



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 307 through 310 (as introduced 3-24-11)  
Sponsor: Senator Joe Hune  
Committee: Agriculture

Date Completed: 6-15-11

**CONTENT**

Senate Bill 310 would create the "Sporting Swine Marketing Act" to provide for the regulation of sporting swine livestock operations (breeding operations or hunting operations, or both). The bill would do the following:

- Identify a sporting swine livestock operation as an agricultural enterprise.
- Require the Michigan Department of Agriculture and Rural Development (MDARD) to administer the Act in consultation with the Department of Natural Resources (DNR).
- Prohibit a person from operating a sporting swine livestock operation unless it was registered by MDARD.
- Apply the registration requirement to existing operations beginning 90 days after the bill's effective date.
- Require an applicant for registration to submit a business plan, including biosecurity measures, a proposed site plan, and the current zoning of the property.
- Require an application to be shared with the local unit of government, as a rule, and require the applicant to obtain a variance if the operation would violate an ordinance.
- Provide for the conditional registration of a livestock operation for nine months if it met specified criteria.
- Require the DNR to review the proposed site plan for a new sporting swine livestock operation on a proposed site of 200 acres or larger.
- Require MDARD to inspect an operation after it was constructed, and to issue a registration if it complied with the Act.
- Provide that a registration would be valid for three years.
- Require MDARD to establish an expedited process for registration renewal.
- Require MDARD to contract with people trained by the Department to conduct an inspection during the second and third years of a registration to confirm that barriers were in place to prevent the escape of swine, and to confirm compliance with the Act.
- Establish criteria for fencing at livestock operations, and require fencing to be approved by MDARD.
- Require sporting swine at a livestock operation to have a negative pseudorabies test or originate from a qualified negative herd.
- Prohibit feral swine from being captured and used in sporting swine livestock operations.
- Require a blood sample of hunter-killed swine to be tested for disease.
- Require any movement, importing, or exporting of sporting swine to be in compliance with the Animal Industry Act.
- Require sporting swine to have identification.
- Prescribe administrative sanctions for a violation of the Act, and allow MDARD to file an action for a declaratory judgment or an injunction.
- Establish criminal penalties for violations of the Act (as described below).

Except as provided below, a person who violated the Act would be guilty of a misdemeanor punishable by a fine of at least \$300 but not more than \$1,000, imprisonment for at least 30 but not more than 90 days, or both.

A person who released sporting swine or abandoned a registered operation would be guilty of a misdemeanor punishable by a maximum fine of \$300 and/or imprisonment for up to 90 days for a first offense, or a maximum fine of \$1,000 and/or imprisonment for up to one year for a second or subsequent offense.

A person who intentionally or knowingly violated the prohibition against release or abandonment, or intentionally or knowingly allowed the ingress of feral swine species into a sporting swine operation, would be guilty of a felony. The offense would be punishable by a maximum fine of \$5,000, imprisonment for up to four years, or both.

Senate Bill 307 would amend the Code of Criminal Procedure to include a felony violation of the proposed Act in the sentencing guidelines as a Class F felony against the public order, with a statutory maximum of four years.

Senate Bill 308 would amend the Privately Owned Cervidae Producers Marketing Act to authorize the DNR Director to allow a person registered under the Act to obtain a registration under the proposed Sporting Swine Marketing Act.

Senate Bill 309 would amend the Natural Resources and Environmental Protection Act to delete from the definition of "game" sporting swine species located on a sporting swine livestock operation registered under the proposed Act; and to remove such swine from the DNR's authority to regulate game.

All of the bills are tie-barred to each other.

MCL 777.12m (S.B. 307)  
287.955 (S.B. 308)  
324.40103 & 41102 (S.B. 309)

Legislative Analyst: Suzanne Lowe

## **FISCAL IMPACT**

Senate Bill 310 would establish a registration and regulatory program specifically for sporting swine livestock operations in the State. It is estimated that there are approximately 65 swine hunting operations in Michigan, most of which are licensed as cervid hunting facilities. Both the Department of Natural Resources and the Department of Agriculture and Rural Development play a role in the regulation of this agriculture industry. The DNR has estimated that its ongoing costs of providing application services, site review, and inspection for the regulation of these businesses is approximately \$265,000 annually. According to MDARD, its regulatory costs related to disease surveillance and monitoring would be \$315,000 annually, but with some of these costs being borne by existing Department resources, only a total additional amount of \$190,000 would be required to fulfill the bill's provisions. It is not possible to determine what impact the bill would have on the State's General Fund, as most of the swine hunting facilities pay a license fee to the State under the cervid regulation program, but no fee for licensing under the sporting swine livestock operation is included in the bill. Whatever costs to the State for sporting swine livestock operations not covered from license fee receipts from the cervid program would fall to the State's General Fund.

The bills' criminal penalties and sentencing guidelines would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses. To the extent that the new offenses resulted in an increase in felony and misdemeanor convictions, the State and local units of

government would incur increased correctional costs. An offender convicted of the new Class F offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 17-30 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.