

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5733**

64th Legislature  
2015 Regular Session

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

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**President of the Senate**

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

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**Speaker of the House of Representatives**

Approved

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**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.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5733**

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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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