

Act No. 70
Public Acts of 2010
Approved by the Governor
May 13, 2010
Filed with the Secretary of State
May 13, 2010
EFFECTIVE DATE: May 13, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Reps. Tyler, Huckleberry, Byrum, Rocca, Neumann, Valentine, Espinoza and Terry Brown

ENROLLED HOUSE BILL No. 5823

AN ACT to amend 1959 PA 66, entitled "An act to prohibit the running at large on or the grazing upon any land owned by or under the control of the department of conservation, by cattle, horses, sheep and swine; to provide for the enforcement of this act; and to prescribe penalties for the violation of the provisions of this act," by amending the title and sections 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11 (MCL 322.581, 322.582, 322.583, 322.584, 322.585, 322.586, 322.587, 322.589, 322.590, and 322.591) and by adding section 12.

The People of the State of Michigan enact:

TITLE

An act to prohibit the running at large on or the grazing upon any land owned by or under the control of the department of natural resources and environment, by cattle, horses, sheep, and swine; to provide for the enforcement of this act; and to prescribe penalties for the violation of the provisions of this act.

Sec. 1. (1) As used in this act:

- (a) "Animals" means cattle, horses, sheep, or swine.
- (b) "Department" means the department of natural resources and environment.
- (c) "Director" means the director of the department of natural resources and environment.

(2) The owner of any animal shall not allow the animal to run at large or graze upon any lands owned by or under the control of the department except under authority of a written permit issued by the director.

(3) The owner of any swine shall not permit the swine to run at large or graze upon any lands owned by or under the control of the department. Swine running at large are a public nuisance.

Sec. 2. (1) The director may take possession of any animal found grazing or running at large in violation of section 1.

(2) The director is not civilly or criminally liable for complying with subsection (1).

Sec. 3. If the director seizes any animal under section 2, the director shall impound it in a suitable place and furnish it with suitable care, food, and water as long as it remains impounded.

Sec. 4. Within 48 hours after the impounding of any animal under section 2, the director shall post in 3 conspicuous places in the township where the animal was seized a written notice of the impounding. The notice shall contain the place, date, and reason for the seizure and the number and description of the animals impounded.

Sec. 5. If a person does not appear to claim an animal impounded under section 2 within 7 days after the date of impounding, the director shall sell the animal by auction in the county where it is impounded. The director shall first advertise the sale by posting a notice thereof in 3 conspicuous places in the county not less than 5 days before the sale and by serving a copy of the notice on the owner of the animal if the owner is known and resides in the county.

Sec. 6. If, at any time prior to 24 hours immediately preceding the date and hour fixed for the sale, the owner files with the director, in writing, a statement under oath that he or she is the owner of the animal and pays to the director a sum of 50 cents for each day the animal was impounded, the director shall deliver the animal to the owner. If the owner refuses or neglects to pay the sum due, the director shall sell the animal at auction as provided in section 5.

Sec. 7. If any animal impounded under section 2 escapes, the director at any time within 7 days thereafter may retake the animal and hold and dispose of it as provided in this act, as if no escape had taken place.

Sec. 9. All money received by the director from the sale provided for in section 5 shall be deposited with the state treasurer in accordance with established accounting procedure and law and, after all costs and expenses for rounding up, impounding, caring for, feeding, advertising, and selling the animal as certified by the director have been paid therefrom, the balance remaining shall be held in trust by the state treasurer for a period of 90 days. If within 90 days after the sale the previous owner of the animal at the time of seizure establishes to the satisfaction of the director his or her previous ownership of the animal, the balance held in trust shall be paid to the previous owner by the state treasurer. If the previous owner does not appear within the 90-day period, then the state treasurer shall credit the balance held in trust to the general fund of this state. All money received by the director under section 6 shall be deposited with the state treasurer in accordance with the law and established accounting procedure and credited to the general fund of this state.

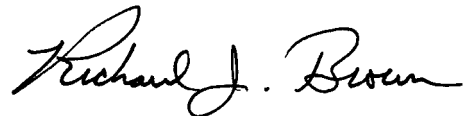
Sec. 10. This act does not relieve an owner of any animal of any criminal liability or penalty which may be otherwise provided by law for allowing or permitting animals to graze or run at large on lands owned by or under the control of the department.

Sec. 11. The terms and conditions of the permits and for the sale of animals impounded under section 2 shall be determined by the director.

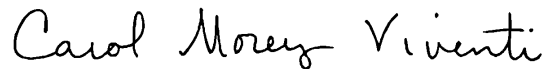
Sec. 12. This act does not limit authority provided under section 4a of 1976 PA 328, MCL 433.14a, to kill swine running at large.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1136 or House Bill No. 5822 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: House Bill No. 5822, referred to in enacting section 1, was filed with the Secretary of State May 13, 2010, and became 2010 PA 69, Imd. Eff. May 13, 2010.