



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 6205 (Substitute S-3 as reported)
House Bill 6206 (Substitute S-1 as reported)
House Bill 6207 (as reported without amendment)
House Bills 6208 and 6209 (Substitute S-1 as reported)
House Bills 6210 and 6211 (as reported without amendment)
House Bills 6212 and 6213 (Substitute S-1 as reported)
House Bill 6214 (as reported without amendment)
House Bill 6216 (Substitute S-1 as reported)
Sponsor: Representative Dan Lauwers (H.B. 6205)
Representative Gary Howell (H.B. 6206)
Representative Roger Victory (H.B. 6207)
Representative Julie Alexander (H.B. 6208)
Representative Hank Vaupel (H.B. 6209 & 6210)
Representative Jason Wentworth (H.B. 6211)
Representative Julie Calley (H.B. 6212)
Representative Tom Barrett (H.B. 6213)
Representative Ben Frederick (H.B. 6214)
Representative Triston Cole (H.B. 6216)

House Committee: Agriculture
Senate Committee: Agriculture

CONTENT

House Bill 6205 (S-3) would amend the Animal Industry Act to do the following:

- Add, revise, and eliminate various terms and definitions.
- Allow the Director of the Department of Agriculture and Rural Development (MDARD) to develop, implement, and enforce a scientifically-based extraordinary emergency order if he or she determined that a delayed response to a reportable animal disease would cause a significant impact on animals, animal industry, or public health.
- Authorize the State Veterinarian to serve as the authority for animal welfare oversight on livestock-related matters.
- Specify that State employees or contractors could not divulge to an unauthorized person medical or epidemiological information that identified the owner of an animal that was gathered by MDARD in connection with a reportable animal disease.
- Eliminate certain provisions pertaining to bovine tuberculosis testing.
- Modify requirements for identification of certain animals, i.e., cattle, cervids (deer, moose, elk, or reindeer), sheep, swine, and goats.
- Require an owner of live, privately-owned cervids to notify MDARD of certain information within five days of a movement from one premises to another within Michigan, and prescribe other requirements for the movement of those animals.
- Allow the Director to require additional biosecurity and wildlife risk mitigation measures before allowing repopulation of a premises depopulated because of disease or for future indemnification eligibility.
- Increase amounts prescribed for indemnification in the event animals were slaughtered or destroyed because of a reportable animal disease or toxicological contamination.

- Require a privately-owned cervid premises licensed under the Privately Owned Cervidae Producers Marketing Act to participate in the chronic wasting disease herd certification program.
- Require livestock imported into Michigan to meet certain Federal regulations for official identification.
- Allow the Director to revoke the distribution of a veterinary biological or an autogenous veterinary biological if it had a substantial impact on public health, animal health, or the animal industry, and prescribe requirements pertaining to the importation or distribution of veterinary biologicals.
- Replace certain references to "animals" with references to "livestock", and modify or add other terms and definitions.
- Reorganize various provisions of the Act.

The bill also would repeal Sections 4, 5, 6, 8, 10, 13, 13a, 15, 16, 17a, 23, 24, 24a, 26a, 27, 28, 29, 29a, 30, 30a, 30b, 30c, 30d, 32, 33, 35, and 41 of the Act. (Many of these sections would be recodified in substantially the same form throughout the bill. Others, including Sections 13a, 16, 24, 24a, 27, 28, 29, 29a, 30, and 32, would be eliminated.)

House Bill 6209 (S-1) would amend the Michigan Penal Code to do the following:

- Update Michigan Compiled Laws (MCL) references to the Animal Industry Act to reflect the changes proposed in House Bill 6205 (S-3).
- Establish first, second, and third degrees of killing or torturing an animal, and increase the maximum prison term for a first- or second-degree offense.
- Revise and enhance the graduated penalties for animal neglect or cruelty.
- Extend current animal neglect or cruelty prohibitions to a breeder or pet shop operator.
- Establish felony penalties for animal neglect or cruelty by a breeder or pet shop operator who had multiple under Public Act 287 of 1969 (which regulates pet shops).
- Allow a court to include at least five years' probation as part of a sentence for an animal neglect or cruelty offense involving 25 or more animals, or three or more prior convictions.

The remaining bills would amend various acts to update MCL references to the Animal Industry Act to reflect the changes proposed in House Bill 6205 (S-3).

House Bill 6206 (S-1) would amend the Wildlife Depredations Indemnification Act. House Bill 6207 would amend the Agricultural Commodities Marketing Act. House Bill 6208 (S-1) would amend Public Act 284 of 1937, which pertains to the licensing of livestock dealers. House Bill 6210 would amend the Code of Criminal Procedure. House Bill 6211 would amend the Wolf-Dog Cross Act. House Bill 6212 (S-1) would amend Public Act 358 of 1994, which governs the possession of ferrets. House Bill 6213 (S-1) would amend the General Property Tax Act. House Bill 6214 would amend the Large Carnivore Act. House Bill 6216 (S-1) would amend the Michigan Aquaculture Development Act.

House Bills 6206 (S-1) through 6214 and 6216 (S-1) are tie-barred to House Bill 6205.

MCL 287.701 et al. (H.B. 6205)

Legislative Analyst: Jeff Mann

285.362 & 285.363 (H.B. 6206)

290.652 (H.B. 6207)

287.124 & 287.127 (H.B. 6208)

750.50 & 750.50b (H.B. 6209)

777.12m (H.B. 6210)

287.1002 (H.B. 6211)

287.891 (H.B. 6212)

211.7dd & 211.34c (H.B. 6213)

287.1102 (H.B. 6214)

FISCAL IMPACT

House Bill 6205 (S-3) would have an insignificant fiscal impact on State and local government; the remaining bills would have no impact on State and local government. The bills mostly would provide for a reorganization of the Michigan Department of Agriculture and Rural Development's (MDARD's) authority and responsibilities under the Animal Industry Act, operationalized under MDARD's Animal Industry Division, funded under Article 1 of Public Act 207 of 2018 (budget bill appropriations for MDARD) at a gross amount of \$9.4 million for fiscal year (FY) 2018-19, which includes a General Fund amount of \$8.5 million.

House Bill 6205 (S-3) would amend Section 14(5) of the Act related to appropriations for indemnification for animals ordered slaughtered, destroyed, or disposed of as a result of livestock disease or toxicological contamination. That section currently authorizes MDARD to provide for indemnification, not to exceed \$100,000 per order, from any line item in the Department's budget. Indemnification in excess of \$100,000 per order currently requires a specific appropriation by the Legislature. The bill would eliminate this requirement and would not require a specific appropriation for indemnification, regardless of the amount of the indemnification; depending, of course, on the existence of sufficient spending authority within appropriation line items.

House Bill 6205 (S-3) also would eliminate reporting requirements under Section 14(11) of the Act which currently requires that Director of MDARD make an annual written report to the Legislature of the amount spent by the Department on bovine tuberculosis (TB) eradication in the previous fiscal year, an explanation of the expenditures, and the status of bovine TB eradication efforts in Michigan. The bill also would eliminate a similar reporting requirement for the Director of the Michigan Department of Natural Resources. Section 457 of the FY 2018-19 budget bill for MDARD requires quarterly reports to the subcommittees, the fiscal agencies and the State Budget Office on bovine TB status and MDARD-related activities.

House Bill 6209 (S-1) could have a negative fiscal impact on State and local government. The proposed changes could increase the number of individuals charged under the Penal Code and could result in longer sentences for those convicted. In 2016, there were 85 convictions under this offense category with 12 offenders sentenced to prison. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$5,315 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

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

Date Completed: 12-20-18

Fiscal Analyst: Bruce Baker
Abbey Frazier

SAS\Floor\hb6205

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.