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**SUBSTITUTE HOUSE BILL 1755**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Pettigrew and Stanford; by request of Department of Agriculture)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to livestock movement 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 cattle  
8 transactions to the department. The system may be used as an  
9 alternative to mandatory inspections under RCW 16.57.160 for cattle  
10 only.

11 (b) Pursuant to criteria established by the director by rule, a  
12 cattle transaction that would otherwise trigger a mandatory  
13 inspection under rules adopted pursuant to RCW 16.57.160 is eligible  
14 to report electronically under this section.

15 (c) Transactions that may be reported electronically include any  
16 sale, trade, gift, barter, or any other transaction that constitutes  
17 a change of ownership of cattle.

18 (2) A person may not electronically report cattle transactions  
19 without first obtaining a license from the director. All references  
20 to a license and licensee within this section means the electronic  
21 cattle transaction reporting license and any person licensed under

1 the provisions of this section. Applicants for a license must submit  
2 an application to the department on a form provided by the department  
3 and must include an application fee as established by the director by  
4 rule.

5 (3) The licensee must keep accurate records that are made  
6 available for inspection by the department upon request and during  
7 normal business hours. Records accounting for all cattle transactions  
8 of the licensed property must be retained for three years.

9 (4) The director may enter a property at any reasonable time to  
10 conduct examinations and inspections of cattle and records for  
11 movement verification purposes. It is unlawful for any person to  
12 interfere with the examination and inspection of cattle and records  
13 as provided for in this subsection. If the director is denied access  
14 to a property or cattle for purposes of this subsection or a person  
15 fails to comply with an order of the director, the director may apply  
16 to a court of competent jurisdiction for a search warrant. To show  
17 that access is denied, the director must file with the court an  
18 affidavit or declaration containing a description of all attempts to  
19 notify and locate the owner or owner's agent and secure consent.

20 (5) The director may deny, suspend, or revoke a license when the  
21 director finds that a licensee fails to meet the reporting  
22 requirements, knowingly makes false or inaccurate statements, has  
23 previously had a license revoked, denies entry as provided in  
24 subsection (4) of this section, or violates any other provision of  
25 this chapter or any rules adopted under this chapter. Any action  
26 taken must be done so under the provisions of chapter 34.05 RCW, the  
27 administrative procedure act. If a license is denied, suspended, or  
28 revoked, the mandatory cattle inspection requirements under RCW  
29 16.57.160 apply.

30 (6) The director may adopt rules:

31 (a) Designating conditions of licensure and use of the electronic  
32 cattle transaction reporting system.

33 (b) Establishing an initial application and license renewal fee  
34 and fees to be paid by the licensee for reporting cattle transactions  
35 to the electronic cattle transaction reporting system. The fees must,  
36 as closely as practicable, cover the cost of the development,  
37 maintenance, fee collection, and audit and administrative oversight  
38 of the system.

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

3       (1) The director may adopt rules:

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

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

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

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

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

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

30       (~~(3)~~) (4)(a) Upon request by a milk producer licensed under  
31 chapter 15.36 RCW, the department must issue an official individual  
32 identification tag to be placed by the producer before the first  
33 point of sale on bull calves and free-martins (infertile female  
34 calves) under thirty days of age. The fee for each tag is the cost to  
35 the department for manufacture, purchase, and distribution of the tag  
36 plus the applicable beef commission assessment. As used in this  
37 subsection (~~(3)~~) (4), "green tag" means the official individual  
38 identification issued by the department.

39       (b) Transactions involving unbranded dairy breed bull calves or  
40 free-martins (infertile female calves) not being moved or transported

1 out of Washington are exempt from inspection requirements under this  
2 chapter only if:

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

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

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

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

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

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

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