

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5733

64th Legislature
2015 Regular Session

Passed by the Senate April 21, 2015
Yeas 48 Nays 0

President of the Senate

Passed by the House April 9, 2015
Yeas 90 Nays 7

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5733** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5733

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Warnick, Hatfield, and Hobbs; by request of Department of Agriculture)

READ FIRST TIME 02/18/15.

1 AN ACT Relating to livestock transaction reporting; amending RCW
2 16.57.160; and adding a new section to chapter 16.57 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 16.57
5 RCW to read as follows:

6 (1)(a) The director may establish an electronic cattle
7 transaction reporting system as a mechanism for reporting
8 transactions involving unbranded dairy cattle to the department. The
9 system may be used as an alternative to mandatory inspections under
10 RCW 16.57.160. However, it may only be used as an alternative for
11 unbranded dairy cattle that are individually identified through an
12 identification method authorized by the department. All other
13 livestock transactions are subject to the provisions of RCW
14 16.57.160.

15 (b) Pursuant to criteria established by the director by rule, a
16 cattle transaction described in (a) of this subsection, that would
17 otherwise trigger a mandatory inspection under rules adopted pursuant
18 to RCW 16.57.160, is eligible to report electronically under this
19 section.

1 (c) Transactions that may be reported electronically include any
2 sale, trade, gift, barter, or any other transaction that constitutes
3 a change of ownership of unbranded dairy cattle.

4 (2) A person may not electronically report transactions involving
5 unbranded dairy cattle under this section without first obtaining an
6 electronic cattle transaction reporting license from the director.
7 Applicants for an electronic cattle transaction reporting license
8 must submit an application to the department on a form provided by
9 the department and must include an application fee. The amount of the
10 application fee must be established by the director by rule
11 consistent with subsection (8) of this section.

12 (3) All holders of an electronic cattle transaction reporting
13 license must transmit to the department a record of each transaction
14 containing the unique identification of each individual animal
15 included in the transaction as assigned through a department-
16 authorized identification method. The transmission required under
17 this subsection must be completed no more than twenty-four hours
18 after a qualifying transaction involving unbranded dairy cattle.

19 (4) All holders of an electronic cattle transaction reporting
20 license must keep accurate records of all transactions involving
21 unbranded dairy cattle and make those records available for
22 inspection by the department upon reasonable request during normal
23 business hours. All records of the licensed property must be retained
24 for at least three years.

25 (5)(a) The director may enter the property of the holder of an
26 electronic cattle transaction reporting license at any reasonable
27 time to conduct examinations and inspections of cattle and any
28 associated records for movement verification purposes.

29 (b) It is unlawful for any person to interfere with an
30 examination and inspection of cattle and records performed under this
31 subsection.

32 (c) If the director is denied access to a property or cattle for
33 the purposes of this subsection, or a person fails to comply with an
34 order of the director, the director may apply to a court of competent
35 jurisdiction for a search warrant. To show that access is denied, the
36 director must file with the court an affidavit or declaration
37 containing a description of all attempts to notify and locate the
38 owner or owner's agent and secure consent.

39 (6)(a) The director may deny, suspend, or revoke an electronic
40 cattle transaction reporting license issued under this section if the

1 director finds that an electronic cattle transaction reporting
2 license holder:

3 (i) Fails to satisfy the reporting requirements as provided in
4 this section;

5 (ii) Knowingly makes false or inaccurate statements;

6 (iii) Has previously had an electronic cattle transaction
7 reporting license revoked;

8 (iv) Denies entry to property, cattle, or records as provided in
9 subsection (5) of this section; or

10 (v) Violates any other provision of this chapter or any rules
11 adopted under this chapter.

12 (b) Any action taken under this subsection must be consistent
13 with the provisions of chapter 34.05 RCW, the administrative
14 procedure act.

15 (c) If an electronic cattle transaction reporting license is
16 denied, suspended, or revoked, then the mandatory cattle inspection
17 requirements under RCW 16.57.160 apply to any future transactions.

18 (7) The department must submit an annual report to the
19 legislature, consistent with RCW 43.01.036, that documents all
20 examinations and inspections of cattle and records of electronic
21 cattle transaction reporting license holders performed by the
22 department either since the department's last report or since the
23 adoption of the electronic cattle transaction reporting system. The
24 annual report must also include details regarding any actions the
25 department took following the examinations and inspections. All
26 reports required under this section must be submitted by July 31st of
27 each year.

28 (8)(a) The director may adopt rules:

29 (i) Designating the conditions of licensure under this section
30 and the use of the electronic cattle transaction reporting system
31 authorized by this section;

32 (ii) Establishing an initial application fee and a license
33 renewal fee applicable to the electronic cattle transaction reporting
34 license; and

35 (iii) Establishing any fees that must be paid by the holder of an
36 electronic cattle transaction reporting license for reporting cattle
37 transactions through the electronic cattle transaction reporting
38 system.

39 (b) All fees established under this section must, as closely as
40 practicable, cover the cost of the development, maintenance, fee

1 collection, and audit and administrative oversight of the electronic
2 cattle transaction reporting system.

3 **Sec. 2.** RCW 16.57.160 and 2013 c 313 s 1 are each amended to
4 read as follows:

5 (1) The director may adopt rules:

6 (a) Designating any point for mandatory inspection of cattle or
7 horses or the furnishing of proof that cattle or horses passing or
8 being transported through the point have been inspected or identified
9 and are lawfully being transported;

10 (b) Providing for issuance of individual horse and cattle
11 identification certificates or other means of horse and cattle
12 identification;

13 (c) Designating the documents that constitute other satisfactory
14 proof of ownership for cattle and horses. A bill of sale may not be
15 designated as documenting satisfactory proof of ownership for cattle;
16 and

17 (d) Designating when inspection certificates, certificates of
18 permit, or other transportation documents required by law or rule
19 must designate a physical address of a destination. Cattle and horses
20 must be delivered or transported directly to the physical address of
21 that destination.

22 (2) The director may establish a process to electronically report
23 transactions involving unbranded dairy cattle under section 1 of this
24 act as an alternative to the mandatory cattle inspections required by
25 department rule adopted pursuant to this section.

26 (3) A self-inspection certificate may be accepted as satisfactory
27 proof of ownership for cattle if the director determines that the
28 self-inspection certificate, together with other available
29 documentation, sufficiently establishes ownership. Self-inspection
30 certificates completed after June 10, 2010, are not satisfactory
31 proof of ownership for cattle.

32 ((+3)) (4)(a) Upon request by a milk producer licensed under
33 chapter 15.36 RCW, the department must issue an official individual
34 identification tag to be placed by the producer before the first
35 point of sale on bull calves and free-martins (infertile female
36 calves) under thirty days of age. The fee for each tag is the cost to
37 the department for manufacture, purchase, and distribution of the tag
38 plus the applicable beef commission assessment. As used in this

1 subsection (~~(3)~~) (4), "green tag" means the official individual
2 identification issued by the department.

3 (b) Transactions involving unbranded dairy breed bull calves or
4 free-martins (infertile female calves) not being moved or transported
5 out of Washington are exempt from inspection requirements under this
6 chapter only if:

7 (i) The animal is under thirty days old and has not been
8 previously bought or sold;

9 (ii) The seller holds a valid milk producer's license under
10 chapter 15.36 RCW;

11 (iii) The sale does not take place at or through a public
12 livestock market or special sale authorized by chapter 16.65 RCW;

13 (iv) Each animal is officially identified as provided in (a) of
14 this subsection; and

15 (v) A certificate of permit and a bill of sale listing each
16 animal's green tag accompanies the animal to the buyer's location.
17 These documents do not constitute proof of ownership under this
18 chapter.

19 (c) All fees received under (a) of this subsection, except for
20 the beef commission assessment, must be deposited in the animal
21 disease traceability account in the agricultural local fund created
22 in RCW 43.23.230.

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