

SENATE BILL REPORT

SB 5839

As Reported By Senate Committee On:
Agriculture & Agricultural Trade & Development, February 28, 1995

Title: An act relating to alternative livestock farming.

Brief Description: Regulating alternative livestock farming.

Sponsors: Senators Rasmussen and A. Anderson.

Brief History:

Committee Activity: Agriculture & Agricultural Trade & Development: 2/16/95, 2/28/95
[DPS, DNP].

SENATE COMMITTEE ON AGRICULTURE & AGRICULTURAL TRADE & DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 5839 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rasmussen, Chair; Loveland, Vice Chair; Bauer and Snyder.

Minority Report: Do not pass.

Signed by Senators A. Anderson and Morton.

Staff: Vic Moon (786-7469)

Background: The Department of Agriculture conducts an animal health program covering the state livestock industry. Its authority includes the ability to require health inspection certificates prior to allowing animals to be imported into the state, developing rules to prevent the introduction or spread of contagious diseases and placing infected herds under quarantine.

The Department of Fish and Wildlife has been granted authority to designate animal species not native to the state of Washington as deleterious if such species are found to be dangerous to the environment or to wildlife.

Currently, there are statutes that define legal fences for cattle and other livestock.

Summary of Substitute Bill: The Legislature declares that alternative livestock may provide a consistent source of food and offers opportunities for new jobs and increased farm income stability.

The Legislature intends to establish a process to identify animal species that may be commercially raised in the state of Washington.

The Legislature finds that alternative livestock should be considered as a branch of the agricultural industry, but since alternative livestock may pose threats to the state's wildlife, effective regulation must be included to minimize potential damage to wildlife.

Alternative livestock is defined as species which are confined by humans and raised or used in a farm or ranch operation. Alternative livestock does not include wildlife as defined by the Wildlife Code, which includes elk, does not include domestic dogs or cats, private aquaculture products, animals raised to be released into the wild, animals raised for the purpose of hunting or fur farming regulated under current laws.

Alternative livestock products are defined. The Department of Agriculture is the principal state agency for providing state marketing support for the alternative livestock industry. It is unlawful to hunt for alternative livestock. The director of Agriculture, in consultation with the director of Fish and Wildlife, establishes identification requirements, a program of disease inspection and control, and develops a registration program for alternative livestock farms. The director of Agriculture and the director of Fish and Wildlife develop fencing and enclosure requirements.

A species may be petitioned to the director of Fish and Wildlife by either the director of Fish and Wildlife, the director of Agriculture, or any other person upon filing a written petition requesting joint regulation of a species by the two agencies. Directors may jointly decide how a species is to be regulated and adopt joint rules to accomplish designation. The determination for each species must be in writing. If the directors do not reach agreement, a scientific review panel is established to make recommendation to the two directors.

Any species that is not present in the state as of the effective date of the act may be petitioned. Legal status of species that are present on the effective date of the act is not changed unless new rules are adopted by the two directors regarding specific species. The director of Agriculture and the director of Fish and Wildlife develop rules for documents and data and scientific evidence required for petitions for specie designation. Rules of the Department of Fish and Wildlife and the Department of Agriculture that are inconsistent with the law are amended or repealed.

Domestic livestock is defined to mean horses, mules, donkeys, cattle, sheep, goats, swine, poultry, rabbits, llamas, alpacas, ratites and other species designated by statute. The authority of the State Veterinarian is clarified to provide that the veterinarian's authority extends to all animals.

The Department of Agriculture's authority for quarantine and normal inspection by the State Veterinarian is clarified.

Substitute Bill Compared to the Original Bill: The substitute covers less animal species and sets up a completely different procedure for both designation of species and regulation of alternative livestock. The provisions granting authority to the State Veterinarian are the same in the original bill and in the substitute bill.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The Department of Fish and Wildlife is putting alternative livestock farmers out of business. Court cases in the last two years have indicated that this is resulting in a taking of property and the department does not have appropriate authority to act in this manner.

Testimony Against: The Governor vetoed the bill which allowed alternative livestock because it included elk in 1993 and would not accept the bill before the committee.

Testified: PRO: Jim Rich, Bruce Morgan, Joe Schreiner, Dean von Callenback, WA Alternative Livestock Assn.; Steve Johnson, A.J. Kielian, Exotic Feline Educational Society; Claude Stevens, WA Alternative Livestock grower; Mike Schwisow, WA Alternative Livestock Assn.; CON: Ed Manary, Dept. of Fish and Wildlife.