

HOUSE BILL REPORT

SHB 2500

As Passed House:
February 10, 2016

Title: An act relating to creating a preferred alternative for the placement and sale of impounded livestock.

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

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Caldier, Blake, Young, Dent and Wilson).

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/28/16, 2/4/16 [DPS].

Floor Activity:

Passed House: 2/10/16, 96-1.

Brief Summary of Substitute 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.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Blake, Chair; Walkinshaw, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Hurst, Kretz, Lytton, Orcutt, Pettigrew, Schmick, Stanford and Van De Wege.

Staff: Jason Callahan (786-7117).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The owner of livestock has a duty to not allow the livestock to negligently run at large or trespass. 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 or the animal can be declared a public nuisance. 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). 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 attempt to ascertain ownership. If a registered brand is found, the owner must be notified through the mail of the animal's impoundment.

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.

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. 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. An impounded animal sold at auction may be purchased by anyone other than a law enforcement officer. 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.

Summary of Substitute 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.

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.

Staff Summary of Public Testimony:

(In support) This bill originated when a stray pony who was in rough shape was found running at large and a family with a suitable facility was denied the opportunity to care for and feed the horse while the owner was located. There was confusion among the state and the various county agencies as to where the horse should be placed and, in the end, public money would have been saved and the welfare of the horse would have been improved if the family who found it could have housed it and paid for its veterinary bills and food.

There can be a debate and conversation about process and standards, but in the end, the outcome should be about the welfare of the animal.

(Opposed) None.

(Other) The county animal control agencies have never had a role in dealing with at-large livestock and do not want to assume one now. The role of brand inspector should be preserved. The bill may not have a lot of practicality because of its breath and the instances of its use would be so few and far between. At-large animals should not be considered a public nuisance. The bill should use the word "adoption," since that is what it's describing.

Persons Testifying: (In support) Representative Caldier, prime sponsor; Lyndsay Jackman; and Marykate Fowler.

(Other) Leah-Marie Whitman, Pierce County Sheriffs Department-Animal Control; Lynn Briscoe, Washington State Department of Agriculture; and Nate Hair, Cattle Producers of Washington.

Persons Signed In To Testify But Not Testifying: None.