

HOUSE BILL REPORT

SB 5974

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to transporting or accepting delivery of live nonambulatory livestock.

Brief Description: Regarding live nonambulatory livestock.

Sponsors: Senators Morton, Hatfield, Swecker, Marr and Shin.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/13/09, 3/26/09 [DPA].

**Brief Summary of Bill
(As Amended by House)**

- Creates a new civil infraction for individuals who knowingly transport non-ambulatory livestock to or from a facility that trades in livestock.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 13 members: Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot, Kretz, Liias, McCoy, Nelson, Ormsby, Pearson, Van De Wege and Warnick.

Staff: Jason Callahan (786-7117)

Background:

Transport of Non-Ambulatory Livestock.

Knowingly transporting non-ambulatory livestock to or from a facility that trades in livestock is a gross misdemeanor. The term "non-ambulatory livestock" means any cattle, sheep, swine, goats, horses, mules, or other equines that cannot walk or rise from a recumbent position.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Citations for the unlawful transport of non-ambulatory livestock may only be issued by a law enforcement officer or by an animal care and control agent of a recognized humane society. A citizen animal care and control agent may only issue citations if the humane society for which the person works or volunteers has entered into a contract with the appropriate county.

Gross Misdemeanors and Civil Infractions.

A gross misdemeanor is a criminal infraction. Gross misdemeanors are punishable by up to one year of imprisonment and a fine of up to \$5,000.

Civil infractions are not criminal in nature. Entities other than law enforcement may issue civil infraction citations if they are authorized to do so in statute. Civil infractions are only punishable by monetary penalties.

Summary of Amended Bill:

A new civil infraction is created for individuals who knowingly transport non-ambulatory livestock to or from a facility that trades in livestock. Each individual animal unlawfully transported represents a distinct violation. The penalty for the civil infraction is \$1,000. The penalty money is to be deposited into the General Fund.

If an animal becomes non-ambulatory livestock during transport, the animal must be placed in a separate pen for rehabilitation upon unloading.

Amended Bill Compared to Original Bill:

The amendment makes clear that the unlawful transportation of non-ambulatory livestock not cited for a civil infraction by the Washington State Department of Agriculture (WSDA) may still be prosecuted criminally by law enforcement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended 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 no-brainer bill is an important additional tool to stop the movement of non-ambulatory livestock, which is a practice that has no place in the livestock industry. People in the industry already assume that the WSDA has the authority to stop the transport of downer cows. Currently, only sheriffs can write citations, and then the citation must work its way through an already overburdened court system. Civil enforcement can also avoid

unnecessary publicity in the few cases when downer cows are moved into a livestock trading facility.

(Opposed) None.

Persons Testifying: Representative Kretz; and Jack Field, Washington Cattlemen's Association.

Persons Signed In To Testify But Not Testifying: None.