

HOUSE BILL REPORT

HB 1315

As Reported by House Committee On:
Agriculture & Natural Resources

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

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

Sponsors: Representatives Caldier, Wylie, Dent, Blake, Griffey, Buys and Muri.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/24/17, 1/31/17 [DPS].

Brief Summary of Substitute Bill

- Creates a right of first refusal for a person to request placement of certain impounded unbranded livestock in their custody if the owner is not found.
- Makes changes to notice requirements for impounded livestock.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Fitzgibbon, Lytton, Orcutt, Pettigrew, Robinson, Schmick, Springer, Stanford and J. Walsh.

Minority Report: Without recommendation. Signed by 1 member: Representative Kretz.

Staff: Rebecca Lewis (786-7339).

Background:

The owner of livestock has a duty to not negligently allow their livestock to 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

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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. The WSDA receives the proceeds from the sale, after deducting all costs, to be used, ultimately, for the enforcement of the laws regarding large livestock.

Summary of Substitute Bill:

Unbranded horses, mules, or donkeys may be placed in the custody of any person who is willing and able to care for the animal pending impound procedures. A person must make a placement request to the sheriff or brand inspector within seven business days of impoundment and agree to pay all costs associated with the animal's impoundment including transportation, inspection, advertising, and care. Costs must be paid no later than the advertised sale date.

A "right of first refusal" is created. A person who has requested placement of the animal has the right of first refusal to purchase the animal if the original owner does not claim it within seven business days after the notice of impoundment is issued.

Costs for transportation of any impounded animal must be reimbursed at the time and mileage rates set forth in statute.

A brand inspector must publish the notice of sale of an animal in a daily newspaper in the county where the animal was found. If no daily newspaper exists, a brand inspector must publish the notice by electronic means in a manner most likely to reach the most potential interested parties. If an owner does not claim the animal within seven business days, rather than 10, the animal must be sold at a public sale or to a person who has exercised a right of first refusal. The notice must state, if applicable, that the animal may be sold to any person who has exercised a right of first refusal.

The requirement that the brand inspector make contact with the owner of record by mail is modified to require the brand inspector to make contact with the owner.

Substitute Bill Compared to Original Bill:

A person must request placement of an impounded animal to the sheriff or brand inspector within seven business days, rather than five, of the animal's impounding. An impounded animal must be sold at auction if the owner does not claim it within seven business days, rather than five, of the publication of the notice of impounding.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: 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 came forward last session and a significant amount of work has been done with a variety of stakeholders over the interim. In 2015 a family found a beaten, partially blind pony, and was able to and wanted to take care of it. They named the pony "Runaway Ray." The family and community attempted to find the owner through social media. When the owner wasn't found, the county came to impound the animal. The only way the family could get Ray back was through the auction process. The family purchased Ray at auction for \$625, but the county was still on the hook for the remainder of the impoundment costs, which totaled thousands of dollars. This bill creates an alternative to the auction process for a person to purchase stray animals like Runaway Ray for the costs incurred as a result of impoundment.

(Opposed) None.

Persons Testifying: Representative Caldier, prime sponsor; Laura Butler, Department of Agriculture; and Mark Streuli, Washington Farm Bureau and Washington Cattleman's Association.

Persons Signed In To Testify But Not Testifying: None.