

HOUSE BILL REPORT

HB 1958

*As Reported By House Committee on:
Agriculture & Rural Development*

Title: An act relating to livestock.

Brief Description: Changing requirements and penalties for livestock brands.

Sponsor(s): Representatives Rayburn, Nealey, McLean, Chandler, Roland, Franklin and Rasmussen; by request of Department of Agriculture.

Brief History:

Reported by House Committee on:
Agriculture & Rural Development, February 19, 1991, DPS.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *That Substitute House Bill No. 1958 be substituted therefor, and the substitute bill do pass.* Signed by 11 members: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; Grant; R. Johnson; Lisk; McLean; Rasmussen; and Roland.

Staff: Kenneth Hirst (786-7105).

Background: Most violations of the state's livestock brand laws are misdemeanors. A misdemeanor under the state's Criminal Code is punishable by imprisonment in the county jail for not more than 90 days, by a fine of not more than \$1000, or by both fine and imprisonment. A gross misdemeanor is punishable by imprisonment in the county jail for not more than one year, a fine of not more than \$5000, or both imprisonment and fine. The maximum penalty for a Class I civil infraction is \$250.

Some of the points at which brand inspections of cattle and horses must be conducted are specified by law. Others are specified by the Director of Agriculture by rule.

Summary of Substitute Bill: The penalties for violating the state's laws regarding livestock brands which were misdemeanors are changed. Knowingly possessing livestock marked with the recorded brand or tattoo of another person

is now a gross misdemeanor. All other violations which were misdemeanors are now Class I civil infractions.

Points at which brand inspections of cattle and horses must be made are no longer specified by statute; they are all to be specified by rule of the Director of Agriculture. The director may by rule require brand records to be provided to the Department of Agriculture. The renewal date for a brand registration is now set by a schedule established by rule rather than by statute.

Substitute Bill Compared to Original Bill: The substitute bill ties the penalties for the gross misdemeanors provided by the current livestock identification laws and by this bill to the penalties prescribed by the Criminal Code.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Taken from testimony on the parent bill, HB 1483.) (1) Use of the Class I civil infractions will permit enforcement without tying up the courts. (2) The brand registration renewal schedule will permit staggering of the current renewal workload of the department.

Testimony Against: None.

Witnesses: (Taken from testimony on the parent bill, HB 1483.) (1) Mike Schwisow and Mike Willis, Department of Agriculture (in favor).