

BILL ANALYSIS

S.B. 174
By: Estes
Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is concern among interested parties that there is a lack of certain statutory authority for the disposition of an estray under a perilous condition if an owner does not immediately remove the estray. Interested parties also note that stray bison are not included in the list of animals protected under the estray law. They hypothesize that this omission is likely because bison have long been regarded as wildlife and have not traditionally been owned as private property. The parties report that under the current classification, when a bison roams from its owner's land onto another person's property, that property owner is not required to provide certain notice of the bison, as is the case with certain livestock under the estray law, and may dispose of the animal as the property owner sees fit. S.B. 174 seeks to revise and update the law relating to estrays.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 174 amends the Agriculture Code to authorize a sheriff or the sheriff's designee, if an owner does not immediately remove an estray, to proceed with a prescribed impoundment process, or proceed with disposition of the estray if a perilous condition exists. The bill removes a requirement that the sheriff or the sheriff's designee proceed with the impoundment process if the owner does not immediately remove an estray discovered on public property. The bill defines "perilous condition" as a circumstance or condition in which capture and impoundment of an estray presents an immediate threat to law enforcement personnel or to the health of the estray and expands the definition of "estrays" to include stray bison.

S.B. 174 specifies that a sheriff or a sheriff's designee is not required to impound an estray if a perilous condition exists. The bill authorizes the sheriff or the sheriff's designee to immediately dispose of the estray by any means without notifying the owner of the estray if such a condition exists. The bill requires the sheriff to make a written report of the disposition and file the report with the county clerk for placement in the county estray records.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.