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Senate Bills 1136, 1137, and 1138 (as introduced 2-11-10)  
Sponsor: Senator Ron Jelinek (S.B. 1136 & 1137)  
Senator Gerald Van Woerkom (S.B. 1138)  
Committee: Agriculture and Bioeconomy

Date Completed: 3-24-10

### **CONTENT**

**Senate Bill 1136** would enact Section 4a of Public Act 328 of 1976, which regulates animals running at large, to permit a local animal control officer, a law enforcement officer, or a person with a valid hunting license to kill a swine running at large on public or private property.

**Senate Bill 1137** would amend Public Act 66 of 1959, which deals with animals running at large on Department of Natural Resources and Environment land, to specify that the Act would not limit authority provided under Section 4a of Public Act 328 of 1976 to kill swine running at large.

**Senate Bill 1138** would amend Public Act 248 of 1879, which deals with animals running at large in certain cities and villages, to specify that the Act would not limit authority provided under Section 4a of Public Act 328 of 1976 to kill swine running at large.

Senate Bills 1137 and 1138 are tie-barred to Senate Bill 1136.

### **Senate Bill 1136**

Public Act 328 of 1976 prohibits an animal from running at large in the State, and prohibits an animal owner or other person from permitting or enabling an animal to run at large. ("Animal" means cattle, horses, sheep, swine, mules, burrows, or goats.)

The bill would add Section 4a to authorize the following individuals to kill a swine running at large on public or private property:

- A local animal control officer appointed under the Dog Law.
- A law enforcement officer.
- A person who possesses a valid hunting license for any game.

### **Senate Bill 1137**

Public Act 66 of 1959 prohibits cattle, horses, sheep, or swine from running at large on land owned or under the control of the Department of Natural Resources and Environment (DNRE). The bill instead would prohibit the owner of such an animal from allowing it to run at large or graze on DNRE land.

The Act also requires the DNRE Director to take possession of any animal found grazing or running at large in violation of the Act. The Director must impound the animal and furnish it with suitable care, food, and water. The Director must post written notice of the impounding, and if no one claims the animal within seven days, must sell it at auction.

The bill states that the Act would not limit the authority provided under Section 4a of Public Act 328 of 1976 to kill swine running at large.

### **Senate Bill 1138**

Public Act 248 of 1879 prohibits cattle, horses, mules, sheep, swine, or goats from running at large in any public place in a city or village in the State with a population of 7,000 or more, with the exception of Ludington. The bill instead would prohibit the owner of such an animal from allowing it to run at large in any public place in such a city or village.

Currently, it is the duty of every highway commissioner, poundmaster, marshal, deputy marshal, policeman, or constable of any such city or village to seize and take into his or her possession any animal found running at large. The bill instead would require a law enforcement officer or an animal control officer for the city or village to seize and keep the animal until disposed of as provided under the Act.

The bill states that the Act would not limit the authority provided under Section 4a of Public Act 328 of 1976 to kill swine running at large.

Proposed MCL 433.14a (S.B. 1136)  
MCL 322.581 et al. (S.B. 1137)  
433.51 et al. (S.B. 1138)

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker  
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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.