
**Agriculture & Natural Resources
Committee**

HB 2500

Brief Description: Creating a preferred alternative for the placement and sale of impounded livestock.

Sponsors: Representatives Caldier, Blake, Young, Dent and Wilson.

Brief Summary of Bill

- Creates a priority for placing impounded livestock with a person willing and able to care for the animal, instead of at a public livestock market.
- Allows a person hosting an impounded animal to have the right of first refusal to purchase the animal if the owner is not located.

Hearing Date: 1/28/16

Staff: Jason Callahan (786-7117).

Background:

The owner of livestock has a duty to not allow the livestock to negligently run at large or trespass [RCW 16.24.030]. Livestock found running at large may either be kept by the owner of the land where the trespass occurred until the livestock owner has paid for all damages caused by the animal [RCW 16.04.010] or the animal can be declared a public nuisance [RCW 16.24.110]. Livestock that is declared a public nuisance may be impounded by either the county sheriff or the nearest brand inspector.

All impounded livestock, whether because of trespass or another reason, must be brought to the nearest livestock market or other place approved by the Director of the Washington State Department of Agriculture (WSDA) [RCW 16.24.120]. If a brand inspector was not involved in the impounding, one must be notified. The animal must be examined by a brand inspector in an

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attempt to ascertain ownership. If a registered brand is found, the owner must be notified through the mail of the animal's impoundment [RCW 16.24.130].

The brand inspector is also responsible for publishing information about the impounded animal in a newspaper published in the county where the animal was found. The notice must include information about the animal and where it was found, along with information regarding any pending sale of the animal at auction [RCW 16.24.130].

The owner of the livestock may claim the animal from impoundment by paying all costs, including costs related to transportation, advertising, and any legal proceedings [RCW 16.24.140]. If the animal is not claimed by its owner within 10 days, then the animal must be sold at the next scheduled livestock auction or at another time determined by the Director of the WSDA [RCW 16.24.150]. An impounded animal sold at auction may be purchased by anyone other than a law enforcement officer [RCW 16.24.170]. Proceeds from the sale, after deducting all costs, must go to the WSDA to be used, ultimately, for the enforcement of the laws regarding at large livestock [RCW 16.24.160].

Summary of Bill:

A priority option is created for placing impounded livestock with a person willing and able to care for the animal. If no such person has made him or herself available, then the animal must be impounded at the local public livestock market.

A person who wishes to house an impounded animal must satisfy certain criteria. This includes having a suitable facility or house for keeping the animal and agreeing to provide all appropriate services for the animal at the person's own expense. This includes providing food, water, and veterinary care. The livestock host must also agree to allow the county, the WSDA, and brand inspectors reasonable access to the animal while it is in the custody of the host. An official or agency designated by the county to administer local animal ordinances must ultimately approve of the animal being kept at the volunteer host's facility or house.

If no one claims an animal impounded in a volunteer host's home or facility after 10 days, the host has the right of first refusal to purchase and keep the animal. To exercise the right of first refusal, the host must pay for the value of the animal as determined by the WSDA, in addition to all transportation, advertising, and animal care costs incurred during the impoundment. The right of first refusal must be exercised within 10 days or the animal must be sold at a public auction.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.