

Legislative Analysis



SWINE REGULATIONS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6339

Sponsor: Rep. Paul Condino

Committee: Agriculture

Complete to 9-17-08

A SUMMARY OF HOUSE BILL 6339 AS INTRODUCED 7-23-08

The bill would amend the Animal Industry Act to do the following:

**** Prohibit a person from releasing swine or allowing the release of swine he or she owns or possesses.**

**** Require, if a swine is released, the person in possession to notify a local animal control officer or a local law enforcement officer within two hours of discovering the release.**

**** Prohibit the ownership or possession of live swine for the purpose of shooting (including on shooting preserves).**

**** Prohibit the ownership or possession of live swine found running at large. This would not apply to the temporary possession of trapped swine that were running at large, so long as they were promptly euthanized. It also would not prohibit the possession by an owner of his or her own swine that are identified by official identification and captured by the owner for return to the owner's facility. Returned swine would have to be isolated from all other animals until negative test results for pseudorabies virus and swine brucellosis were obtained. Testing would have to be done between 30 and 60 days after the return of swine.**

**** Prohibit shooting of confined swine. This, however, would not prohibit shooting to depopulate confined swine if the person doing the shooting does not pay for the opportunity to shoot them.**

The last three prohibitions described above would take effect 180 days after the bill took effect.

The bill would make intentionally releasing or allowing the release of feral swine a felony, punishable by a fine of not less than \$1,000 or more than \$50,000 and/or imprisonment for not more than five years.

The Animal Industry Act currently prohibits the importation or release of live feral swine (or any crosses of live feral swine) for any purpose without permission of the director of the Department of Agriculture. This provision would remain in the act, but refer only to

the importation of swine. (Further, the bill would move it from Section 44 to a newly created Section 17.)

BACKGROUND INFORMATION:

This bill and House Bill 6338 address the problem of "sport swine," generally Razorback or European wild boar-type swine (or hybrids) raised or imported to Michigan for shooting purposes.

In some cases these swine are offered for recreational shooting on privately owned cervid ranches. Some other hunting ranches are "swine-only."

The Michigan Department of Agriculture indicates that these hunting swine pose a significant risk as carriers of disease. They also pose a significant escape risk. Having escaped confinement, swine can become free-ranging feral swine. If in contact with commercial swine, feral swine can transmit disease. In addition, feral swine present a significant environmental risk through habitat destruction and displacement of native species. Feral swine are a growing national problem and have been reported or sighted in 64 of Michigan counties.

Although there is no specific state regulation of hunting swine, the department's current quarantine, testing, and depopulation activities have been carried out under the general authority of the Animal Industry Act.

FISCAL IMPACT:

To the extent that House Bill 6339 prohibits the importation of feral swine and (180 days after the effective date of the enacted bill) possession of swine for shooting purposes, the bill appears to relieve the state of a potential liability: the indemnification of owners of shooting swine under current law.

In a letter dated June 11, 2008 the State Budget Office requested \$415,000 in additional FY 2007-08 General Fund appropriations for the Michigan Department of Agriculture's *Animal health and welfare* line item to cover costs associated with the depopulation of "game swine" at five hunting ranches, and the associated indemnification of swine owners. The depopulation order was the result of the discovery of pseudorabies virus in the swine.

The \$415,000 request was based on the department's estimate of \$175,000 in additional costs of depopulation and animal disposal, and \$240,000 in owner indemnification payments. The request did not include additional department staff, supplies, or testing costs which were supported by redirection of existing department resources.

The department estimated that pseudorabies eradication efforts, specifically "regulatory and/or enforcement responsibilities in fiscal year 2009," will require an additional \$1.0 million in funding "above our current funding level." The department also indicated that

“there is a potential need for an additional \$3.5 million of fiscal year 2009 funding for future depopulations dependent on the spread of the disease and legislative policy decisions.”

A House Fiscal Agency memo (June 25, 2008) to the House Appropriations Subcommittee on Agriculture, "Pseudorabies Outbreak and the Fiscal Impact" is found on the House Fiscal Agency website at:

<http://www.house.mi.gov/hfa/PDFs/pseudorabies.pdf>

Legislative Analyst: Chris Couch
Fiscal Analyst: William E. Hamilton

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.