

SENATE BILL REPORT

SHB 2500

As of February 17, 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: Passed House: 2/10/16, 96-1.

Committee Activity: Agriculture, Water & Rural Economic Development: 2/18/16.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Staff: Diane Smith (786-7410)

Background: The owner of livestock has a duty to not allow the livestock to negligently run at large or trespass, causing damage. Livestock found running at large may either be kept by the owner or occupier 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.

When the animal is not restrained by the owner or occupier of the land where the animal has wandered, 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 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 a notice giving information about the impounded animal in a newspaper published in the county where the animal was found. The

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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 of the brand inspector's publication of the notice, then the animal must be sold at the next scheduled livestock auction. 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 WSDA to be used, ultimately, for the enforcement of the laws regarding at-large livestock.

Summary of Bill: At the point where the sheriff or brand inspector is required to impound the livestock, the sheriff or brand inspector must prioritize 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 volunteer to host an impounded animal must satisfy certain criteria. These criteria include 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, 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 of the publication or posting of the notice of impoundment, 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 animal must be sold at a public sale or auction if the host declines to exercise the right of first refusal within the 10 days allowed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.