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HOUSE BILL 2074

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Blake and Chandler; by request of Department of Agriculture

Read first time 02/18/19. Referred to Committee on Rural Development, Agriculture, & Natural Resources.

1 AN ACT Relating to livestock inspection; and amending RCW  
2 16.57.160 and 16.57.450.

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

4 **Sec. 1.** RCW 16.57.160 and 2015 c 197 s 2 are each amended to  
5 read as follows:

6 (1) The director may adopt rules:

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

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

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

18 (d) Designating when inspection certificates, certificates of  
19 permit, or other transportation documents required by law or rule  
20 must designate a physical address of a destination. Cattle and horses

1 must be delivered or transported directly to the physical address of  
2 that destination.

3 (2) The director may establish a process to electronically report  
4 transactions involving (~~unbranded-dairy~~) cattle under RCW 16.57.450  
5 as an alternative to the mandatory cattle inspections required by  
6 department rule adopted pursuant to this section.

7 (3) A self-inspection certificate may be accepted as satisfactory  
8 proof of ownership for cattle if the director determines that the  
9 self-inspection certificate, together with other available  
10 documentation, sufficiently establishes ownership. Self-inspection  
11 certificates completed after June 10, 2010, are not satisfactory  
12 proof of ownership for cattle.

13 (4)(a) Upon request by a milk producer licensed under chapter  
14 15.36 RCW, the department must issue an official individual  
15 identification tag to be placed by the producer before the first  
16 point of sale on bull calves and free-martins (infertile female  
17 calves) under thirty days of age. The fee for each tag is the cost to  
18 the department for manufacture, purchase, and distribution of the tag  
19 plus the applicable beef commission assessment. As used in this  
20 subsection (4), "green tag" means the official individual  
21 identification issued by the department.

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

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

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

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

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

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

38 (c) All fees received under (a) of this subsection, except for  
39 the beef commission assessment, must be deposited in the animal

1 disease traceability account in the agricultural local fund created  
2 in RCW 43.23.230.

3 **Sec. 2.** RCW 16.57.450 and 2015 c 197 s 1 are each amended to  
4 read as follows:

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

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

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

22 (2) A person may not electronically report change of ownership  
23 transactions involving (~~unbranded dairy~~) cattle under this section  
24 without first obtaining an electronic cattle transaction reporting  
25 license from the director. Applicants for an electronic cattle  
26 transaction reporting license must submit an application to the  
27 department on a form provided by the department and must include an  
28 application fee. The amount of the application fee must be  
29 established by the director by rule consistent with subsection  
30 (~~(8)~~) (6) of this section.

31 (~~(3) (All holders of an electronic cattle transaction reporting~~  
32 ~~license must transmit to the department a record of each transaction~~  
33 ~~containing the unique identification of each individual animal~~  
34 ~~included in the transaction as assigned through a department-~~  
35 ~~authorized identification method. The transmission required under~~  
36 ~~this subsection must be completed no more than twenty-four hours~~  
37 ~~after a qualifying transaction involving unbranded dairy cattle.~~

38 (~~(4)~~) All holders of an electronic cattle transaction reporting  
39 license must keep accurate records of all transactions involving

1 ((unbranded-dairy)) cattle and make those records available for  
2 inspection by the department upon reasonable request during normal  
3 business hours. All records of the licensed property must be retained  
4 for at least three years.

5 ((+5)) (4)(a) The director may enter the property of the holder  
6 of an electronic cattle transaction reporting license at any  
7 reasonable time to conduct examinations and inspections of cattle and  
8 any associated records for movement verification purposes.

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

12 (c) If the director is denied access to a property or cattle for  
13 the purposes of this subsection, or a person fails to comply with an  
14 order of the director, the director may apply to a court of competent  
15 jurisdiction for a search warrant. To show that access is denied, the  
16 director must file with the court an affidavit or declaration  
17 containing a description of all attempts to notify and locate the  
18 owner or owner's agent and secure consent.

19 ((+6)) (5)(a) The director may deny, suspend, or revoke an  
20 electronic cattle transaction reporting license issued under this  
21 section if the director finds that an electronic cattle transaction  
22 reporting license holder:

23 (i) Fails to satisfy the reporting requirements as provided in  
24 this section;

25 (ii) Knowingly makes false or inaccurate statements;

26 (iii) Has previously had an electronic cattle transaction  
27 reporting license revoked;

28 (iv) Denies entry to property, cattle, or records as provided in  
29 subsection ((+5)) (4) of this section; or

30 (v) Violates any other provision of this chapter or any rules  
31 adopted under this chapter.

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

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

38 ~~((7) The department must submit an annual report to the~~  
39 ~~legislature, consistent with RCW 43.01.036, that documents all~~  
40 ~~examinations and inspections of cattle and records of electronic~~

1 ~~cattle transaction reporting license holders performed by the~~  
2 ~~department either since the department's last report or since the~~  
3 ~~adoption of the electronic cattle transaction reporting system. The~~  
4 ~~annual report must also include details regarding any actions the~~  
5 ~~department took following the examinations and inspections. All~~  
6 ~~reports required under this section must be submitted by July 31st of~~  
7 ~~each year.~~

8 ~~(8))~~ (6)(a) The director may adopt rules:

9 (i) Designating the conditions of licensure under this section  
10 and the use of the electronic cattle transaction reporting system  
11 authorized by this section;

12 (ii) Establishing an initial application fee and a license  
13 renewal fee applicable to the electronic cattle transaction reporting  
14 license; and

15 (iii) Establishing any fees that must be paid by the holder of an  
16 electronic cattle transaction reporting license for reporting cattle  
17 transactions through the electronic cattle transaction reporting  
18 system.

19 (b) All fees established under this section must, as closely as  
20 practicable, cover the cost of the development, maintenance, fee  
21 collection, and audit and administrative oversight of the electronic  
22 cattle transaction reporting system.

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