



Senate

General Assembly

File No. 633

January Session, 2005

Substitute Senate Bill No. 634

Senate, May 3, 2005

The Committee on Planning and Development reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING DAMAGE BY ROAMING LIVESTOCK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-561a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) Any owner or keeper of domestic fowls, including, but not
4 limited to, ostrich and emu, and any owner or keeper of livestock,
5 including, but not limited to, cervids, camelids, bison, buffalo, cattle,
6 equine, asses, mules, sheep, swine and goats, who allows [them] such
7 fowls or livestock to trespass upon the premises of another person
8 shall be liable to the owner or occupant of such premises for all
9 damage done by such fowls or livestock.

10 (b) An owner or keeper of domestic fowls or livestock shall not be
11 liable for the cost of repairing damage done by such fowls or livestock
12 pursuant to subsection (a) of this section when the fence or barrier

13 used to enclose such fowls or livestock is determined by the
 14 Commissioner of Agriculture or the commissioner's designee to be
 15 sufficient to control such fowls or livestock and has either (1) been
 16 damaged by natural acts not under the control of the owner or keeper,
 17 or (2) been damaged by criminal or other malicious acts, including, but
 18 not limited to, vandalism, trespass, or other intentional acts not under
 19 the control of the owner or keeper.

20 (c) A municipal animal control officer may impound roaming
 21 domestic fowls or livestock and may recover reasonable costs from the
 22 owner or keeper associated with the feeding and care of such fowls
 23 and livestock. At the request of the municipal animal control officer,
 24 the Commissioner of Agriculture or the commissioner's designee may
 25 provide assistance to the officer regarding the impoundment, feeding
 26 and care of such fowls or livestock. Municipal animal control officers
 27 impounding fowls or livestock pursuant to this section shall make a
 28 reasonable effort to notify the owner or keeper of such fowls or
 29 livestock regarding the impoundment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	52-561a

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Agriculture	GF - Cost	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
Various Municipalities	Cost	Potential Minimal	Potential Minimal

Explanation

Any increase in the workload of the Department of Agriculture (DOAG) due to additional determinations concerning roaming livestock and potentially providing assistance to municipal animal control officers in regard to damage caused by roaming livestock is anticipated to be minimal and within existing resources. In the majority of instances, it is anticipated that the DOAG would have been contacted anyway.

Municipal

Allowing municipal animal control officers to impound roaming livestock or domestic fowl and recover reasonable costs from the owners or keepers is anticipated to minimally increase costs to a municipality. Since the provisions are discretionary, it is anticipated municipalities will undertake the actions within available resources.

OLR Bill Analysis

sSB 634

AN ACT CONCERNING DAMAGE BY ROAMING LIVESTOCK**SUMMARY:**

The bill broadens the circumstances under which a livestock owner or keeper is liable for damage his animals cause. Under current law, an animal owner or keeper is responsible for damage his animals cause only when the fence of the owner of the damaged land is sufficient (with a few exceptions). The bill makes an animal owner or keeper liable for all damage that his animals cause to another person's property, except when the agriculture commissioner determines the animal owner's fence was sufficient and natural or malicious acts disrupted it.

Under current law, unchanged by the bill, owners or keepers of domestic fowl are liable for all damage the fowl cause.

The bill allows a municipal animal control officer (ACO) to impound roaming livestock or domestic fowl and recover reasonable costs associated with their feeding and care from the owner or keeper, and the agriculture commissioner may assist with impoundment if the ACO asks. Existing law does not specify that domestic fowl can be impounded.

It also defines what is included under "livestock" and "domestic fowls."

EFFECTIVE DATE: October 1, 2005

EXEMPTIONS

The bill exempts both livestock and domestic fowl owners or keepers from liability if the agriculture commissioner determines that the fence or barrier used to enclose the animals was sufficient to control them and was damaged either by (1) natural acts or (2) criminal or other malicious acts, including vandalism, trespass, or other intentional acts

not under control of the owner or keeper.

ACO

Under the bill, the agriculture commissioner or his designee may assist the ACO with the impoundment, feeding, and care of the livestock or fowl, if the ACO requests it. An ACO impounding fowl or livestock for causing damage to another's property must make a reasonable effort to notify the owner or keeper of the impoundment.

FOWL AND LIVESTOCK

The bill specifies that (1) domestic fowl include ostriches and emus and (2) livestock includes cervids (e.g., deer), camelids (e.g., llamas), buffalo, cattle, equines, asses, mules, sheep, swine, and goats.

BACKGROUND

CGS § 47-55

Under existing law, an animal owner must pay for damage his animals cause when they damage the property of another person whose fence was sufficient. If the fence of a person whose property is damaged by another's animal is insufficient, he cannot recover damages, except when (1) the animals are at large against the law, (2) the damage was done by unruly cattle not restrained by ordinary fences, (3) the animal owner puts the animals onto the other person's property voluntarily (voluntary trespasses on the enclosure), or (4) the animals entered through a portion of the fence that was sufficient. In all of the previous four examples, the landowner may impound the animals and recover poundage and damages. The courts have determined what makes a fence sufficient.

Legislative History

The Senate referred the bill (File 212) to the Planning and Development Committee on April 15. On April 20, the committee reported a substitute that allows the commissioner to assist an ACO who requests help instead of requiring him to assist.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 26 Nay 0

Planning and Development Committee

Joint Favorable Substitute
Yea 10 Nay 5