

SUBSTITUTE FOR
HOUSE BILL NO. 4503

A bill to regulate facilities used for raising and hunting of sporting swine; to regulate sporting swine livestock operations as agricultural enterprises in this state; to provide powers and duties of certain state agencies and officials; to authorize the issuance of certain orders; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "sporting swine marketing act".

3 Sec. 2. As used in this act:

4 (a) "Biosecurity" means measures, actions, or precautions
5 taken to prevent the transmission of disease in, among, or between
6 privately owned swine, livestock, wildlife, and other animals.

7 (b) "Business plan" means a written document that defines the

1 methods, protocols, or procedures that a person intends to
2 implement for operations that are in compliance with this act.

3 (c) "Cervidae livestock facility" means that term as defined
4 in section 2 of the privately owned cervidae producers marketing
5 act, 2000 PA 190, MCL 287.952.

6 (d) "Department" means the department of natural resources.

7 (e) "Director" means the director of the department or his or
8 her designee.

9 (f) "Feral swine" means that term as it is defined in section
10 3 of the animal industry act, 1988 PA 466, MCL 287.703.

11 (g) "Flush" or "flushed" means to move or chase wildlife from
12 a sporting swine livestock operation.

13 (h) "Fund" means the sporting livestock fund created in
14 section 13.

15 (i) "Law enforcement officer" means a person appointed by the
16 state or a local governmental unit who is responsible for the
17 enforcement of the criminal laws of this state.

18 (j) "Livestock" means that term as it is defined in section 5
19 of the animal industry act, 1988 PA 466, MCL 287.705.

20 (k) "Official identification" means that term as it is defined
21 in section 6 of the animal industry act, 1988 PA 466, MCL 287.706.

22 (l) "Owner" means the person who owns or is responsible for a
23 sporting swine livestock operation.

24 (m) "Person" means an individual, partnership, corporation,
25 association, governmental entity, or other legal entity.

26 (n) "Premises identification number" means the number assigned
27 by the department of agriculture and rural development to identify

1 a sporting swine livestock operation.

2 (o) "Qualified pseudorabies negative herd" means that term as
3 defined in 9 CFR 85.1 or a herd that is pseudorabies negative as
4 identified by the director.

5 (p) "Registration" means a registration issued by the
6 department under section 10 authorizing the operation of a sporting
7 swine livestock operation.

8 (q) "Release" means to allow sporting swine not under the
9 direct control of the owner to become located outside the perimeter
10 fence of a sporting swine livestock operation.

11 (r) "Sporting swine" means members of the swine family raised
12 for the purpose of shooting or for the propagation of swine for use
13 in a sporting swine livestock operation.

14 (s) "Sporting swine breeding operation" means an operation
15 that contains 1 or more privately owned sporting swine involving
16 the producing, growing, propagating, using, transporting,
17 exporting, importing, or marketing of sporting swine or sporting
18 swine products.

19 (t) "Sporting swine livestock operation" means a sporting
20 swine breeding operation or a sporting swine shooting operation, or
21 both.

22 (u) "Sporting swine products" means any products, coproducts,
23 or by-products of sporting swine, including tusks, capes, hides,
24 meat, or any part of the animal.

25 (v) "Sporting swine shooting operation" means a privately
26 owned operation on privately controlled lands capable of holding
27 and containing sporting swine for the purpose of hunting.

1 (w) "Validated brucellosis-free herd" means that term as
2 defined in 9 CFR 78.1 or a herd that is brucellosis-free as
3 identified by the director.

4 Sec. 3. (1) The department shall administer this act in
5 consultation with the department of agriculture and rural
6 development.

7 (2) The department may conduct activities designed to develop
8 and assist the sporting swine industry to comply with this act.

9 Sec. 4. (1) A registered sporting swine livestock operation is
10 an agricultural enterprise and is considered to be part of the
11 farming and agricultural industry of this state. The department
12 shall ensure that registered sporting swine livestock operations
13 are afforded all rights, privileges, opportunities, and
14 responsibilities of other agricultural enterprises.

15 (2) Registered sporting swine livestock operations are a form
16 of agriculture. Registered sporting swine livestock operations and
17 their equipment are considered to be agricultural facilities and
18 equipment. A registered sporting swine livestock operation is
19 considered an agricultural use.

20 (3) Sporting swine products and sporting swine lawfully
21 produced, purchased, possessed, or acquired from within this state
22 or imported into this state are the exclusive and private property
23 of the owner.

24 (4) Any movement, importing, or exporting of sporting swine or
25 sporting swine products shall be in compliance with the animal
26 industry act, 1988 PA 466, MCL 287.701 to 287.746, and the
27 pseudorabies and swine brucellosis control and eradication act,

1 1992 PA 239, MCL 287.801 to 287.859. In addition, a live swine
2 shall not leave a sporting swine livestock operation unless the
3 owner complies with all of the following:

4 (a) The swine contains identification as provided in section
5 7.

6 (b) Unless otherwise approved by the director, the swine
7 originates from a herd that meets both of the following
8 requirements:

9 (i) Is a qualified pseudorabies negative herd.

10 (ii) Is a validated brucellosis-free herd.

11 (c) The swine is moving to another registered sporting swine
12 livestock operation, to a commercial or custom slaughter facility,
13 or to another location approved by the department.

14 Sec. 5. (1) A person shall not operate a sporting swine
15 livestock operation unless he or she obtains a registration from
16 the department or unless otherwise exempt by law. A registration
17 under this act does not exempt the person or sporting swine
18 livestock operation from requirements imposed under any other
19 local, state, or federal law. A sporting swine livestock operation
20 may be operated as both a sporting swine livestock operation and a
21 cervidae livestock facility if the owner meets the applicable
22 requirements of this act and the applicable requirements of the
23 privately owned cervidae producers marketing act, 2000 PA 190, MCL
24 287.951 to 287.969. Zoos accredited under the association of zoos
25 and aquariums or other accreditations or standards determined
26 appropriate by and acceptable to the department are exempt from
27 this act.

1 (2) Beginning 60 days after the effective date of this act, an
2 owner shall not operate a sporting swine livestock operation that
3 was in existence on the effective date of this act, unless the
4 owner has submitted an application under section 8.

5 Sec. 6. (1) A sporting swine livestock operation shall be
6 maintained to prevent sporting swine from escaping. Fencing shall
7 be approved by the department and shall comply with all of the
8 following:

9 (a) Fencing shall be a standard high-tensile game fence and
10 shall not contain holes larger than 4 inches by 6 inches below 2
11 feet.

12 (b) Fencing shall be constructed with fence posts at least 4
13 inches in diameter for wood posts and 2 inches in diameter for
14 metal posts and positioned not more than 20 feet apart.

15 (c) Fencing shall be a minimum of 10 feet high for enclosures
16 at sporting swine shooting operations.

17 (d) Until 3 years after the effective date of this act,
18 fencing shall be a minimum of 5 feet high for enclosures at a
19 sporting swine breeding operation that was in existence on the
20 effective date of this act. For a sporting swine breeding operation
21 that begins operating after the effective date of this act and
22 beginning 3 years after the effective date of this act for all
23 sporting swine breeding operations, the following apply:

24 (i) For an operation with a single fence, the fencing shall be
25 a minimum of 8 feet high for enclosures.

26 (ii) For an operation with a perimeter fence that is a minimum
27 of 10 feet high at a sporting swine shooting operation and a

1 minimum of 8 feet high at a sporting swine breeding operation, an
2 interior enclosure fence shall be a minimum of 5 feet high.

3 (e) Fencing shall be constructed in compliance with at least 1
4 of the following:

5 (i) Be anchored to the ground with cement or by steel stakes at
6 least 24 inches belowground and placed not more than 5 feet apart.

7 (ii) Contain skirting of at least 1.5 feet.

8 (iii) Be buried to a depth of at least 12 inches.

9 (iv) Contain an operational electric wire.

10 (v) Any other methods approved by the department.

11 (f) Each side of the fence shall be cleared of dead trees and
12 dead limbs that have potential to compromise the fence structure.

13 (g) For a sporting swine livestock operation in existence on
14 the effective date of this act, trees, tree limbs, and brush for a
15 distance of at least 6 feet shall be cleared on at least 1 side of
16 the fence.

17 (h) For a sporting swine livestock operation that begins
18 operating after the effective date of this act, trees, tree
19 branches, and brush shall be cleared for a distance of at least 12
20 feet on each side of the fence.

21 (i) The fencing shall contain gates in compliance with all of
22 the following:

23 (i) Gates shall contain cement footings or skirting.

24 (ii) Gates shall be double-gated as approved by the department
25 or shall provide for automatic closure of the perimeter gates to
26 prevent the release of sporting swine.

27 (iii) Gates shall be constructed of continuous woven wire or

1 structurally stronger materials and shall meet or exceed fencing
2 heights as provided in this section.

3 (iv) Gates shall be adjusted seasonally or more often if
4 necessary to ensure that the bottom of the gate extends no higher
5 than 3 inches from the ground along the entire length.

6 (v) Gaps between the gate and adjacent fence shall be not more
7 than 4 inches on both sides.

8 (j) Any other requirements approved by the department.

9 (2) The owner or owner's designee shall conduct and complete a
10 weekly inspection of fencing at a sporting swine livestock
11 operation and shall document the weekly inspection.

12 (3) A sporting swine that escapes from a sporting swine
13 livestock operation is considered to be a feral swine. An owner
14 shall notify the department within 48 hours of discovery that a
15 sporting swine has escaped from the sporting swine livestock
16 operation. A sporting swine that escapes from a sporting swine
17 livestock operation may be killed as provided in section 4a of 1976
18 PA 328, MCL 433.14a.

19 Sec. 7. (1) All sporting swine at a sporting swine livestock
20 operation shall have clearly visible permanent individual official
21 identification, as provided for in the animal industry act, 1988 PA
22 466, MCL 287.701 to 287.746, and shall have a second
23 identification, which may be an electronic identification tag, a
24 tattoo, or a freeze brand. However, a sporting swine shooting
25 operation that was in existence on the effective date of this act
26 has 1 year after a registration is issued for the sporting swine
27 shooting operation to comply with this requirement. All swine born

1 on a sporting swine livestock operation after the effective date of
2 this act shall have the identification described in this subsection
3 before reaching 50 pounds.

4 (2) Feral swine shall not be captured and used in sporting
5 swine livestock operations.

6 (3) A person registered under this act to operate a sporting
7 swine livestock operation shall keep and maintain records of
8 production, purchases, imports, or exports necessary to establish
9 proof of ownership. A person transporting sporting swine shall
10 produce documentation that contains the origin of shipment,
11 registration or registration copies or documentation, documentation
12 demonstrating shipping destination, and any other proof that may be
13 required under the animal industry act, 1988 PA 466, MCL 287.701 to
14 287.746, or the pseudorabies and swine brucellosis control and
15 eradication act, 1992 PA 239, MCL 287.801 to 287.859, upon request
16 of the department or a law enforcement officer. An owner shall keep
17 records of all disease testing, sporting swine harvested, and all
18 purchases of sporting swine, including dates of sale and the names
19 and addresses of purchasers. Records shall be kept by the owner for
20 a minimum of 7 years. Records of the number of animals bought,
21 sold, killed on a sporting swine shooting operation, or died a
22 natural death shall be sent to the department quarterly. An owner
23 may submit this information to the department electronically.

24 (4) Viscera and other body parts from a sporting swine
25 livestock operation shall be disposed of in accordance with 1982 PA
26 239, MCL 287.651 to 287.683.

27 Sec. 8. (1) A person that wishes to obtain a sporting swine

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1 livestock operation registration under this act shall submit an
2 application to the department accompanied by a registration fee and
3 a preregistration inspection fee as provided for in section 12. The
4 owner of a sporting swine livestock operation that was in existence
5 on the effective date of this act may submit an application under
6 this section beginning on the effective date of this act. An
7 application for a new sporting swine livestock operation may be
8 submitted beginning 60 days after the effective date of this act.

9 (2) As part of the application under subsection (1), the
10 applicant shall submit a business plan that complies with this act
11 and includes all of the following:

12 (a) The complete address of the proposed sporting swine
13 livestock operation, which shall be located on contiguous land,
14 including the size, location, and legal description of the land
15 upon which the sporting swine livestock operation will be
16 conducted. For purposes of this subdivision, "contiguous" means
17 land that touches at any point. The existence of a public or
18 private road, a railroad, or a utility right-of-way that separates
19 any part of the land does not make the land noncontiguous.

20 (b) A proposed site plan for the sporting swine livestock
21 operation including the proposed size and location of each
22 enclosure at the operation.

23 (c) Whether the sporting swine livestock operation will
24 include a sporting swine breeding operation or a sporting swine
25 shooting operation, or both. [If the applicant requests to have both a
sporting swine breeding operation and a sporting swine shooting operation
at the same sporting swine livestock operation, the department shall
issue each enclosure a unique registration number but shall not require
additional registration or inspection fees.]

26 (d) Biosecurity measures to be utilized, including, but not
27 limited to, a disease surveillance plan, fencing, and appropriate

1 animal identification as provided in section 7.

2 (e) The proposed method of flushing wild cervidae species from
3 enclosures, unless the sporting swine livestock operation is
4 currently registered as a cervidae livestock facility.

5 (f) A proposed record-keeping system.

6 (g) The current zoning of the property proposed as a sporting
7 swine livestock operation and whether the local unit or units of
8 government within which the sporting swine livestock operation will
9 be located have an ordinance regarding fences and whether the
10 proposed facility would be in violation of that ordinance, unless
11 the same property is currently registered as a cervidae livestock
12 facility. If a variance from an ordinance has been granted or is
13 being considered, the applicant shall include this information in
14 the application.

15 (3) The application submitted under subsection (1) shall
16 include a place where the applicant can check a box acknowledging
17 that the person carries liability coverage for bodily harm or
18 property damage in an amount not less than \$1,000,000.00 per
19 occurrence exclusive of legal defense costs for bodily injury and
20 property damage to third parties caused by the release of sporting
21 swine from the person's sporting swine livestock operation. In lieu
22 of insurance under this subsection, a person may acknowledge that
23 the person maintains a financial mechanism approved by the
24 department that will provide the same level of financial
25 responsibility as an insurance policy. Upon request, the person
26 shall provide to the department proof of insurance or other
27 financial responsibility.

1 (4) The department shall process applications received under
2 this section in the order that they are received by the department.
3 Notwithstanding any other provision of this act, a sporting swine
4 livestock operation that was in existence on the effective date of
5 this act may continue in operation during the application process
6 until the department makes a decision on an application under this
7 section.

8 (5) Upon receipt of an application for a sporting swine
9 livestock operation that will be constructed after the effective
10 date of this act, the department shall forward a copy to the
11 department of agriculture and rural development. The department
12 shall also send a written notice to the local unit or units of
13 government within which the proposed sporting swine livestock
14 operation will be located unless the proposed sporting swine
15 livestock operation is registered as a cervidae livestock facility
16 or the department determines, from information provided in the
17 application, that the local unit of government has a zoning
18 ordinance under which the land is zoned agricultural. The local
19 unit or units of government may respond, within 30 days after
20 receipt of the written notice, indicating whether the applicant's
21 proposed sporting swine livestock operation would be in violation
22 of a currently existing ordinance. If the proposed sporting swine
23 livestock operation would be in violation of an ordinance, the
24 applicant shall obtain a variance from the local unit of
25 government. Failure to obtain a variance voids the application.

26 (6) Except as provided in subsection (9), within 60 days after
27 receiving an application under this section, the department shall

1 approve the application for a sporting swine livestock operation if
2 all of the following are met:

3 (a) The owner agrees to meet the requirements of this act and
4 comply with the business plan submitted to the department.

5 (b) The disease surveillance plan within the business plan
6 includes the following, as applicable:

7 (i) For a sporting swine shooting operation, ongoing testing
8 for pseudorabies virus and brucellosis using a 95/10 sampling
9 methodology or as otherwise determined by the director.

10 (ii) For a sporting swine breeding operation, testing to
11 maintain qualified pseudorabies negative herd status and validated
12 swine brucellosis-free herd status or as otherwise determined by
13 the director.

14 (c) The property on which the sporting swine livestock
15 operation is located or is proposed to be located is not within
16 deer management unit number 452 identified on the 2010 deer
17 management unit map published by the department, unless the owner
18 has a verified wildlife risk mitigation plan. As used in this
19 subdivision, "verified wildlife risk mitigation plan" means a
20 written plan that contains structural and management requirements
21 intended to reduce the risk that a herd will become infected with
22 bovine tuberculosis that has been approved by the department and
23 verified by regulatory personnel to be in effect.

24 (d) The property on which the sporting swine livestock
25 operation is located or is proposed to be located is not under a
26 quarantine under the animal industry act, 1988 PA 466, MCL 287.701
27 to 287.746.

1 (e) The department has approved a site plan for the operation
2 under section 9. This subdivision does not apply to an operation
3 that is a registered cervidae livestock facility under the
4 privately owned cervidae producers marketing act, 2000 PA 190, MCL
5 287.951 to 287.969.

6 (f) There are fewer than 65 sporting swine livestock
7 operations in the state with an approved application or
8 registration.

9 (7) Within 60 days after receiving an application, if the
10 department determines that the applicant has not met the
11 requirements of subsection (6), the department shall deny the
12 application. Upon receipt of a denial under this section and
13 without filing a second application, the applicant may request in
14 writing and, if requested, the department shall provide an informal
15 department review of the application. The review shall include
16 input from the applicant, the department, and the department of
17 agriculture and rural development, if applicable. Within 30 days
18 after receiving a request for an informal review, the department
19 shall do either of the following:

20 (a) If the department determines that the proposed sporting
21 swine livestock operation complies with the requirements of
22 subsection (6), the department shall approve the application.

23 (b) If the department determines that the proposed sporting
24 swine livestock operation does not comply with the requirements of
25 subsection (6), the department shall affirm the denial of the
26 application in writing and specify the deficiencies needed to be
27 addressed or corrected in order for an approved application to be

1 issued. If the deficiencies are not addressed or corrected to the
2 department's satisfaction, the denial stands as the decision of the
3 department. If an application is denied under this section, the
4 applicant may not submit an application under this act for at least
5 4 years from the date of the affirmation of denial under this
6 subdivision.

7 (8) Subject to section 10, an approved application issued
8 under this section is valid for 3 years from the date of approval
9 unless an extension is granted by the department. An approved
10 application authorizes the construction of a sporting swine
11 livestock operation, but for operations not in existence on the
12 effective date of this act, does not authorize the sporting swine
13 livestock operation to be populated with sporting swine.

14 (9) The department shall not approve an application under this
15 section for a person that is convicted of a felony under this act
16 or the privately owned cervidae producers marketing act, 2000 PA
17 190, MCL 287.951 to 287.969.

18 Sec. 9. Upon receipt of an application for registration of a
19 sporting swine livestock operation under section 8, the department
20 shall review the proposed site plan contained in the application.
21 Within 30 days after receiving the application, the department
22 shall do either of the following:

23 (a) Approve the proposed site plan if it determines that the
24 proposed size and location of the enclosures will not place
25 unreasonable stress on wildlife habitat or migration corridors.

26 (b) Disapprove the proposed site plan if it determines that
27 the proposed site plan does not meet the conditions under

1 subdivision (a) and specify the reasons for its determination.

2 Sec. 10. (1) Within 6 months after the effective date of this
3 act, a sporting swine livestock operation that was in existence on
4 the effective date of this act shall come into compliance with this
5 act and shall submit to the department, in writing, a request for
6 an inspection. For a sporting swine livestock operation that was
7 not in existence on the effective date of this act, following
8 construction of the sporting swine livestock operation in
9 compliance with an approved application, the applicant shall submit
10 to the department in writing a request for an inspection.

11 (2) Within 30 days after receipt of a request for an
12 inspection under subsection (1), the department shall inspect the
13 sporting swine livestock operation. If the department determines
14 that the sporting swine livestock operation complies with this act,
15 the department shall issue a registration within 30 days after
16 completion of an inspection.

17 (3) If, following an inspection, the department determines
18 that a proposed sporting swine livestock operation does not comply
19 with the requirements of this act, the department shall deny the
20 issuance of a registration. The department shall notify in writing
21 an applicant of the reasons for a registration denial within 30
22 days after completion of the inspection. The notice shall specify
23 in writing the deficiencies to be corrected in order for a
24 registration to be issued.

25 (4) If the department denies the issuance of a registration
26 under subsection (3), the person may request a second inspection
27 after the specified deficiencies have been corrected. The

1 department is not required to make more than 2 preregistration
2 inspections of the same proposed sporting swine livestock operation
3 per application.

4 (5) Upon receipt of a second denial under this section and
5 without filing a second application, the person may request in
6 writing and, if requested, the department shall provide an informal
7 department review of the denial of registration. The review shall
8 include input from the applicant, the department, and the
9 department of agriculture and rural development, if applicable.

10 After the informal department review, the department shall do
11 either of the following:

12 (a) If the department determines that the sporting swine
13 livestock operation complies with the requirements of this act, the
14 department shall issue a registration within 30 days after the
15 informal department review.

16 (b) If the department determines that the sporting swine
17 livestock operation does not comply with the requirements of this
18 act, the department shall affirm the denial of registration in
19 writing and specify the deficiencies needed to be addressed or
20 corrected in order for a registration to be issued.

21 (6) A person denied registration may request a hearing
22 pursuant to the administrative procedures act of 1969, 1969 PA 306,
23 MCL 24.201 to 24.328, on a denial of a registration or upon any
24 limitations placed upon the issuance of a registration.

25 (7) A registration issued by the department under this section
26 is valid for a 3-year time period. During the registration period,
27 the owner shall maintain an insurance policy or other financial

1 mechanism described in section 8(3).

2 Sec. 11. A registration issued by the department shall contain
3 all of the following information:

4 (a) The expiration date of the registration.

5 (b) The complete name, business name, business address, and
6 telephone number of the owner.

7 (c) The complete address of the sporting swine livestock
8 operation location.

9 (d) The premises identification number. If the property has
10 not previously been issued a premises identification number, the
11 department of agriculture and rural development shall assign one to
12 the premises.

13 (e) The complete name, address, and telephone number of the
14 department contact person regarding sporting swine livestock
15 operations.

16 Sec. 12. (1) The department shall charge the following
17 nonrefundable fees for sporting swine livestock operations:

18 (a) An annual registration fee of \$2,500.00. The initial
19 annual registration fee shall be submitted with the application for
20 registration under section 8 or the application for renewal of a
21 registration under section 14. Annual registration fees during the
22 second and third years of a registration are due on the anniversary
23 of the date the registration was issued.

24 (b) A preregistration inspection fee of \$1,000.00.

25 (c) For a second preregistration inspection of a sporting
26 swine operation, \$500.00.

27 (d) For inspections of sporting swine operations conducted by

1 the department in the second and third years of the 3-year
2 registration term, \$1,000.00 for each inspection.

3 (2) The department shall forward all fees collected under this
4 section to the state treasurer for deposit into the fund.

5 Sec. 13. (1) The sporting livestock fund is created within the
6 state treasury.

7 (2) The state treasurer may receive money or other assets from
8 any source for deposit into the fund. The state treasurer shall
9 direct the investment of the fund. The state treasurer shall credit
10 to the fund interest and earnings from fund investments.

11 (3) Money in the fund at the close of the fiscal year shall
12 remain in the fund and shall not lapse to the general fund.

13 (4) The department shall be the administrator of the fund for
14 auditing purposes.

15 (5) Money from the fund shall be expended, upon appropriation,
16 only to administer this act and the privately owned cervidae
17 producers marketing act, 2000 PA 190, MCL 287.951 to 287.969.

18 Sec. 14. (1) The department shall establish an expedited
19 process for renewal of a registration under this act. An
20 application for renewal of a registration shall be submitted not
21 later than 60 days before expiration of the current registration,
22 accompanied by the registration fee provided for in section 12. The
23 department shall make a decision on an application for renewal of a
24 registration under this subsection prior to the expiration of the
25 current registration.

26 (2) An application for renewal of a registration submitted
27 later than 60 days before expiration of the current registration

1 shall require submission of an application under section 8. Failure
2 of the department to process an application for renewal of a
3 registration that was submitted in a timely and complete manner
4 operates to extend the current registration until such time as the
5 department completes the processing.

6 (3) There is a presumption that the department shall renew the
7 registration upon timely submission of the completed application
8 for renewal of a registration and registration fee.

9 (4) If the owner of a sporting swine livestock operation
10 intends to transfer his or her registration to a person, the owner
11 shall provide to the department a written notice of the proposed
12 transfer containing the name, address, and telephone number of the
13 transferee and the proposed date of transfer. The notice of
14 proposed transfer shall be accompanied by a nonrefundable
15 registration transfer fee of \$250.00. Within 30 days after receipt
16 of a notice of proposed transfer, the department shall review
17 whether the proposed transferee is eligible to receive a
18 registration under section 8(8). If the proposed transferee is
19 eligible to receive a registration, the department shall approve
20 the transfer and issue to the transferee a registration under
21 section 11. However, the term of the registration shall not be
22 extended from the term provided in the registration being
23 transferred.

24 Sec. 15. (1) The owner of a sporting swine livestock operation
25 shall apply for a modification of his or her registration before
26 any change in the activities for which the registration is issued.
27 An application for a modification of a registration shall be

1 submitted in the same manner as an application for registration
2 under section 8.

3 (2) The owner of a sporting swine livestock operation may
4 submit a request to the department for decommissioning of a
5 sporting swine livestock operation. Upon receipt of a request under
6 this subsection, the department shall approve a request for
7 decommissioning, after conducting an inspection, as long as it is
8 conducted in a manner that does not create a risk to the
9 environment and other free-ranging animals and to domestic
10 livestock.

11 Sec. 16. The department shall enter into a memorandum of
12 understanding with the director of the department of agriculture
13 and rural development containing a process for disease testing at
14 sporting swine livestock operations.

15 Sec. 17. (1) The owner shall grant the department or its
16 authorized agent access at all reasonable hours to any sporting
17 swine livestock operation to inspect and to determine if this act
18 is being violated and to secure samples or specimens of any
19 sporting swine. An inspection shall be conducted under practices
20 designed not to jeopardize the health of the sporting swine.

21 (2) A sporting swine livestock operation shall be inspected
22 annually. An owner may contract with individuals who have been
23 certified by the department to conduct an inspection during the
24 second and third years of the term of a registration of a sporting
25 swine livestock operation to confirm compliance with the
26 requirements of this act and other requirements of law. The
27 department shall not certify an individual to conduct inspections

1 under this act who is an owner, an operator, or an employee of a
2 sporting swine livestock operation.

3 Sec. 18. A person shall not knowingly provide false
4 information in a matter pertaining to this act and shall not
5 resist, impede, or hinder the department in the discharge of its
6 duties under this act.

7 Sec. 19. (1) The department, upon finding that a person has
8 violated any provision of this act, may do any of the following:

9 (a) Issue a warning.

10 (b) Impose an administrative fine of not more than \$1,000.00,
11 plus the costs of investigation, for each violation after notice
12 and an opportunity for a hearing. A person aggrieved by an
13 administrative fine issued under this section may request a hearing
14 pursuant to the administrative procedures act of 1969, 1969 PA 306,
15 MCL 24.201 to 24.328.

16 (c) Issue an appearance ticket as described and authorized by
17 sections 9a to 9g of chapter IV of the code of criminal procedure,
18 1927 PA 175, MCL 764.9a to 764.9g.

19 (d) Place a quarantine upon the sporting swine livestock
20 operation disallowing any movement of animals until certain
21 requirements imposed by the department are met.

22 (2) The department shall advise the attorney general of the
23 failure of any person to pay an administrative fine imposed under
24 this section. The attorney general shall bring a civil action in a
25 court of competent jurisdiction to recover the fine. Administrative
26 fines collected shall be paid to the fund.

27 (3) Notwithstanding any other provision of this act, the

1 department may bring an action to do either or both of the
2 following:

3 (a) Obtain a declaratory judgment that a method, activity, or
4 practice is a violation of this act.

5 (b) Obtain an injunction against a person who is engaging in a
6 method, activity, or practice that violates this act.

7 (4) The remedies under this act are cumulative, and use of 1
8 remedy does not bar the use of another unless otherwise prohibited
9 by law.

10 Sec. 20. (1) After an opportunity for an administrative
11 hearing, the department may deny, suspend, revoke, or limit a
12 registration if the registrant fails to comply with this act.

13 (2) Except in the case of an informal departmental review, the
14 department shall conduct an administrative proceeding under this
15 act pursuant to the administrative procedures act of 1969, 1969 PA
16 306, MCL 24.201 to 24.328.

17 Sec. 21. Except as otherwise provided in section 22, a person
18 that violates this act is guilty of a misdemeanor punishable by
19 imprisonment for not less than 30 days or more than 90 days or a
20 fine of not less than \$300.00 or more than \$1,000.00, or both.

21 Sec. 22. (1) A person shall not release or allow the release
22 of any sporting swine or damage a fence or gate in such a manner
23 that may allow the release of any sporting swine.

24 (2) An owner shall not abandon a registered sporting swine
25 livestock operation without first notifying the department.

26 (3) A person shall not intentionally or knowingly cause the
27 ingress of feral swine into a sporting swine livestock operation.

1 (4) A person violating subsection (1) or (2) is guilty of a
2 misdemeanor punishable by imprisonment for not more than 90 days or
3 a fine of not more than \$500.00, or both, for a first offense and
4 is guilty of a misdemeanor punishable by imprisonment for not more
5 than 1 year or a fine of not more than \$2,000.00, or both, for a
6 second or subsequent offense. This subsection does not apply to a
7 person that unintentionally allows the release of a sporting swine,
8 if the person reports the release to the department within 48 hours
9 and kills the sporting swine within 48 hours.

10 (5) Notwithstanding subsection (4), a person who intentionally
11 or knowingly violates subsection (1) or (2) or who violates
12 subsection (3) is guilty of a felony punishable by imprisonment for
13 not more than 4 years or a fine of not more than \$50,000.00, or
14 both.

15 (6) A court may allow the department to recover reasonable
16 costs and attorney fees incurred in a prosecution resulting in a
17 conviction for a violation of this act.

18 (7) This section does not prohibit the sale, breeding,
19 marketing, exhibition, or other approved uses of sporting swine in
20 the manner provided for by law.

21 Sec. 23. (1) Not later than 2 years after the effective date
22 of this act, and again not later than 4 years after the effective
23 date of this act, the department, in consultation with the
24 department of agriculture and rural development, shall submit to
25 the legislature a report that includes all of the following:

26 (a) The number of registered sporting swine livestock
27 operations in this state.

1 (b) The number of new sporting swine livestock operations in
2 this state that began operating after the effective date of this
3 act.

4 (c) The number of known releases from sporting swine livestock
5 operations in this state.

6 (d) The number of sporting swine at sporting swine livestock
7 operations in this state that have been found to be positive for a
8 reportable disease under the animal industry act, 1988 PA 466, MCL
9 287.701 to 287.746.

10 (e) The number of violations of this act and the nature of
11 those violations, including the number of registrations that have
12 been suspended or revoked.

13 (f) The department's determination as to whether the fees
14 provided in this act are sufficient to carry out the department's
15 responsibilities under this act.

16 (g) The department's recommendations for changes to this act.

17 (h) Other information the department considers relevant.

18 (2) The reports submitted under subsection (1) shall be
19 submitted electronically.

20 Enacting section 1. This act does not take effect unless all
21 of the following bills of the 96th Legislature are enacted into
22 law:

23 (a) House Bill No. 4504.

24 (b) House Bill No. 4505.

25 (c) House Bill No. 4506.

26 (d) House Bill No. 4699.