

Legislative Analysis



DOG LAW: DEFINITION OF LIVESTOCK

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5185

Sponsor: Rep. Glenn Steil, Jr.

Committee: Agriculture

Complete to 11-6-07

A SUMMARY OF HOUSE BILL 5185 AS INTRODUCED 9-7-07

The bill would amend the Dog Law of 1919 to add to the definition of "livestock" the following animals: privately owned cervids, llamas, and alpacas.

Currently, the definition of "livestock" applies to horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.

The Dog Law provides, among other things, for the protection of livestock and poultry from dogs. It allows, for example, the killing without liability of a dog caught in the act of pursuing, worrying, or wounding livestock or poultry. The Dog Law also states that "any dog that enters any field or enclosure which is owned by or leased by a person producing livestock or poultry, outside a city, unaccompanied by his owner or his owner's agent, shall constitute a trespass, and the owner shall be liable in damages."

The act puts in place a process that livestock owners can use to make complaints to township officers when livestock have been lost or damaged by dogs. House Bill 5185 adds animals to the list of animals considered livestock for the purposes of these and related provisions.

The bill adopts the definition in the Animal Industry Act of "privately owned cervid." The term refers to "all species of the cervid family including, but not limited to, deer, elk, moose, and all other members of the family cervidae raised or maintained in captivity for the production of meat and other agricultural products, sport, exhibition, or any other purpose. A privately owned cervid at large remains a privately owned cervid as long as it bears visible identification."

MCL 287.261

FISCAL IMPACT:

The Dog Law currently provides a process by which livestock owners can file a complaint with township officers when livestock have been lost or damaged by dogs. The Dog Law requires the township officers to investigate the complaint ("a diligent inquiry in relation to the claim"), and report on the claim to the county board of commissioners (or county board of auditors, if applicable). The Dog Law further

requires the county, out of its general fund, to indemnify the livestock owner for the amount of loss or damage sustained by the owner, together with all necessary and proper costs incurred. The Dog Law limits indemnification to items not already paid by the owner of the dog or dogs doing the injury. The Dog Law also indicates that the owner or keeper of the dog or dogs (if known) is liable to county for all damages and costs paid by the county.

Including privately owned cervids, llamas, and alpacas in the definition of "livestock" would increase the potential liability of counties for damages caused by dogs. We do not know how frequently dogs attack these animals, or the extent to which indemnifying counties are able to identify and collect from offending dog owners.

As of March 2005, there were 740 privately-owned cervid facilities in Michigan. It is our understanding the amount of indemnification paid by the Michigan Department of Agriculture for mandatory slaughter of privately-owned cervids under the Animal Industry Act of 1988 is limited to \$4,000 per animal. It is not clear if there is a similar limitation on indemnification payments required of counties under the Dog Law, or if the county would be obligated to reimburse the owner the retail value of deer or elk taken at hunt. It is our understanding that the retail value of trophy deer and elk can be in excess of \$10,000.

We do not at this time have similar information on the value of llamas and alpacas.

Legislative Analyst: Chris Couch
Fiscal Analyst: William E. Hamilton

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