

HOUSE BILL No. 4861

June 20, 2013, Introduced by Reps. McBroom, Dianda, Kivela, Shirkey, MacMaster, Foster, Bumstead, Daley, Pettalia and Lyons and referred to the Committee on Agriculture.

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 of intent that a

1 person submits to the department to define the methods, protocols,
2 or procedures that the person intends to implement for operations
3 that are in compliance with this act.

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

7 (d) "Department" means the department of agriculture and rural
8 development.

9 (e) "Director" means the director of the department or his or
10 her designee.

11 (f) "Feral swine" means that term as it is defined in section
12 3 of the animal industry act, 1988 PA 466, MCL 287.703.

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

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

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

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

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

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

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

1 (n) "Premises identification number" means the number assigned
2 by the department to identify a sporting swine livestock operation.

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

3 Sec. 3. (1) The department shall administer this act in
4 consultation with the department of natural resources.

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

7 Sec. 4. (1) A registered sporting swine livestock operation is
8 an agricultural enterprise and is considered to be part of the
9 farming and agricultural industry of this state. The department
10 shall ensure that registered sporting swine livestock operations
11 are afforded all rights, privileges, opportunities, and
12 responsibilities of other agricultural enterprises. The commission
13 of agriculture and rural development shall establish generally
14 accepted agricultural and management practices under the Michigan
15 right to farm act, 1981 PA 93, MCL 286.471 to 286.474, that are
16 applicable to sporting swine livestock operations.

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

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

26 (4) Any movement, importing, or exporting of sporting swine or
27 sporting swine products shall be in compliance with the animal

1 industry act, 1988 PA 466, MCL 287.701 to 287.746, and the
2 pseudorabies and swine brucellosis control and eradication act,
3 1992 PA 239, MCL 287.801 to 287.859. In addition, a live swine
4 shall not leave a sporting swine livestock operation unless the
5 owner complies with all of the following:

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

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

11 (i) Is a qualified pseudorabies negative herd.

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

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

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

1 appropriate by and acceptable to the department are exempt from
2 this act.

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

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

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

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

17 (c) Fencing shall be a minimum of 8 feet high for enclosures
18 at sporting swine shooting operations.

19 (d) Fencing shall be a minimum of 5 feet high for enclosures
20 at a sporting swine breeding operation that was in existence on the
21 effective date of this act. For a sporting swine breeding operation
22 that begins operating after the effective date of this act, the
23 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) The fencing shall contain gates in compliance with all of
12 the following:

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

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

17 (iii) Gates shall be constructed of continuous woven wire or
18 structurally stronger materials and shall meet or exceed fencing
19 heights as provided in this section.

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

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

25 (g) Any other requirements approved by the department.

26 (2) The owner or owner's designee shall conduct and complete a
27 weekly inspection of fencing at a sporting swine livestock

1 operation and shall document the weekly inspection.

2 (3) A sporting swine that escapes from a sporting swine
3 livestock operation is considered to be a feral swine. An owner
4 shall notify the department within 48 hours of discovery that a
5 sporting swine has escaped from the sporting swine livestock
6 operation.

7 Sec. 7. (1) All imported and exported sporting swine at a
8 sporting swine livestock operation shall have clearly visible
9 permanent individual official identification as provided for in the
10 animal industry act, 1988 PA 466, MCL 287.701 to 287.746, and shall
11 have a second identification, which may be an electronic
12 identification tag, a tattoo, or a freeze brand. In addition, all
13 sporting swine breeding operations providing animals to sporting
14 swine shooting operations shall have permanent individual animal
15 identification on all swine before reaching 50 pounds. All sporting
16 swine born naturally on sporting swine shooting operations shall
17 have official identification before reaching 50 pounds. Sporting
18 swine shooting operations shall have 1 year from the date a
19 registration is issued under this act to tag all animals born on
20 the sporting swine shooting operation.

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

23 (3) A person registered under this act to operate a sporting
24 swine livestock operation shall keep and maintain records of
25 production, purchases, imports, or exports necessary to establish
26 proof of ownership. A person transporting sporting swine shall
27 produce documentation that contains the origin of shipment,

1 registration or registration copies or documentation, documentation
2 demonstrating shipping destination, and any other proof that may be
3 required under the animal industry act, 1988 PA 466, MCL 287.701 to
4 287.746, or the pseudorabies and swine brucellosis control and
5 eradication act, 1992 PA 239, MCL 287.801 to 287.859, upon request
6 of the department or a law enforcement officer. An owner shall keep
7 records of all sporting swine harvested and all sales of sporting
8 swine, including dates of sale and the names and addresses of
9 purchasers. Records shall be kept by the owner for a minimum of 7
10 years. Records of the number of animals that are bought, that are
11 sold, that are killed by shooting on a sporting swine shooting
12 operation, and that die of other causes shall be sent to the
13 department annually. An owner may submit this information to the
14 department electronically.

15 (4) Viscera and other body parts from a sporting swine
16 livestock operation shall be disposed of in accordance with 1982 PA
17 239, MCL 287.651 to 287.683.

18 (5) If a sporting swine is found to be positive for a
19 reportable disease under the animal industry act, 1988 PA 466, MCL
20 287.701 to 287.746, herd testing protocol established by the
21 director under that act shall be followed. If the herd testing
22 protocol indicates that the herd is positive, the director may
23 issue an order pursuant to the animal industry act, 1988 PA 466,
24 MCL 287.701 to 287.746.

25 Sec. 8. (1) A person that wishes to obtain a sporting swine
26 livestock operation registration under this act shall submit an
27 application to the department accompanied by an application fee as

1 provided for in section 12. The owner of a sporting swine livestock
2 operation that was in existence on the effective date of this act
3 may submit an application under this section beginning on the
4 effective date of this act. An application for a new sporting swine
5 livestock operation may be submitted beginning 60 days after the
6 effective date of this act.

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

10 (a) The complete address of the proposed sporting swine
11 livestock operation and the size, location, and legal description
12 of the land upon which the sporting swine livestock operation will
13 be conducted.

14 (b) A proposed site plan for the sporting swine livestock
15 operation including the proposed size and location of each
16 enclosure at the operation.

17 (c) Whether the sporting swine livestock operation will
18 include a sporting swine breeding operation or a sporting swine
19 shooting operation, or both.

20 (d) Biosecurity measures to be utilized, including, but not
21 limited to, a disease surveillance plan, fencing, and appropriate
22 animal identification as provided in section 7.

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

26 (f) A proposed record-keeping system.

27 (g) The current zoning of the property proposed as a sporting

1 swine livestock operation and whether the local unit or units of
2 government within which the sporting swine livestock operation will
3 be located have an ordinance regarding fences and whether the
4 proposed facility would be in violation of that ordinance, unless
5 the same property is currently registered as a cervidae livestock
6 facility. If a variance from an ordinance has been granted or is
7 being considered, the applicant shall include this information in
8 the application.

9 (3) The department shall process applications received under
10 this section in the order that they are received by the department.
11 Notwithstanding any other provision of this act, a sporting swine
12 livestock operation that was in existence on the effective date of
13 this act may continue in operation during the application process
14 until the department makes a decision on an application under this
15 section.

16 (4) Upon receipt of an application for a sporting swine
17 livestock operation that will be constructed after the effective
18 date of this act, the department shall forward a copy to the
19 department of natural resources. The department shall also send a
20 written notice to the local unit or units of government within
21 which the proposed sporting swine livestock operation will be
22 located unless the proposed sporting swine livestock operation is
23 registered as a cervidae livestock facility or the department
24 determines, from information provided in the application, that the
25 local unit of government has a zoning ordinance under which the
26 land is zoned agricultural. The local unit or units of government
27 may respond, within 30 days after receipt of the written notice,

1 indicating whether the applicant's proposed sporting swine
2 livestock operation would be in violation of a currently existing
3 ordinance. If the proposed sporting swine livestock operation would
4 be in violation of an ordinance, the applicant shall obtain a
5 variance from the local unit of government. Failure to obtain a
6 variance voids the application.

7 (5) Except as provided in subsection (8), within 60 days after
8 receiving an application under this section, the department shall
9 approve the application for a sporting swine livestock operation if
10 all of the following are met:

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

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

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

18 (ii) For a sporting swine breeding operation, testing to
19 maintain qualified pseudorabies negative herd status and validated
20 swine brucellosis-free herd status or as otherwise determined by
21 the director.

22 (c) The property on which the sporting swine livestock
23 operation is located or is proposed to be located is not within
24 deer management unit number 452 identified on the 2010 deer
25 management unit map published by the department of natural
26 resources, unless the owner has a verified wildlife risk mitigation
27 plan. As used in this subdivision, "verified wildlife risk

1 mitigation plan" means a written plan that contains structural and
2 management requirements intended to reduce the risk that a herd
3 will become infected with bovine tuberculosis that has been
4 approved by the department and verified by regulatory personnel to
5 be in effect.

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

10 (e) For a proposed sporting swine livestock operation that was
11 not in existence on the effective date of this act, and for a
12 sporting swine livestock operation in existence on the effective
13 date of this act that is 200 acres in size or larger, the
14 department of natural resources has approved a site plan for the
15 operation under section 9. This subdivision does not apply to an
16 operation that is a registered cervidae livestock facility under
17 the privately owned cervidae producers marketing act, 2000 PA 190,
18 MCL 287.951 to 287.969.

19 (f) Until 2 years after the effective date of this act, there
20 are fewer than 65 sporting swine livestock operations in the state
21 with an approved application or registration.

22 (6) Within 60 days after receiving an application, if the
23 department determines that the applicant has not met the
24 requirements of subsection (5), the department shall deny the
25 application. Upon receipt of a denial under this section and
26 without filing a second application, the applicant may request in
27 writing and, if requested, the department shall provide an informal

1 department review of the application. The review shall include
2 input from the applicant, the department, and the department of
3 natural resources, if applicable. Within 30 days after receiving a
4 request for an informal review, the department shall do either of
5 the following:

6 (a) If the department determines that the proposed sporting
7 swine livestock operation complies with the requirements of
8 subsection (5), the department shall approve the application.

9 (b) If the department determines that the proposed sporting
10 swine livestock operation does not comply with the requirements of
11 subsection (5), the department shall affirm the denial of the
12 application in writing and specify the deficiencies needed to be
13 addressed or corrected in order for an approved application to be
14 issued. If the deficiencies are not addressed or corrected to the
15 department's satisfaction, the denial stands as the decision of the
16 department. If an application is denied under this section, the
17 applicant may not submit an application under this act for at least
18 4 years from the date of the affirmation of denial under this
19 subdivision.

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

27 (8) The department shall not approve an application under this

1 section for a person that is convicted of a felony under this act
2 or the privately owned cervidae producers marketing act, 2000 PA
3 190, MCL 287.951 to 287.969.

4 Sec. 9. (1) Upon receipt of an application for registration
5 of a new sporting swine livestock operation under section 8 that
6 requires the department of natural resources to approve a site
7 plan, the department of natural resources shall review the proposed
8 site plan contained in the application. Within 30 days after
9 receiving the application, the department of natural resources
10 shall do either of the following:

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

14 (b) Disapprove the proposed site plan if it determines that
15 the proposed site plan does not meet the conditions under
16 subdivision (a) and specify the reasons for its determination.

17 (2) Upon making its determination under subsection (1), the
18 department of natural resources shall provide written notice of
19 its determination to the department.

20 Sec. 10. (1) Within 6 months after the effective date of this
21 act, a sporting swine livestock operation that was in existence on
22 the effective date of this act shall come into compliance with this
23 act and shall submit to the department, in writing, a request for
24 an inspection. For a sporting swine livestock operation that was
25 not in existence on the effective date of this act, following
26 construction of the sporting swine livestock operation in
27 compliance with an approved application, the applicant shall submit

1 to the department in writing a request for an inspection.

2 (2) Within 30 days after receipt of a request for an
3 inspection under subsection (1), the department shall inspect the
4 sporting swine livestock operation. If the department determines
5 that the sporting swine livestock operation complies with this act,
6 the department shall issue a registration within 30 days after
7 completion of an inspection.

8 (3) If, following an inspection, the department determines
9 that a proposed sporting swine livestock operation does not comply
10 with the requirements of this act, the department shall deny the
11 issuance of a registration. The department shall notify in writing
12 an applicant of the reasons for a registration denial within 30
13 days after completion of the inspection. The notice shall specify
14 in writing the deficiencies to be corrected in order for a
15 registration to be issued.

16 (4) If the department denies the issuance of a registration
17 under subsection (3), the person may request a second inspection
18 after the specified deficiencies have been corrected. The
19 department is not required to make more than 2 preregistration
20 inspections of the same proposed sporting swine livestock operation
21 per application.

22 (5) Upon receipt of a second denial under this section and
23 without filing a second application, the person may request in
24 writing and, if requested, the department shall provide an informal
25 department review of the denial of registration. The review shall
26 include input from the applicant, the department, and the
27 department of natural resources, if applicable. After the informal

1 department review, the department shall do either of the following:

2 (a) If the department determines that the sporting swine
3 livestock operation complies with the requirements of this act, the
4 department shall issue a registration within 30 days after the
5 informal department review.

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

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

15 (7) A registration issued by the department under this section
16 is valid for a 3-year time period.

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

19 (a) The expiration date of the registration.

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

22 (c) The complete address of the sporting swine livestock
23 operation location.

24 (d) The premises identification number. If the property has
25 not previously been issued a premises identification number, the
26 department shall assign one to the premises.

27 (e) The complete name, address, and telephone number of the

1 department contact person regarding sporting swine livestock
2 operations.

3 Sec. 12. (1) The department shall charge the following
4 nonrefundable application fees for applications for registrations
5 and renewals of registrations for sporting swine livestock
6 operations:

7 (a) An application fee of \$500.00 for an application and the
8 following initial inspection fees:

9 (i) For facilities containing 40 acres or less, \$500.00.

10 (ii) For facilities containing greater than 40 acres,
11 \$1,000.00.

12 (b) For a second preregistration inspection of a sporting
13 swine operation, \$500.00.

14 (c) For renewal applications of sporting swine livestock
15 operations, \$2,250.00.

16 (d) For inspections of sporting swine operations conducted by
17 the department in the second and third years of the 3-year
18 registration term:

19 (i) For facilities containing 40 acres or less, \$250.00.

20 (ii) For facilities containing greater than 40 acres, \$500.00.

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

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

25 (2) The state treasurer may receive money or other assets from
26 any source for deposit into the fund. The state treasurer shall
27 direct the investment of the fund. The state treasurer shall credit

1 to the fund interest and earnings from fund investments.

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

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

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

9 Sec. 14. (1) The department shall establish an expedited
10 process for renewal of a registration under this act. An
11 application for renewal of a registration shall be submitted not
12 later than 60 days before expiration of the current registration,
13 accompanied by an application fee provided for in section 12. The
14 department shall make a decision on a renewal application under
15 this subsection within 30 days after the applicant submits a
16 completed application.

17 (2) A renewal submitted later than 60 days before expiration
18 of the current registration shall require submission of an
19 application under section 8. Failure of the department to process a
20 renewal application that was submitted in a timely and complete
21 manner operates to extend the current registration until such time
22 as the department completes the processing.

23 (3) Unless otherwise indicated in writing by the department at
24 the time the department sends its renewal application, there is a
25 presumption that the department shall renew the registration upon
26 timely submission of the completed renewal application and
27 application fee.

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

16 Sec. 15. (1) The owner of a sporting swine livestock operation
17 shall apply for a modification of his or her registration before
18 any change in the activities for which the registration is issued.
19 An application for a modification of a registration shall be
20 submitted in the same manner as an application for registration
21 under section 8.

22 (2) The owner of a sporting swine livestock operation may
23 submit a request to the department for decommissioning of a
24 sporting swine livestock operation. Upon receipt of a request under
25 this subsection, the department shall approve a request for
26 decommissioning, after conducting an inspection, as long as it is
27 conducted in a manner that does not create a risk to the

1 environment and other free-ranging animals and to domestic
2 livestock.

3 Sec. 16. The department shall enter into a memorandum of
4 understanding with the director of the department of natural
5 resources containing a process for reviewing the siting of new
6 sporting swine livestock operations.

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

13 (2) A sporting swine livestock operation shall be inspected
14 annually. An owner may contract with individuals who have been
15 certified by the department to conduct an inspection during the
16 second and third years of the term of a registration of a sporting
17 swine livestock operation to confirm compliance with the
18 requirements of this act and other requirements of law. The
19 department shall not certify an individual to conduct inspections
20 under this act who is an owner, an operator, or an employee of a
21 sporting swine livestock operation.

22 Sec. 18. A person shall not knowingly provide false
23 information in a matter pertaining to this act and shall not
24 resist, impede, or hinder the department in the discharge of its
25 duties under this act.

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

1 (a) Issue a warning.

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

8 (c) Issue an appearance ticket as described and authorized by
9 sections 9a to 9g of chapter IV of the code of criminal procedure,
10 1927 PA 175, MCL 764.9a to 764.9g.

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

14 (2) The department shall advise the attorney general of the
15 failure of any person to pay an administrative fine imposed under
16 this section. The attorney general shall bring a civil action in a
17 court of competent jurisdiction to recover the fine. Administrative
18 fines collected shall be paid to the fund.

19 (3) Notwithstanding any other provision of this act, the
20 department may bring an action to do either or both of the
21 following:

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

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

26 (4) The remedies under this act are cumulative, and use of 1
27 remedy does not bar the use of another unless otherwise prohibited

1 by law.

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

5 (2) Except in the case of an informal departmental review, the
6 department shall conduct an administrative proceeding under this
7 act pursuant to the administrative procedures act of 1969, 1969 PA
8 306, MCL 24.201 to 24.328.

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

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

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

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

20 (4) A person violating subsection (1) or (2) is guilty of a
21 misdemeanor punishable by imprisonment for not more than 90 days or
22 a fine of not more than \$500.00, or both, for a first offense and
23 is guilty of a misdemeanor punishable by imprisonment for not more
24 than 1 year or a fine of not more than \$2,000.00, or both, for a
25 second or subsequent offense. This subsection does not apply to a
26 person that unintentionally allows the release of a sporting swine,
27 if the person reports the release to the department within 48 hours

1 and kills the sporting swine within 48 hours.

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

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

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

13 Sec. 23. (1) Not later than 2 years after the effective date
14 of this act, and again not later than 4 years after the effective
15 date of this act, the department, in consultation with the
16 department of natural resources, shall submit to the legislature a
17 report that includes all of the following:

18 (a) The number of registered sporting swine livestock
19 operations in this state.

20 (b) The number of new sporting swine livestock operations in
21 this state that began operating after the effective date of this
22 act.

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

25 (d) The number of sporting swine at sporting swine livestock
26 operations in this state that have been found to be positive for a
27 reportable disease under the animal industry act, 1988 PA 466, MCL

1 287.701 to 287.746.

2 (e) The number of violations of this act and the nature of
3 those violations, including the number of registrations that have
4 been suspended or revoked.

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

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

9 (h) Other information the department considers relevant.

10 (2) The reports submitted under subsection (1) shall be
11 submitted electronically.