

**SENATE BILL REPORT**

**SHB 2516**

**AS REPORTED BY COMMITTEE ON AGRICULTURE, FEBRUARY 21, 1994**

**Brief Description:** Limiting the liability for damage resulting from wildlife-induced fence destruction.

**SPONSORS:** House Committee on Agriculture & Rural Development (originally sponsored by Representatives Jones, King and Rayburn)

**HOUSE COMMITTEE ON AGRICULTURE & RURAL DEVELOPMENT**

**SENATE COMMITTEE ON AGRICULTURE**

**Majority Report:** Do pass.

Signed by Senators M. Rasmussen, Chairman; Bauer, Morton, Newhouse and Snyder.

**Staff:** Bob Lee (786-7404)

**Hearing Dates:** February 21, 1994

**BACKGROUND:**

In an open range area, it is the obligation of a landowner to fence his land to keep other persons' livestock from his land. If the land is properly fenced and livestock enter the fenced area, the owner of livestock is liable for the damage caused.

In a stock restricted area, it is the obligation of the livestock owner to retain his animals upon his own land. If livestock run at large onto other persons' property, the owner of the livestock is responsible for the damage that occurs.

**SUMMARY:**

The owner of livestock is no longer liable for damage caused by the livestock while the livestock is trespassing on the property of others if the owner can prove that the trespass is due to damage caused by wildlife to a lawful fence. This rule applies in a stock restricted area if the owner of the livestock did not have a reasonable opportunity to repair the fence. The state is not liable for such damage. However, the state is to pay the cost of transportation, advertising, legal proceedings and keep of an animal that has been restrained under the livestock trespass laws.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**TESTIMONY FOR:**

This bill will allow for recognition of the problem where wildlife damage fences which in turn causes livestock to cause damage to crops.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Dan Coyne, Dairy Federation (pro); Kent Lebsack, WA Cattlemen's Assn. (pro)