**1315-S AMH DENT H2245.2 - NOT FOR FLOOR USE**

**SHB 1315** - H AMD **126**

By Representative Dent

**NOT CONSIDERED 01/05/2018**

Strike everything after the enacting clause and insert the following:

"**Sec.**  RCW 16.24.120 and 2012 c 25 s 5 are each amended to read as follows:

(1) Upon taking possession of any livestock at large contrary to the provisions of this chapter, or any unclaimed livestock submitted or impounded, by any person, at any public livestock market or any other facility approved by the director of the department of agriculture, the sheriff or brand inspector ((~~shall cause it to be transported to and impounded~~)) must impound the animal at the nearest public livestock market licensed under chapter 16.65 RCW or at such place as approved by the director of the department of agriculture. If the sheriff has impounded an animal in accordance with this section, ((~~he or she shall forthwith~~)) the sheriff must notify the nearest brand inspector of the department of agriculture, who shall examine the animal and, by brand, tattoo, or other identifying characteristic, shall attempt to ascertain the ownership thereof.

(2)(a) A person willing and able to care for an unbranded horse impounded under this subsection may request placement of the animal in the person's custody pending impound procedures and return of the animal to its owner.

(b) The sheriff or brand inspector may grant the placement request if:

(i) The request is made by the person to the sheriff or brand inspector within ten business days after impoundment;

(ii) Required by the department, the person agrees to pay and pays all costs incurred during the animal's impoundment including, but not limited to, costs of transportation, advertising, care, and inspection of the animal.

(c) This subsection (2) applies only in counties west of the crest of the Cascade mountains with a population of two hundred fifty thousand or greater.

(3) Costs for transporting an animal impounded under this section must be reimbursed at the time and mileage rate consistent with RCW 16.57.220(8).

**Sec.**  RCW 16.24.130 and 1995 c 374 s 69 are each amended to read as follows:

(1) The brand inspector shall ((~~cause to be published~~)) publish a notice of impounding once in a newspaper published in the county where the animal was found((~~, a notice of the impounding~~)). If no newspaper is published in such a county, copies of the notice must be posted at four commonly frequented places within the county.

(2) The notice shall state:

((~~(1)~~)) (a) A description of the animal, including brand, tattoo, or other identifying characteristics;

((~~(2)~~)) (b) When and where found;

((~~(3)~~)) (c) Where impounded; and

((~~(4)~~)) (d) That if unclaimed, the animal will be sold at a public livestock market sale or other public sale, or, if applicable, to any person who has been granted placement of an unbranded horse under RCW 16.24.120(2), and the date of such a sale((~~: PROVIDED, That if no newspaper shall be published in such county, copies of the notice shall be posted at four commonly frequented places therein~~)).

(3) If the animal is marked with a brand or tattoo ((~~which~~)) that is registered with the director of agriculture, the brand inspector, on or before the date of publication or posting, shall send a copy of the notice to the owner of record by registered mail.

**Sec.**  RCW 16.24.150 and 1995 c 374 s 70 are each amended to read as follows:

(1) If no person ((~~shall claim the~~)) claims an impounded animal within ten business days after the date of publication or posting of the notice, it shall be sold, unless it is reasonable to believe that an owner has not seen the notice of impounding:

(a) At the next succeeding public livestock market sale to be held at the sales yard where impounded, provided that in the director's discretion the department of agriculture may otherwise cause the animal to be sold at public sale; or

(b) To any person who meets the requirements of subsection (2) of this section.

(2) A person who has been granted placement of an unbranded horse under RCW 16.24.120(2) has a right of first refusal to purchase the animal if it is not claimed within ten business days after issuance of a notice of impoundment, unless it is reasonable to believe that an owner has not seen the notice of impounding. The department of agriculture may require the person to pay all costs incurred during the animal's impoundment in order to exercise the right of first refusal. Costs include, but are not limited to, transportation, advertising, and care of the animal as determined by the department of agriculture. Costs must be paid no later than the advertised sale date or the animal must be sold at the public sale as provided in subsection (1)(a) of this section.

((~~The legislature intends this to be a clarification of existing law; therefore, this section shall have retroactive effect as of December 1, 1994.~~))"

Correct the title.

EFFECT: Applies new placement and right of first refusal only in counties west of the crest of the Cascade mountains and only to unbranded horses. Requires public notice of impoundment to include, if applicable, that an unbranded horse may be sold to an individual who exercises a right of first refusal. Specifies that an impounded animal shall be sold unless it is reasonable to believe that an owner has not seen the notice of impoundment. Retains current law in all other counties, for all other livestock, and for public notice.