
SUBSTITUTE SENATE BILL 5733

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 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.

--- END ---