

SUBSTITUTE FOR
HOUSE BILL NO. 5823

A bill 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:

1 TITLE

2 An act to prohibit the running at large on or the grazing upon
3 any land owned by or under the control of the department of
4 ~~conservation~~**NATURAL RESOURCES AND ENVIRONMENT**, by cattle, horses,
5 sheep, and swine; to provide for the enforcement of this act; and

House Bill No. 5823 (H-1) as amended March 9, 2010

to prescribe penalties for the violation of the provisions of this act.

Sec. 1. (1) ~~No cattle, horses, sheep or swine shall~~ **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 ~~of conservation~~ except under authority of a written permit issued by the director. ~~of conservation.~~

(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 ~~of conservation~~ **[shall-MAY]** take possession of any animal found grazing or running at large in violation of section 1. ~~of this act and he shall not be held~~

(2) THE DIRECTOR IS NOT civilly ~~nor~~ OR criminally liable for ~~so doing~~ **COMPLYING WITH SUBSECTION (1).**

Sec. 3. ~~Whenever~~ **IF** the director ~~of conservation~~ seizes any ~~animals~~ **ANIMAL** under section 2, ~~he~~ **THE DIRECTOR** shall impound ~~them~~ **IT IN A** suitable place and furnish ~~them~~ **IT** with suitable care, food, and water as long as ~~they remain~~ **IT REMAINS** impounded.

Sec. 4. Within 48 hours after the impounding of any animal **UNDER SECTION 2**, the director ~~of conservation~~ shall post in 3

1 conspicuous places in the township where the ~~animals were~~ **ANIMAL**
 2 **WAS** seized a written notice of the impounding. ~~, which~~ **THE NOTICE**
 3 shall contain the place, date, and reason for the seizure and the
 4 number and description of the animals impounded.

5 Sec. 5. If ~~no~~ **A person appears** ~~DOES NOT APPEAR~~ to claim the
 6 ~~animals~~ **AN ANIMAL IMPOUNDED UNDER SECTION 2** within 7 days after the
 7 date of impounding, the director ~~of conservation~~ shall sell them
 8 **THE ANIMAL** by auction in the county where ~~they are~~ **IT IS** impounded.
 9 ~~, first advertising~~ **THE DIRECTOR SHALL FIRST ADVERTISE** the sale by
 10 posting a notice thereof in 3 conspicuous places in the county not
 11 less than 5 days before the sale and by serving a copy of ~~said~~ **THE**
 12 notice on the owner of ~~such animals if such~~ **THE ANIMAL IF THE** owner
 13 is known and resides in ~~said~~ **THE** county.

14 Sec. 6. If, at any time prior to 24 hours immediately
 15 preceding the date and hour fixed for the sale, the owner files
 16 with the director, ~~of conservation,~~ in writing, a statement under
 17 oath that he **OR SHE** is the owner of ~~said animals~~ **THE ANIMAL** and
 18 pays to the director ~~of conservation~~ a sum of 50 cents ~~per head for~~
 19 each day ~~each~~ **THE** animal was impounded, the ~~animals shall thereupon~~
 20 ~~be delivered~~ **DIRECTOR SHALL DELIVER THE ANIMAL** to the owner.
 21 ~~thereof.~~ If the owner refuses or neglects to pay the sum due, the
 22 director ~~of conservation~~ shall sell the ~~animals~~ **ANIMAL** at auction
 23 as provided in section 5.

24 Sec. 7. If any ~~animals that have been impounded in accordance~~
 25 ~~with the provisions of this act escape~~ **ANIMAL IMPOUNDED UNDER**
 26 **SECTION 2 ESCAPES**, the director ~~of conservation~~ at any time within
 27 7 days thereafter may retake the ~~animals~~ **ANIMAL** and hold and

1 dispose of ~~them~~**IT** as provided in this act, as if no escape had
2 taken place.

3 Sec. 9. All ~~moneys~~**MONEY** received by the director of
4 ~~conservation~~ from the sale provided for in section 5 shall be
5 deposited with the state treasurer in accordance with established
6 accounting procedure and law and, after all costs and expenses for
7 rounding up, impounding, caring for, feeding, advertising, and
8 selling ~~such animals~~**THE ANIMAL** as certified by the director ~~shall~~
9 have been paid therefrom, the balance remaining shall be held in
10 trust by the state treasurer for a period of 90 days. If within 90
11 days after ~~such~~**THE** sale the **PREVIOUS** owner of the ~~animals~~**shall**
12 ~~satisfactorily establish his claim thereto to the director of~~
13 ~~conservation, said money shall be paid over to him~~**ANIMAL AT THE**
14 **TIME OF SEIZURE ESTABLISHES TO THE SATISFACTION OF THE DIRECTOR HIS**
15 **OR HER PREVIOUS OWNERSHIP OF THE ANIMAL, THE BALANCE HELD IN TRUST**
16 **SHALL BE PAID TO THE PREVIOUS OWNER** by the state treasurer. If the
17 **PREVIOUS** owner ~~shall~~**DOES** not appear within ~~such 90 day~~**THE 90-DAY**
18 period, then the state treasurer shall credit ~~said moneys~~**THE**
19 **BALANCE HELD IN TRUST** to the general fund of ~~the~~**THIS** state. All
20 ~~moneys~~**MONEY** received by the director of ~~conservation~~ under the
21 ~~provisions of~~ section 6 shall be deposited with the state treasurer
22 in accordance with the law and established accounting procedure and
23 credited to the general fund of ~~the~~**THIS** state.

24 Sec. 10. ~~Nothing in this act shall be deemed to~~**THIS ACT DOES**
25 **NOT** relieve an owner of any ~~animals so impounded~~**ANIMAL** of any
26 criminal liability or penalty which may be otherwise provided by
27 law for allowing or permitting animals to graze or run at large on

1 lands owned by or under the control of the department. ~~of~~
2 ~~conservation.~~

3 Sec. 11. The terms and conditions of the permits and for the
4 sale of animals impounded under ~~authority of this act~~ **SECTION 2**
5 shall be determined by the director. ~~of conservation.~~

6 **SEC. 12. THIS ACT DOES NOT LIMIT AUTHORITY PROVIDED UNDER**
7 **SECTION 4A OF 1976 PA 328, MCL 433.14A, TO KILL SWINE RUNNING AT**
8 **LARGE.**

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