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House Bill 5822 (Substitute H-2 as passed by the House)
House Bill 5823 (Substitute H-1 as passed by the House)
House Bill 5824 (Substitute H-1 as passed by the House)
Sponsor: Representative Mike Huckleberry (H.B. 5822)
Representative Sharon Tyler (H.B. 5823)

Representative Barb Byrum (H.B. 5824)

House Committee: Agriculture

Senate Committee: Agriculture and Bioeconomy

Date Completed: 3-24-10

CONTENT

House Bill 5822 (H-2) would enact Section 4a of Public Act 328 of 1976, which concerns animals running at large, to do the following:

- -- Declare that swine running at large on public or private property are a public nuisance.
- -- Permit a local animal control officer or a law enforcement officer to kill a swine running at large on public or private property.
- -- Permit a person with a concealed pistol permit or a valid hunting license to kill a swine running at large on public property.
- -- Permit the property owner or other authorized person to kill a swine running at large on private property.

House Bill 5823 (H-1) would amend Public Act 66 of 1959, which deals with animals running at large on Department of Natural Resources and Environment land, to state that the Act would not limit authority provided under Section 4a of Public Act 328 of 1976 to kill swine running at large.

<u>House Bill 5824 (H-1)</u> would amend Public Act 248 of 1879, which deals with animals running at large in certain cities and villages, to declare that swine running at large are a public nuisance, and to state that the Act would not limit authority provided under Section 4a of Public Act 328 of 1976 to kill swine running at large.

House Bills 5823 (H-1) and 5824 (H-1) are tie-barred to House Bill 5822.

House Bill 5822 (H-2)

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

The bill would add Section 4a to declare that swine running at large on public or private property are a public nuisance.

Page 1 of 3 hb5822-5824/0910

The bill would permit a local animal control officer appointed under the Dog Law or a law enforcement officer to kill a swine running at large on public or private property.

A person with a license to carry a concealed pistol or a valid hunting license for any game could kill a swine running at large on public property. A person could kill swine running at large on private property if the person were, were accompanied by, or had the permission of, the owner or lessee of the property.

The provisions allowing a person to kill a swine would not authorize the discharge of a bow and arrow, crossbow, or firearm in an area where that discharge or hunting with that weapon was prohibited by an ordinance adopted under Part 219 of the Natural Resources and Environmental Protection Act. (Part 219 permits a local government to enact an ordinance prescribing hunting and firearm controls under certain circumstances.)

House Bill 5823 (H-1)

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

The bill also would prohibit the owner of any swine from allowing it to run at large or graze on land owned by or under the control of the Department, and would declare swine running at large to be a public nuisance.

Currently, the DNRE Director must take possession of any animals found grazing or running at large in violation of the Act, impound the animals, and furnish them with suitable care, food, and water. The bill would permit, rather than require, the Director to take possession of any animal found grazing or running at large in violation of the Act. If the Director did so, he or she would have to impound it in a suitable place and provide care, food, and water.

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.

House Bill 5824 (H-1)

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 any cattle, horse, mule, sheep, swine, or goat from allowing it to run at large in any public place in such a city of 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 permit 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 in 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.

The bill would declare swine running at large to be a public nuisance.

MCL 433.11 et al. (H.B. 5822) 322.581 et al. (H.B. 5823) 433.51 et al. (H.B. 5824)

FISCAL IMPACT

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

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