

SB 5631 - H AMD TO AGNR COMM AMD (H-2262.1/11) **477**
By Representative Chandler

NOT CONSIDERED 04/22/2011

1 On page 1, after line 2 of the amendment, insert the following:

2 "Sec. 1. RCW 16.36.025 and 1998 c 8 s 19 are each amended to read
3 as follows:

4 The director may collect moneys to recover the reasonable costs of
5 purchasing, printing, and distributing ((certificates)) official
6 individual identification devices or methods, regulatory forms, and
7 other supplies ((to veterinarians)). All funds received under this
8 section must be deposited in the animal disease traceability account in
9 the agricultural local fund created in RCW 43.23.230 to cover the costs
10 associated with this chapter.

11 NEW SECTION. Sec. 2. A new section is added to chapter 16.36 RCW
12 to read as follows:

13 (1) The director shall adopt by rule a fee per head on cattle sold
14 or slaughtered in the state or transported out of the state to
15 administer animal disease traceability activities for cattle. The fee
16 must be paid by:

17 (a) Sellers of cattle sold in the state, without exception;

18 (b) Owners of cattle that are transported out of Washington, unless
19 an exception is provided by rule; and

20 (c) Owners of cattle slaughtered in the state.

21 (2) The fee adopted by the department may not exceed forty cents
22 per head of cattle.

23 (3)(a) Except where the seller presents proof that the fee has been
24 paid by a meat processor under (c) of this subsection, the fee required
25 in this section must be paid by the owner of cattle receiving a
26 livestock inspection issued by the department under chapter 16.57 RCW
27 in the same manner as livestock inspection fees are collected under RCW
28 16.57.220.

1 (b) The fee required in this section must be paid from the owner of
2 cattle not receiving a livestock inspection issued by the department
3 under chapter 16.57 RCW by the fifteenth day of the month following the
4 month the sale or transportation out of state occurred, or at a
5 different time as designated by rule.

6 (c) When cattle are slaughtered, the fee required by this section
7 must be collected from the seller of the cattle by the meat processor.
8 The meat processor must transmit the fee to the department by the
9 fifteenth day of the month following the month the transaction
10 occurred, or at a different time as designated by rule. When cattle
11 owned by a meat processor are slaughtered, the fee must be paid by the
12 meat processor.

13 (4) All fees received by the department under this section must be
14 deposited in the animal disease traceability account in the
15 agricultural local fund created in RCW 43.23.230 to carry out animal
16 disease traceability activities for cattle and to compensate the
17 livestock identification program for data and fee collection.

18 (5) Any person failing to pay the fee established in this section
19 has committed a class 1 civil infraction punishable as provided in RCW
20 7.80.120. Each violation is a separate and distinct offense.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 16.36 RCW
22 to read as follows:

23 By December 1st of each year, the department shall submit an
24 activity report and financial statement on the implementation of the
25 animal disease traceability activities to the animal disease
26 traceability advisory committee created in section 5 of this act.

27 **Sec. 4.** RCW 16.58.100 and 2003 c 326 s 54 are each amended to read
28 as follows:

29 (1) The director shall conduct audits of the cattle received, fed,
30 handled, and shipped by the licensee at each certified feed lot. These
31 audits shall be for the purpose of determining if the cattle correlate
32 with the inspection certificates issued in their behalf and that the
33 certificate of assurance furnished the director by the licensee
34 correlates with his or her assurance that inspected cattle were not
35 commingled with uninspected cattle.

1 (2) The department shall conduct an audit to determine compliance
2 with section 2 of this act at the time of conducting audits under
3 subsection (1) of this section.

4 NEW SECTION. Sec. 5. A new section is added to chapter 16.36 RCW
5 to read as follows:

6 (1) The director shall establish an animal disease traceability
7 advisory committee that will serve in an advisory capacity to the
8 director and must meet at least twice a year.

9 (2) The animal disease traceability advisory committee is composed
10 of eight members appointed by the director. Two members must represent
11 cow-calf producers, and one member must represent each of the following
12 groups: Cattle feeders, dairy farmers, public livestock markets, meat
13 processors, and a statewide agricultural association. The director or
14 the director's designee must also serve on the animal disease
15 traceability advisory committee. In making appointments, the director
16 shall solicit nominations from organizations representing these groups
17 statewide. The animal disease traceability advisory committee shall
18 elect a member to serve as chair of the animal disease traceability
19 advisory committee.

20 (3) Membership of the animal disease traceability advisory
21 committee may be expanded by a unanimous vote of its members.

22 (4) The animal disease traceability advisory committee must work
23 with the director to develop a plan to implement as quickly as
24 practicable the electronic transfer of traceability data.

25 (5) Animal disease traceability advisory committee members must
26 also work with the director to:

27 (a) Communicate effectively to their respective industry
28 associations as to the progress of the animal disease traceability
29 activities and to encourage the state's cattle industry to participate
30 in the animal disease traceability program;

31 (b) Utilize new technology within the department and industry that
32 enhances the animal disease traceability program within existing
33 funding;

34 (c) Study national industry trends in traceability of animal
35 movements and related animal health issues; and

36 (d) Discuss other matters as mutually agreed upon by the director

1 and the animal disease traceability advisory committee for the benefit
2 of the animal disease traceability program.

3 (6) Animal disease traceability advisory committee members serve
4 three-year terms. However, the director shall by rule provide shorter
5 initial terms for some of the members of the animal disease
6 traceability advisory committee to stagger the expiration of the
7 initial terms. The members serve without compensation.

8 **Sec. 6.** RCW 16.36.005 and 2010 c 66 s 1 are each reenacted and
9 amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Animal" means all members of the animal kingdom except humans,
13 fish, and insects. However, "animal" does not mean noncaptive wildlife
14 as defined in RCW 77.08.010, except as used in RCW 16.36.050(1) and
15 16.36.080 (1), (2), (3), and (5).

16 (2) "Animal reproductive product" means sperm, ova, fertilized ova,
17 and embryos from animals.

18 (3) "Certificate of veterinary inspection" means a legible
19 veterinary health inspection certificate on an official electronic or
20 paper form from the state of origin or from the animal and plant health
21 inspection service (APHIS) of the United States department of
22 agriculture, executed by a licensed and accredited veterinarian or a
23 veterinarian approved by the animal and plant health inspection
24 service. "Certificate of veterinary inspection" is also known as an
25 "official health certificate."

26 (4) "Communicable disease" means a disease due to a specific
27 infectious agent or its toxic products transmitted from an infected
28 person, animal, or inanimate reservoir to a susceptible host, either
29 directly or indirectly through an intermediate plant or animal host,
30 vector, or the environment.

31 (5) "Contagious disease" means a communicable disease that is
32 capable of being easily transmitted from one animal to another animal
33 or a human.

34 (6) "Department" means the department of agriculture of the state
35 of Washington.

36 (7) "Deputized state veterinarian" means a Washington state

1 licensed and accredited veterinarian appointed and compensated by the
2 director according to state law and department policies.

3 (8) "Director" means the director of the department or his or her
4 authorized representative.

5 (9) "Farm-raised fish" means fish raised by aquaculture as defined
6 in RCW 15.85.020. Farm-raised fish are considered to be a part of
7 animal agriculture; however, disease inspection, prevention, and
8 control programs and related activities for farm-raised fish are
9 administered by the department of fish and wildlife under chapter
10 77.115 RCW.

11 (10) "Garbage" means the solid animal and vegetable waste and offal
12 together with the natural moisture content resulting from the handling,
13 preparation, or consumption of foods in houses, restaurants, hotels,
14 kitchens, markets, meat shops, packing houses and similar
15 establishments or any other food waste containing meat or meat
16 products.

17 (11) "Herd or flock plan" means a written management agreement
18 between the owner of a herd or flock and the state veterinarian, with
19 possible input from a private accredited veterinarian designated by the
20 owner and the area veterinarian-in-charge of the United States
21 department of agriculture, animal and plant health inspection service,
22 veterinary services in which each participant agrees to undertake
23 actions specified in the herd or flock plan to control the spread of
24 infectious, contagious, or communicable disease within and from an
25 infected herd or flock and to work toward eradicating the disease in
26 the infected herd or flock.

27 (12) "Hold order" means an order by the director to the owner or
28 agent of the owner of animals or animal reproductive products which
29 restricts the animals or products to a designated holding location
30 pending an investigation by the director of the disease, disease
31 exposure, well-being, movement, or import status of the animals or
32 animal reproductive products.

33 (13) "Infectious agent" means an organism including viruses,
34 rickettsia, bacteria, fungi, protozoa, helminthes, or prions that is
35 capable of producing infection or infectious disease.

36 (14) "Infectious disease" means a clinical disease of humans or
37 animals resulting from an infection with an infectious agent that may
38 or may not be communicable or contagious.

1 (15) "Livestock" means horses, mules, donkeys, cattle, bison,
2 sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry,
3 waterfowl, game birds, and other species so designated by statute.
4 "Livestock" does not mean free ranging wildlife as defined in Title 77
5 RCW.

6 (16) "Person" means a person, persons, firm, or corporation.

7 (17) "Quarantine" means the placing and restraining of any animal
8 or its reproductive products by the owner or agent of the owner within
9 a certain described and designated enclosure or area within this state,
10 or the restraining of any animal or its reproductive products from
11 entering this state, as may be directed in an order by the director.

12 (18) "Reportable disease" means a disease designated by rule by the
13 director as reportable to the department by veterinarians and others
14 made responsible to report by statute.

15 (19) "Veterinary biologic" means any virus, serum, toxin, and
16 analogous product of natural or synthetic origin, or product prepared
17 from any type of genetic engineering, such as diagnostics, antitoxins,
18 vaccines, live microorganisms, killed microorganisms, and the antigenic
19 or immunizing components intended for use in the diagnosis, treatment,
20 or prevention of diseases in animals.

21 (20) "Meat processors" means a person licensed to operate a
22 slaughtering establishment under chapter 16.49 RCW or the federal meat
23 inspection act (21 U.S.C. Sec. 601 et seq.).

24 (21) "Sold" means sale, trade, gift, barter, or any other action
25 that constitutes a change of ownership.

26 **Sec. 7.** RCW 43.23.230 and 1988 c 254 s 1 are each amended to read
27 as follows:

28 (1) The agricultural local fund is hereby established in the
29 custody of the state treasurer. The fund shall consist of such money
30 as is directed by law for deposit in the fund, and such other money not
31 subject to appropriation that the department authorizes to be deposited
32 in the fund. Any money deposited in the fund, the use of which has
33 been restricted by law, may only be expended in accordance with those
34 restrictions. The department may make disbursements from the fund.
35 The fund is not subject to legislative appropriation.

36 (2) There is created within the agricultural local fund the animal

1 disease traceability account which must be used to account for the
2 costs associated with the implementation of chapter 16.36 RCW."

3 Renumber the remaining sections consecutively and correct any
4 internal references accordingly.

EFFECT: Establishes a fee, up to forty cents per head of cattle, to be paid to the Washington state department of agriculture (WSDA) on all cattle sold, slaughtered, or transported out of the state to be used by the WSDA for the administration of animal disease traceability programs; creates the animal disease traceability advisory committee to advise the WSDA; requires reports and audits by the WSDA; and creates a new account within the agricultural local fund.

--- END ---