETING OR TRADING OR B. AN AMOUNT EQUAL TO THREE TIMES (1) THE FINANCIAL SECURITY PROVIDED BY CUSTOMERS FOR THE OPPORTUNITY TO TAKE THE ANIMAL OR (2) THE VALUE OF A BOAR FOR MEAT PRODUCTION OR AS BREEDING STOCK.

S 4. This act shall take effect immediately, provided, however, that any person, firm, partnership or corporation which has a contract to import Eurasian boars as of the effective date of this act may import such animals for 60 days after such effective date.