

HOUSE BILL No. 5996

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1976 PA 328, entitled

"An act to regulate animals running at large; to provide for compensation for damage done by animals running at large; to prescribe penalties; and to repeal certain acts and parts of acts,"

by amending sections 5 and 6 (MCL 433.15 and 433.16).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. A law enforcement agency ~~which~~**THAT** takes custody or
2 possession of an animal under this act shall **DO BOTH OF THE**
3 **FOLLOWING:**

4 (a) If the owner of the animal is known, return the animal to
5 its owner, unless the owner refuses to make reparation ~~as provided~~
6 ~~in~~**UNDER** section 3.

7 (b) ~~If~~**BEFORE JANUARY 1, 2015, IF** the owner of the animal is

1 not known, give notice in a newspaper of general circulation in the
2 area that the animal is in the custody or possession of the law
3 enforcement agency. **BEGINNING JANUARY 1, 2015, IF THE OWNER OF THE**
4 **ANIMAL IS NOT KNOWN, GIVE TIER B PUBLIC NOTICE AS PROVIDED IN THE**
5 **LOCAL GOVERNMENT PUBLIC NOTICE ACT THAT THE ANIMAL IS IN THE**
6 **CUSTODY OR POSSESSION OF THE LAW ENFORCEMENT AGENCY.** The notice
7 **REQUIRED UNDER THIS SUBSECTION** shall include a description of the
8 animal and the location where the animal was seized. If the animal
9 is not claimed within 15 days after publication of the notice, the
10 animal may be sold at public auction ~~pursuant to~~ **UNDER** section 6.

11 Sec. 6. (1) A law enforcement agency ~~which~~ **THAT** has in its
12 custody or possession an unclaimed animal for not less than 15 days
13 after giving notice as required in section 5, may sell the animal
14 at public auction.

15 (2) ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** of the public
16 auction shall be given in a newspaper of general circulation in the
17 area not less than 21 nor more than 30 days prior to the day of
18 sale. **BEGINNING JANUARY 1, 2015, NOTICE OF THE PUBLIC AUCTION SHALL**
19 **BE GIVEN AT LEAST 14 DAYS BUT NOT MORE THAN 30 DAYS BEFORE THE DAY**
20 **OF SALE USING TIER B PUBLIC NOTICE AS PROVIDED IN THE LOCAL**
21 **GOVERNMENT PUBLIC NOTICE ACT.** The notice **REQUIRED UNDER THIS**
22 **SUBSECTION** shall list the number and species of animals to be sold
23 and shall specify the time and place of the sale.

24 (3) The animals shall be sold to the highest bidder at the
25 auction. The proceeds derived from the sale of the animals shall be
26 used first to pay any expenses incurred by the law enforcement
27 agency in caring for and keeping the animals; second, to pay the

1 expenses of the sale; and third, any balance remaining shall be
2 paid to the city or township treasurer of the city or township in
3 which the animal was seized and credited to the general fund of
4 that city or township.

5 (4) An animal sold ~~pursuant to~~ **UNDER** this section may be
6 redeemed at any time within 3 months following the sale, if the
7 owner pays the sale purchaser the amount paid at the sale plus a
8 reasonable compensation for the care and keeping of the animal.

9 Enacting section 1. This amendatory act does not take effect
10 unless House Bill No. 5560 of the 97th Legislature is enacted into
11 law.