

SENATE BILL REPORT

SB 5974

As Amended by House, April 8, 2009

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 & Rural Economic Development: 2/19/09, 2/23/09 [DP].

Passed Senate: 3/04/09, 49-0.

Passed House: 4/08/09, 96-2.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Majority Report: Do pass.

Signed by Senators Hatfield, Chair; Schoesler, Ranking Minority Member; Becker, Haugen, Jacobsen, Morton and Shin.

Staff: Bob Lee (786-7404)

Background: In December 2003 one cow imported from Canada was found in Washington State to have bovine spongiform encephalopathy (BSE). BSE, also known as Mad Cow Disease, exhibits a behavior in cattle where the use of, particularly, the hind legs becomes impaired. There are other maladies and injuries that can affect livestock that are expressed by this similar behavior.

During the following session in 2004, legislation was enacted that made knowingly transporting nonambulatory livestock a gross misdemeanor. This provision was inserted into the state animal cruelty laws. Under this statute, the county prosecutor is required to bring an action.

The Department of Agriculture has personnel at or near livestock markets and similar facilities.

Summary of Bill: It is a civil infraction to knowingly transport or accept delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughter

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facility, or similar facility that trades in livestock. A person may be assessed a monetary penalty not to exceed \$1,000. Livestock that was ambulatory prior to transport to a feedlot that become nonambulatory because of an injury may be unloaded and placed in a separate pen for rehabilitation. The Department of Agriculture has authority to impose the monetary penalty.

The criminal penalty statute enacted in 2004 remains unchanged.

Appropriation: None.

Fiscal Note: None requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The criminal penalties are not very effective because this action does not rise to the level to justify a criminal trial. Effective enforcement is needed to prevent one incident ruining the reputation of the rest of the industry.

Persons Testifying: PRO: Jack Field, Washington Cattlemen's Association.

House Amendment(s): The amendment makes clear that the unlawful transportation of nonambulatory livestock not cited for a civil infraction by the Washington State Department of Agriculture may still be prosecuted criminally by law enforcement.