

SSB 5235 - S AMD 195
By Senator Shin

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 16.36.023 and 2008 c 285 s 28 are each amended to
4 read as follows:

5 (1) The director may adopt rules establishing fees for:

6 (a) The establishment and inspection of animal holding facilities
7 authorized under this chapter;

8 (b) The inspection and monitoring of animals in authorized animal
9 holding facilities; and

10 (c) Special inspections of animals or animal facilities that the
11 director may provide at the request of the animal owner or interested
12 persons.

13 (2) The fees shall, as closely as practicable, cover the cost of
14 the service provided.

15 (3) All fees collected under this section shall be deposited in an
16 account in the agricultural local fund and used to carry out the
17 purposes of this chapter and chapter 16.57 RCW.

18 **Sec. 2.** RCW 16.36.025 and 1998 c 8 s 19 are each amended to read
19 as follows:

20 The director may collect moneys to recover the reasonable costs of
21 purchasing, printing, and distributing ((certificates)) official
22 individual identification devices or methods, regulatory forms, and
23 other supplies ((to veterinarians)). All funds received by the
24 department to reimburse for its costs under this section shall be
25 deposited in the livestock identification device account in the
26 agricultural local fund and used solely to reimburse the department for
27 costs directly associated with providing official individual
28 identification devices or methods to cattle producers under this
29 section.

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

3 (1) The department must establish, by rule, a fee on cattle to fund
4 a disease traceability system, paid by sellers of any cattle sold in
5 the state, without exception, and on cattle shipped into the state for
6 slaughter. The fee must not exceed forty cents per head.

7 (2) If cattle are:

8 (a) Accompanied by a brand inspection issued by the department, the
9 fee will be collected in the same manner as brand inspection fees; and

10 (b) Not accompanied by a brand inspection issued by the department,
11 the fee must be paid by the seller and transmitted to the department by
12 the fifteenth day of the month following the month the transaction
13 occurred.

14 (3) For the purpose of this section, transfer of cattle owned by a
15 meat packer from a feed lot to a slaughterhouse for slaughter is a sale
16 of cattle.

17 (4) When the department conducts audits of cattle received, fed,
18 handled, and shipped by the licensee at each certified feed lot in
19 accordance with RCW 16.58.100, it shall include an audit for compliance
20 with this section.

21 (5) All fees received by the department under this section must be
22 deposited in the disease traceability program account in the
23 agricultural local fund and may only be used to implement the disease
24 traceability program for cattle. Any excess funds shall be used to
25 either lower the fee or improve the cattle disease traceability
26 program.

27 (6) By December 1st of each year, the department shall submit a
28 report on the status of the disease traceability program to the
29 committees of the senate and the house of representatives with
30 jurisdiction over livestock health.

31 (7) This section expires September 1, 2016.

32 **Sec. 4.** RCW 16.36.040 and 1998 c 8 s 4 are each amended to read as
33 follows:

34 (1) The director may adopt and enforce rules necessary to carry out
35 the purpose and provisions of this chapter, and including:

36 (a) Preventing the introduction or spreading of infectious,

1 contagious, communicable, or dangerous diseases affecting animals in
2 this state;

3 (b) Governing the inspection and testing of all animals within or
4 about to be imported into this state; (~~and~~)

5 (c) Designating any disease as a reportable disease; and

6 (d) Designating when a certificate of veterinary inspection, import
7 health papers, permits, or other transportation documents required by
8 law or rule must designate a destination with a physical address for
9 animals entering Washington state and when those animals must be
10 delivered or transported directly to the physical address of that
11 destination.

12 (2) Rules to prevent the introduction or spread of infectious,
13 contagious, communicable, or dangerous diseases affecting animals in
14 this state may differ from federal regulations by being more
15 restrictive.

16 **Sec. 5.** RCW 16.36.050 and 2010 c 66 s 2 are each amended to read
17 as follows:

18 (1) It is unlawful for a person to bring an animal into Washington
19 state without first securing a certificate of veterinary inspection,
20 reviewed by the state veterinarian of the state of origin, verifying
21 that the animal meets the Washington state animal health requirements.
22 This subsection does not apply to:

23 (a) (~~Livestock, which are governed by~~) Those animals that qualify
24 for an exemption in RCW 16.36.140; or

25 (b) Other animals exempted by the director by rule.

26 (2) For animals imported into Washington state it is unlawful for
27 a person to transport or deliver an animal to any physical address
28 other than the physical address of the destination designated by a
29 certificate of veterinary inspection, import health papers, permits, or
30 other transportation documents required by law or rule. The director
31 may exempt animals from this requirement by rule.

32 (3) It is unlawful for a person to intentionally falsely make,
33 complete, alter, use, or sign a certificate of veterinary inspection or
34 official animal health document of the department.

35 (~~(3)~~) (4) It is unlawful for a person to intentionally falsely
36 apply, alter, or remove an official animal health or official animal
37 identification tag, permanent mark, or other device.

1 ((+4)) (5) It is unlawful for a person to willfully hinder,
2 obstruct, or resist the director, or any peace officer or deputized
3 state veterinarian acting under him or her, when engaged in the
4 performance of their duties.

5 ((+5)) (6) It is unlawful for a person to willfully fail to comply
6 with or to violate any rule or order adopted by the director under this
7 chapter.

8 **Sec. 6.** RCW 16.36.060 and 2010 c 66 s 4 are each amended to read
9 as follows:

10 (1) The director has the authority to enter a property at any
11 reasonable time to:

12 (a) Conduct tests, examinations, or inspections to take samples,
13 and to examine and copy records when there is reasonable cause to
14 investigate whether animals on the property or that have been on the
15 property are infected with or have been exposed to disease; and

16 (b) Determine, when there is reasonable cause to investigate,
17 whether ~~((livestock))~~ animals on the property have been imported into
18 Washington state in violation of requirements of this chapter, and to
19 conduct tests, examinations, and inspections, take samples, and examine
20 and copy records during such investigations.

21 (2) It is unlawful for any person to interfere with investigations,
22 tests, inspections, or examinations, or to alter any segregation or
23 identification systems made in connection with tests, inspections, or
24 examinations conducted pursuant to subsection (1) of this section.

25 (3) If the director is denied access to a property or animals for
26 purposes of this chapter, or a person fails to comply with an order of
27 the director, the director may apply to a court of competent
28 jurisdiction for a search warrant. To show that access is denied, the
29 director shall file with the court an affidavit or declaration
30 containing a description of all attempts to notify and locate the owner
31 or owner's agent and secure consent. The court may issue a search
32 warrant authorizing access to any animal or property at reasonable
33 times to conduct investigations, tests, inspections, or examinations of
34 any animal or property, or to take samples, and examine and copy
35 records, and may authorize seizure or destruction of property.

1 **Sec. 7.** RCW 16.36.113 and 2007 c 71 s 4 are each amended to read
2 as follows:

3 (1) Any person in violation of this chapter or its rules may be
4 subject to a civil penalty in an amount of not more than one thousand
5 dollars for each violation. Each violation is a separate and distinct
6 offense. Every person who, through an act of commission or omission,
7 procures, aids, or abets in the violation is in violation of this
8 chapter or its rules and may be subject to the civil penalty provided
9 in this section. Moneys collected under this section must be deposited
10 in the state general fund.

11 (2) The department may charge a time and mileage fee for the cost
12 of an investigation including inspecting animals and related records
13 during an investigation of a proven violation of this chapter. The fee
14 may be up to eighty-five dollars per hour and the current mileage rate
15 set by the office of financial management. The director may increase
16 the hourly fee by rule as necessary to cover costs of investigations.
17 All fees collected pursuant to this subsection shall be deposited in an
18 account in the agricultural local fund and used to carry out the
19 purposes of this chapter.

20 **Sec. 8.** RCW 16.36.140 and 2010 c 66 s 3 are each amended to read
21 as follows:

22 (1) It is unlawful for a person to bring (~~livestock~~) an animal
23 into Washington state without first securing a certificate of
24 veterinary inspection, reviewed by the state veterinarian of the state
25 of origin, verifying that the (~~livestock~~) animal meets Washington
26 state animal health requirements. This subsection does not apply to
27 (~~livestock~~) animals that:

28 (a) Have been exempted by the director by rule; or

29 (b) Will be delivered within twelve hours after entry into
30 Washington state to:

31 (i) An approved, inspected feed lot for slaughter;

32 (ii) A federally inspected slaughter plant; or

33 (iii) A licensed public livestock market for sale and subsequent
34 delivery within twelve hours to:

35 (A) An approved, inspected feed lot for slaughter; or

36 (B) A federally inspected slaughter plant.

1 (2) The director may monitor ((livestock)) animals entering
2 Washington state. Persons importing, transporting, receiving, feeding,
3 or housing imported ((livestock)) animals shall:

4 (a) Comply with the requirement and any exemptions specified in
5 subsection (1) of this section; and

6 (b) Make the ((livestock)) animal and related records available for
7 inspection by the director.

8 ~~(3) ((The department may charge a time and mileage fee for
9 inspecting livestock and related records during an investigation of a
10 proven violation of this section. The fee is eighty five dollars per
11 hour and the current mileage rate set by the office of financial
12 management. The director may increase the hourly fee by rule as
13 necessary to cover costs of investigations. All fees collected
14 pursuant to this subsection shall be deposited in an account in the
15 agricultural local fund and used to carry out the purposes of this
16 chapter.~~

17 ~~(4))~~ The director may adopt and enforce rules necessary to carry
18 out the purpose and provisions of this section.

19 **Sec. 9.** RCW 16.57.160 and 2010 c 66 s 6 are each amended to read
20 as follows:

21 (1) The director may adopt rules:

22 (a) Designating any point for mandatory inspection of cattle or
23 horses or the furnishing of proof that cattle or horses passing or
24 being transported through the point have been inspected or identified
25 and are lawfully being transported;

26 (b) Providing for issuance of individual horse and cattle
27 identification certificates or other means of horse and cattle
28 identification; ~~((and))~~

29 (c) Designating the documents that constitute other satisfactory
30 proof of ownership for cattle and horses. A bill of sale may not be
31 designated as documenting satisfactory proof of ownership for cattle;
32 and

33 (d) Designating when inspection certificates, certificates of
34 permit, or other transportation documents required by law or rule must
35 designate a physical address of a destination. Cattle and horses must
36 be delivered or transported directly to the physical address of that
37 destination.

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

7 NEW SECTION. **Sec. 10.** A new section is added to chapter 16.57 RCW
8 to read as follows:

9 It is unlawful for a person to transport or deliver cattle or
10 horses to any destination other than the physical address of the
11 destination designated on an inspection certificate, certificate of
12 permit, or other transportation document when required by law or rule.
13 The director may exempt cattle and horses from this requirement by
14 rule.

15 **Sec. 11.** RCW 16.57.360 and 2003 c 326 s 42 are each amended to
16 read as follows:

17 (1)(a) The department is authorized to issue notices of and enforce
18 civil infractions in the manner prescribed under chapter 7.80 RCW.

19 (b) The violation of any provision of this chapter and/or rules
20 adopted under this chapter shall constitute a class I civil infraction
21 as provided under chapter 7.80 RCW unless otherwise specified herein.

22 (2) The department may charge a time and mileage fee for the cost
23 of an investigation including inspecting animals and related records
24 during an investigation of a proven violation of this chapter. The fee
25 may be up to eighty-five dollars per hour and the current mileage rate
26 set by the office of financial management. The director may increase
27 the hourly fee by rule as necessary to cover costs of investigations.
28 All fees collected pursuant to this subsection shall be deposited in an
29 account in the agricultural local fund and used to carry out the
30 purposes of this chapter."

NOT CONSIDERED 05/25/2011

1 On page 1, line 1 of the title, after "inspections;" strike the
2 remainder of the title and insert "amending RCW 16.36.023, 16.36.025,
3 16.36.040, 16.36.050, 16.36.060, 16.36.113, 16.36.140, 16.57.160, and
4 16.57.360; adding a new section to chapter 16.36 RCW; adding a new
5 section to chapter 16.57 RCW; prescribing penalties; and providing an
6 expiration date."

EFFECT: (1) Deletes all provisions in underlying bill. Adds provisions: (a) Granting Washington State Department of Agriculture (WSDA) authority to recover costs of purchasing livestock ID devices or methods and regulatory forms, and requiring WSDA to deposit funds received into separate disease traceability program account in agricultural local fund, used solely to reimburse WSDA for costs of providing official ID devices or methods to cattle producers; (b) requiring WSDA to establish, by rule, fee of not over 40 cents per head on cattle to fund disease traceability system, paid by sellers of cattle sold in state and cattle shipped into state for slaughter, with specified collection and compliance provisions, and requiring WSDA to deposit fees received into separate account in agricultural local fund, used only to implement disease traceability program, with excess funds used to either lower the fee or improve the program, and requiring WSDA to provide annual reports to the legislature regarding program status, and providing for expiration of fee authority on September 1, 2016.

(2) Maintains provisions in underlying substitute bill: (a) Authorizing WSDA to designate, by rule, when animal health documents must designate destination with physical address for animals entering the state, and when animals must be delivered directly to that location; (b) providing that it is unlawful for animals imported into state to be delivered to location other than required location, except as exempted by WSDA by rule; (c) changing currently authorized WSDA fee for animal health investigations from \$85 per hour to up to \$85 per hour.

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