

ENROLLED HOUSE
BILL NO. 1714

By: Beutler of the House

and

Capps of the Senate

An Act relating to animals; amending 4 O.S. 1991, Sections 85.5, 85.6 and 135, which relate to strayed and distrained stock and animals; updating statutes; clarifying procedures for sale of certain stock and animals; removing conflicting provisions; requiring publication; requiring publication of specific information; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 4 O.S. 1991, Section 85.5, is amended to read as follows:

Section 85.5 A. Upon receiving notice of the taking up of any strayed animal ~~or animals~~, it shall be the duty of the sheriff, unless the owner thereof is identified and known by the sheriff to be the owner, to make or cause to be made an examination of the brand records and reports of lost, strayed and stolen livestock. If from these records the name of the owner or probable owner can be determined, ~~he~~ the owner shall be notified forthwith of the taking up of the strayed animal ~~or animals~~.

B. Upon ~~said~~ the owner's proving to the satisfaction of the sheriff that ~~said~~ the animal ~~or animals~~ are is lawfully his the owner's, the sheriff shall allow the animal ~~or animals~~ to be taken by ~~him~~ the owner, upon payment of the actual cost for keeping it, ~~or them~~, together with the amount of any damages suffered by the taker-up as a result of the strayed animal ~~or animals~~ being upon his the premises of the taker-up.

C. If the owner ~~shall fail~~ fails to pay ~~such~~ the charges, the animal ~~or animals~~ shall be sold according to provisions of ~~this act~~ Section 85.6 of this title.

D. After all costs and expenses incurred for the care, transportation, and sale of such animal ~~or animals~~ have been deducted from the gross sale proceeds, the net amount shall be paid to the owner. ~~Upon receipt of report of taking up of any strayed animal, the sheriff shall cause to be published in a newspaper having general circulation in such county in which such strayed animal has been taken up a description of said animal or animals which shall contain sex, age and brand or brands but shall not contain color, or marks or other descriptive information.~~

SECTION 2. AMENDATORY 4 O.S. 1991, Section 85.6, is amended to read as follows:

Section 85.6 A. If the sheriff ~~shall be~~ is unable to determine the owner or probable owner of ~~such any~~ strayed animal ~~or animals~~ from brand records and other reports of lost, strayed and stolen

livestock, the sheriff shall cause to be published in a newspaper having general circulation in the county in which the strayed animal has been taken up, a description of the animal which shall contain sex, age and brand or brands but shall not contain color, or marks or other descriptive information. The notice shall be published for two (2) consecutive weekly issues. If after such publication the sheriff is still unable to determine the owner, the animal ~~or~~ animals shall be sold by the sheriff, following no less than a ten-day published notice at the nearest approved and licensed or federally inspected livestock auction market from where taken up, inside the State of Oklahoma.

B. The approved selling firm shall forward by mail to the sheriff a check for the proceeds and other sales information, listing a description, sex, weight, selling price per pound and total sales price less normal and customary marketing fees.

C. The sheriff shall pay to the taker-up of an unclaimed stray animal the actual cost for keeping it, together with the actual amount of any damages suffered by the taker-up as a result of the strayed animal being upon ~~his~~ the premises.

D. All remaining money, if any, shall be deposited with the county treasurer to be held by the treasurer in a special fund from which payment may be made to a claimant who has been determined by the district court to be the owner of the stray animal. If not expended pursuant to court order within one (1) year the funds so deposited shall be credited to the County General Fund.

SECTION 3. AMENDATORY 4 O.S. 1991, Section 135, is amended to read as follows:

Section 135. A. Within forty-eight (48) hours after stock has been distrained, Sunday not being included, the party distraining, or ~~his~~ such party's agent, shall notify the owner of ~~said~~ the stock when known, or, if unknown, the party having them in charge, ~~and if said.~~ If the owner ~~shall fail~~ fails to satisfy the person whose lands are trespassed upon, the party injured shall, within twenty-four (24) hours thereafter, notify in writing the county sheriff to come upon the premises to view and assess the damages.

B. The county sheriff shall, within forty-eight (48) hours after receiving such notice, Sundays and holidays excepted, proceed to view and assess the damages, and determine a reasonable amount to be paid for seizing and keeping said stock, ~~and if.~~ If the person owning ~~such~~ the distrained stock ~~fail~~ fails to pay ~~such~~ the damages as assessed, the county sheriff shall ~~post, in three conspicuous places in the township where such damages were done, notices that said stock, or so much thereof as are necessary to pay such damages, with cost of sale, will be sold to the highest bidder. Said sale shall take place at the enclosure where said stock was distrained, between the hours of one and three p.m. on the tenth day after the posting of such notices, Sunday excepted~~ provide for the public notice and sale of the distrained stock as provided by Section 85.6 of this title.

C. Any money or stock left after satisfying such claims shall be returned to the owner of the stock sold.

SECTION 4. This act shall become effective November 1, 1997.

Passed the House of Representatives the 24th day of February,

1997.

Speaker of the House of
Representatives

Passed the Senate the 31st day of March, 1997.

President of the Senate