

HB 2075 - H AMD 406

By Representative Chandler

WITHDRAWN 03/13/2019

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that industry fees
4 for the Washington state department of agriculture's livestock
5 identification program have not been increased since 2006 and that a
6 department of agriculture agency request bill that would have
7 improved the program's fee structure failed to pass in the 2017
8 legislative session. The legislature further finds that the livestock
9 identification program ended fiscal year 2018 with a deficit of
10 nearly one-half million dollars and currently has a deficit of more
11 than one-half million dollars projected through the end of fiscal
12 year 2019, and that such deficits are untenable because they
13 ultimately must be covered by and come at the expense of other
14 department programs and priorities and agricultural sectors.
15 Therefore, the legislature intends to terminate some of the livestock
16 identification program's brand inspection activities unless and until
17 legislation is enacted with fees that fully recover the department's
18 costs to operate the program. To ensure that animal disease
19 traceability is not adversely affected, the legislature further
20 intends to enhance the electronic cattle transaction reporting system
21 to capture in-state cattle movement information.

22 **Sec. 2.** RCW 16.24.110 and 1989 c 286 s 11 are each amended to
23 read as follows:

24 Any horses, mules, donkeys, or cattle of any age running at large
25 or trespassing in violation of this chapter (~~(16.24 RCW)~~) as now or
26 hereafter amended, which are not restrained as provided by RCW
27 16.04.010, are declared to be a public nuisance. The sheriff of the
28 county where found (~~(and the nearest brand inspector)~~) shall have
29 authority to impound such animals which are not restrained as
30 provided by RCW 16.04.010.

1 **Sec. 3.** RCW 16.24.120 and 2012 c 25 s 5 are each amended to read
2 as follows:

3 Upon taking possession of any livestock at large contrary to the
4 provisions of this chapter, or any unclaimed livestock submitted or
5 impounded, by any person, at any public livestock market or any other
6 facility approved by the director, the sheriff (~~(or brand inspector)~~)
7 shall cause it to be transported to and impounded at the nearest
8 public livestock market licensed under chapter 16.65 RCW or at such
9 place as approved by the (~~director~~) sheriff. (~~If the sheriff has~~
10 ~~impounded an animal in accordance with this section, he or she shall~~
11 ~~forthwith notify the nearest brand inspector of the department of~~
12 ~~agriculture, who shall examine the animal and, by brand, tattoo, or~~
13 ~~other identifying characteristic, shall attempt to ascertain the~~
14 ~~ownership thereof.~~)

15 **Sec. 4.** RCW 16.24.130 and 1995 c 374 s 69 are each amended to
16 read as follows:

17 The (~~brand inspector~~) sheriff shall cause to be published once
18 in a newspaper published in the county where the animal was found, a
19 notice of the impounding.

20 The notice shall state:

21 (1) A description of the animal, including brand, tattoo or other
22 identifying characteristics;

23 (2) When and where found;

24 (3) Where impounded; and

25 (4) That if unclaimed, the animal will be sold at a public
26 livestock market sale or other public sale, and the date of such
27 sale: PROVIDED, That if no newspaper shall be published in such
28 county, copies of the notice shall be posted at four commonly
29 frequented places therein.

30 If the animal is marked with a brand or tattoo which is
31 registered with the director of agriculture and can be verified in
32 the livestock brand book published by the director of agriculture,
33 the (~~brand inspector~~) sheriff, on or before the date of publication
34 or posting, shall send a copy of the notice to the owner of record by
35 registered mail.

36 **Sec. 5.** RCW 16.24.150 and 1995 c 374 s 70 are each amended to
37 read as follows:

1 If no person shall claim the animal within ten days after the
2 date of publication or posting of the notice, it shall be sold at the
3 next succeeding public livestock market sale to be held at the sales
4 yard where impounded, provided that in the ~~((director's))~~ sheriff's
5 discretion the ~~((department of agriculture))~~ sheriff's office may
6 otherwise cause the animal to be sold at public sale.

7 The legislature intends this to be a clarification of existing
8 law; therefore, this section shall have retroactive effect as of
9 December 1, 1994.

10 **Sec. 6.** RCW 16.24.160 and 1985 c 415 s 17 are each amended to
11 read as follows:

12 The proceeds of the sale of animals impounded under this chapter,
13 after deducting the costs of sale, shall be impounded ~~((in the estray
14 fund of the department of agriculture))~~ by the sheriff of the county
15 where found, and if no valid claim is made within one year from the
16 date of sale, the ~~((director of the department of agriculture))~~
17 sheriff shall ~~((transfer))~~ keep the proceeds of sale ~~((to the brand
18 fund of the department))~~ to be used for the enforcement of this
19 chapter.

20 **Sec. 7.** RCW 16.36.150 and 2011 c 204 s 2 are each amended to
21 read as follows:

22 (1) The director shall adopt by rule a fee per head on cattle
23 sold or slaughtered in the state or transported out of the state to
24 administer animal disease traceability activities for cattle. The fee
25 must be paid by:

26 (a) Sellers of cattle sold in the state, without exception;

27 (b) Owners of cattle that are transported out of Washington,
28 unless an exception is provided by rule; and

29 (c) Owners of cattle slaughtered in the state.

30 (2) The fee adopted by the department may not exceed forty cents
31 per head of cattle.

32 (3) (a) Except where the seller presents proof that the fee has
33 been paid by a meat processor under (c) of this subsection, the fee
34 required in this section must be paid by the owner of cattle
35 receiving a livestock inspection issued by an individual certified by
36 the department under chapter 16.57 RCW ~~((in the same manner as
37 livestock inspection fees are collected under RCW 16.57.220))~~.

1 Certified individuals shall collect fees at the time of inspection
2 and remit those fees to the department.

3 (b) The fee required in this section must be paid from the owner
4 of cattle not receiving a livestock inspection (~~(issued)~~) by an
5 individual certified by the department under chapter 16.57 RCW by the
6 fifteenth day of the month following the month the sale or
7 transportation out-of-state occurred, or at a different time as
8 designated by rule.

9 (c) When cattle are slaughtered, the fee required by this section
10 must be collected from the seller of the cattle by the meat
11 processor. The meat processor must transmit the fee to the department
12 by the fifteenth day of the month following the month the transaction
13 occurred, or at a different time as designated by rule. When cattle
14 owned by a meat processor are slaughtered, the fee must be paid by
15 the meat processor.

16 (4) All fees received by the department under this section must
17 be deposited in the animal disease traceability account in the
18 agricultural local fund created in RCW 43.23.230 to carry out animal
19 disease traceability activities for cattle and to compensate the
20 livestock identification program for data and fee collection.

21 (5) Any person failing to pay the fee established in this section
22 has committed a class 1 civil infraction punishable as provided in
23 RCW 7.80.120. Each violation is a separate and distinct offense.

24 **Sec. 8.** RCW 16.57.010 and 2010 c 66 s 5 are each reenacted and
25 amended to read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Brand" means a permanent fire brand or any artificial
29 mark (~~(, other than an individual identification symbol,)~~) approved by
30 the director to be used in conjunction with a brand or by itself.

31 (2) "Certificate of permit" means a form prescribed by and
32 obtained from the director that is completed by the owner or a person
33 authorized to act on behalf of the owner to show the ownership of
34 livestock. It is used to document ownership of livestock while in
35 transit within the state or on consignment to any public livestock
36 market, special sale, slaughter plant or certified feed lot. It does
37 not evidence inspection of livestock.

38 (3) "Department" means the department of agriculture of the state
39 of Washington.

1 (4) "Director" means the director of the department or his or her
2 duly authorized representative.

3 (5) "Horses" means horses, burros, and mules.

4 (6) "Individual identification certificate" means an inspection
5 certificate that authorizes the livestock owner to transport the
6 animal out of state multiple times within a set period of time.

7 (~~("Individual identification symbol" means a permanent mark~~
8 ~~placed on a horse for the purpose of individually identifying and~~
9 ~~registering the horse and which has been approved for use as such by~~
10 ~~the director.~~

11 ~~(8))~~ "Inspection certificate" means a certificate issued by
12 (~~the director or a veterinarian~~) an individual certified by the
13 director documenting the ownership of an animal based on an
14 inspection of the animal. It includes an individual identification
15 certificate.

16 (~~(9))~~ (8) "Livestock" includes, but is not limited to, horses,
17 mules, cattle, sheep, swine, and goats.

18 (~~(10))~~ (9) "Livestock inspection" or "inspection" means the
19 examination of livestock or livestock hides for brands or any means
20 of identifying livestock or livestock hides including the examination
21 of documents providing evidence of ownership.

22 (~~(11))~~ (10) "Microchipping" means the implantation of an
23 identification microchip or similar electronic identification device
24 to establish the identity of an individual animal:

25 (a) In the pipping muscle of a chick ratite or the implantation
26 of a microchip in the tail muscle of an otherwise unidentified adult
27 ratite;

28 (b) In the nuchal ligament of a horse unless otherwise specified
29 by rule of the director; and

30 (c) In locations of other livestock species as specified by rule
31 of the director when requested by an association of producers of that
32 species of livestock.

33 (~~(12))~~ (11) "Person" means a natural person, individual, firm,
34 partnership, corporation, company, society, and association, and
35 every officer, agent or employee thereof. This term shall import
36 either the singular or the plural as the case may be.

37 (~~(13))~~ (12) "Production record brand" means a number brand
38 which shall be used for production identification purposes only.

1 ~~((14))~~ (13) "Ratite" means, but is not limited to, ostrich,
2 emu, rhea, or other flightless bird used for human consumption,
3 whether live or slaughtered.

4 ~~((15))~~ (14) "Registering agency" means any person issuing an
5 individual identification symbol for the purpose of individually
6 identifying and registering a horse.

7 ~~((16) "Self-inspection certificate" means a form prescribed by
8 and obtained from the director that was completed and signed by the
9 buyer and seller of livestock to document a change in ownership
10 before June 10, 2010.))~~

11 **Sec. 9.** RCW 16.57.025 and 2003 c 326 s 6 are each amended to
12 read as follows:

13 The director may enter into agreements with Washington state
14 licensed and accredited veterinarians (~~(, who have been certified by
15 the director, to perform livestock inspection. Fees for livestock
16 inspection performed by a certified veterinarian shall be collected
17 by the veterinarian and remitted to the director. Veterinarians
18 providing livestock inspection may charge a fee for livestock
19 inspection that is in addition to and separate from fees collected
20 under RCW 16.57.220. The director may adopt rules necessary to
21 implement livestock inspection performed by veterinarians and may
22 adopt fees to cover the cost associated with certification of
23 veterinarians)) or other qualified individuals, who have been
24 certified by the director, to perform livestock inspection. Certified
25 individuals providing livestock inspection may charge a fee for
26 livestock inspection. The director may adopt rules necessary to
27 implement livestock inspection performed by certified individuals and
28 may adopt fees to cover the cost associated with certification of
29 individuals, management of records, and administrative oversight. A
30 certified individual under this section may not be considered an
31 employee of the department.~~

32 **Sec. 10.** RCW 16.57.160 and 2015 c 197 s 2 are each amended to
33 read as follows:

34 (1) The director may adopt rules:

35 (a) Designating any point for mandatory inspection of cattle or
36 horses or the furnishing of proof that cattle or horses passing or
37 being transported through the point have been inspected or identified
38 and are lawfully being transported;

1 (b) Providing for issuance of individual horse and cattle
2 identification certificates or other means of horse and cattle
3 identification;

4 (c) Designating the documents that constitute other satisfactory
5 proof of ownership for cattle and horses (~~(. A bill of sale may not be~~
6 ~~designated as documenting satisfactory proof of ownership for~~
7 ~~cattle)); and~~

8 (d) Designating when inspection certificates, certificates of
9 permit, or other transportation documents required by law or rule
10 must designate a physical address of a destination. Cattle and horses
11 must be delivered or transported directly to the physical address of
12 that destination.

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

17 (~~(3) A self-inspection certificate may be accepted as~~
18 ~~satisfactory proof of ownership for cattle if the director determines~~
19 ~~that the self-inspection certificate, together with other available~~
20 ~~documentation, sufficiently establishes ownership. Self-inspection~~
21 ~~certificates completed after June 10, 2010, are not satisfactory~~
22 ~~proof of ownership for cattle.~~

23 ~~(4) (a) Upon request by a milk producer licensed under chapter~~
24 ~~15.36 RCW, the department must issue an official individual~~
25 ~~identification tag to be placed by the producer before the first~~
26 ~~point of sale on bull calves and free-martins (infertile female~~
27 ~~calves) under thirty days of age. The fee for each tag is the cost to~~
28 ~~the department for manufacture, purchase, and distribution of the tag~~
29 ~~plus the applicable beef commission assessment. As used in this~~
30 ~~subsection (4), "green tag" means the official individual~~
31 ~~identification issued by the department.~~

32 ~~(b) Transactions involving unbranded dairy breed bull calves or~~
33 ~~free-martins (infertile female calves) not being moved or transported~~
34 ~~out of Washington are exempt from inspection requirements under this~~
35 ~~chapter only if:~~

36 ~~(i) The animal is under thirty days old and has not been~~
37 ~~previously bought or sold;~~

38 ~~(ii) The seller holds a valid milk producer's license under~~
39 ~~chapter 15.36 RCW;~~

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

3 ~~(iv) Each animal is officially identified as provided in (a) of~~
4 ~~this subsection; and~~

5 ~~(v) A certificate of permit and a bill of sale listing each~~
6 ~~animal's green tag accompanies the animal to the buyer's location.~~
7 ~~These documents do not constitute proof of ownership under this~~
8 ~~chapter.~~

9 ~~(c) All fees received under (a) of this subsection, except for~~
10 ~~the beef commission assessment, must be deposited in the animal~~
11 ~~disease traceability account in the agricultural local fund created~~
12 ~~in RCW 43.23.230.)~~

13 **Sec. 11.** RCW 16.57.280 and 2010 c 66 s 11 are each amended to
14 read as follows:

15 (1) No person shall knowingly have possession of any cattle or
16 horse marked with a recorded brand of another person unless the:

17 (a) Cattle or horse lawfully bears the person's own healed
18 recorded brand;

19 (b) Cattle or horse is accompanied by a certificate of permit
20 from the owner of the recorded brand;

21 (c) Cattle or horse is accompanied by an inspection certificate;

22 ~~(d) ((Cattle are accompanied by a self-inspection certificate~~
23 ~~meeting the requirements of RCW 16.57.010;~~

24 ~~(e))~~ Horse is accompanied by a bill of sale from the previous
25 owner; or

26 ~~((f))~~ (e) Cattle or horse is accompanied by other satisfactory
27 proof of ownership as designated in rule.

28 (2) A violation of this section constitutes a gross misdemeanor.

29 **Sec. 12.** RCW 16.57.290 and 2010 c 66 s 12 are each amended to
30 read as follows:

31 All cattle and horses that are not accompanied by a certificate
32 of permit, inspection certificate(~~(, self-inspection certificate)~~)
33 meeting the requirements of RCW 16.57.160, or other satisfactory
34 proof of ownership when offered for sale and presented for inspection
35 (~~by the director~~), shall be impounded(~~(. If theft is suspected, the~~
36 ~~director shall immediately initiate an investigation. If theft is not~~
37 ~~suspected, the animal shall be sold and the proceeds retained by the~~
38 ~~director. Upon the sale of the cattle or horses, the director)~~) by a

1 certified individual under RCW 16.57.025. If theft is suspected, the
2 certified individual shall immediately contact the local sheriff's
3 office. If theft is not suspected, the animal must be sold and the
4 proceeds retained by the director. Upon the sale of the cattle or
5 horses, a certified individual shall give the purchasers an
6 inspection certificate for the cattle or horses documenting their
7 ownership.

8 **Sec. 13.** RCW 16.57.353 and 2011 1st sp.s. c 21 s 52 are each
9 amended to read as follows:

10 (1) The director may adopt rules:

11 (a) To support the agriculture industry in meeting federal
12 requirements for the country-of-origin labeling of meat. Any
13 requirements established under this subsection for country of origin
14 labeling purposes shall be substantially consistent with and shall
15 not exceed the requirements established by the United States
16 department of agriculture; and

17 (b) (~~In consultation with the livestock identification advisory~~
18 ~~committee under RCW 16.57.015,~~) To implement federal requirements
19 for animal identification needed to trace the source of livestock for
20 disease control and response purposes.

21 (2) The director may cooperate with and enter into agreements
22 with other states and agencies of federal government to carry out
23 such systems and to promote consistency of regulation.

24 **Sec. 14.** RCW 16.57.450 and 2015 c 197 s 1 are each amended to
25 read as follows:

26 (1)(a) The director may establish an electronic cattle
27 transaction reporting system as a mechanism for reporting
28 transactions involving (~~unbranded dairy~~) cattle to the department.
29 The system may be used as an alternative to mandatory inspections
30 under RCW 16.57.160. However, it may only be used as an alternative
31 for (~~unbranded dairy~~) cattle that are (~~individually identified~~
32 ~~through an identification method authorized by the department~~)
33 identified with official electronic individual identification. All
34 other livestock transactions are subject to the provisions of RCW
35 16.57.160.

36 (b) Pursuant to criteria established by the director by rule, a
37 cattle transaction described in (a) of this subsection, that would
38 otherwise trigger a mandatory inspection under rules adopted pursuant

1 to RCW 16.57.160, is eligible to report electronically under this
2 section.

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

6 (2) A person may not electronically report transactions involving
7 (~~(unbranded dairy)~~) cattle under this section without first obtaining
8 an electronic cattle transaction reporting license from the director.
9 Applicants for an electronic cattle transaction reporting license
10 must submit an application to the department on a form provided by
11 the department and must include an application fee. The amount of the
12 application fee must be established by the director by rule
13 consistent with subsection (~~(+8)~~) (7) of this section.

14 (3) All holders of an electronic cattle transaction reporting
15 license must transmit to the department a record of each transaction
16 containing the (~~(unique)~~) official electronic individual
17 identification of each ((individual)) animal ((included in the
18 transaction as assigned through a department authorized
19 identification method)). The transmission required under this
20 subsection must be completed no more than twenty-four hours after a
21 qualifying transaction involving (~~(unbranded dairy)~~) cattle.

22 (4) All holders of an electronic cattle transaction reporting
23 license must keep accurate records of all transactions involving
24 (~~(unbranded dairy)~~) cattle and make those records available for
25 inspection by the department upon reasonable request during normal
26 business hours. All records of the licensed property must be retained
27 for at least three years.

28 (5) (a) The director may enter the property of the holder of an
29 electronic cattle transaction reporting license at any reasonable
30 time to conduct examinations and inspections of cattle and any
31 associated records for movement verification purposes.

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

35 (c) If the director is denied access to a property or cattle for
36 the purposes of this subsection, or a person fails to comply with an
37 order of the director, the director may apply to a court of competent
38 jurisdiction for a search warrant. To show that access is denied, the
39 director must file with the court an affidavit or declaration

1 containing a description of all attempts to notify and locate the
2 owner or owner's agent and secure consent.

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

7 (i) Fails to satisfy the reporting requirements as provided in
8 this section;

9 (ii) Knowingly makes false or inaccurate statements;

10 (iii) Has previously had an electronic cattle transaction
11 reporting license revoked;

12 (iv) Denies entry to property, cattle, or records as provided in
13 subsection (5) of this section; or

14 (v) Violates any other provision of this chapter or any rules
15 adopted under this chapter.

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

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

22 ~~(7) ((The department must submit an annual report to the
23 legislature, consistent with RCW 43.01.036, that documents all
24 examinations and inspections of cattle and records of electronic
25 cattle transaction reporting license holders performed by the
26 department either since the department's last report or since the
27 adoption of the electronic cattle transaction reporting system. The
28 annual report must also include details regarding any actions the
29 department took following the examinations and inspections. All
30 reports required under this section must be submitted by July 31st of
31 each year.~~

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

33 (i) Designating the conditions of licensure under this section
34 and the use of the electronic cattle transaction reporting system
35 authorized by this section;

36 (ii) Establishing an initial application fee and a license
37 renewal fee applicable to the electronic cattle transaction reporting
38 license; and

39 (iii) Establishing any fees that must be paid by the holder of an
40 electronic cattle transaction reporting license for reporting cattle

1 transactions through the electronic cattle transaction reporting
2 system.

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

7 **Sec. 15.** RCW 16.58.050 and 2003 c 326 s 49 are each amended to
8 read as follows:

9 (1) The application for an annual license to engage in the
10 business of operating one or more certified feed lots shall be
11 accompanied by a license fee of eight hundred fifty dollars.

12 (2) Upon approval of the application by the director and
13 compliance with the provisions of this chapter and rules adopted
14 under this chapter, the applicant shall be issued a license or
15 license renewal. (~~The director shall conduct an inspection of all
16 cattle and their corresponding ownership documents prior to issuing
17 an original license. The inspection fee is the higher of the current
18 inspection fee per head of cattle or time and mileage as set forth in
19 RCW 16.57.220~~) A certified individual under RCW 16.57.025 shall
20 conduct an inspection of all cattle and their corresponding ownership
21 documents prior to the director issuing an original license.
22 Certified individuals providing livestock inspection may charge a fee
23 for livestock inspection.

24 **Sec. 16.** RCW 16.58.095 and 2003 c 326 s 53 are each amended to
25 read as follows:

26 All cattle entering or reentering a certified feed lot must be
27 inspected upon entry, unless they are accompanied by an inspection
28 certificate issued by an individual certified by the director under
29 RCW 16.57.025, or any other agency authorized in any state or
30 Canadian province by law to issue a certificate. Licensees shall
31 immediately report a discrepancy between cattle entering or
32 reentering a certified feed lot and the inspection certificate
33 accompanying the cattle to (~~the nearest inspector immediately~~) an
34 individual certified by the director. A discrepancy may require an
35 inspection of all the cattle entering or reentering the lot, except
36 as may otherwise be provided by rule.

1 **Sec. 17.** RCW 16.58.100 and 2011 c 204 s 4 are each amended to
2 read as follows:

3 (1) (~~The director~~) An individual certified by the director
4 under RCW 16.57.025 shall conduct audits of the cattle received, fed,
5 handled, and shipped by the licensee at each certified feed lot.
6 These audits shall be for the purpose of determining if the cattle
7 correlate with the inspection certificates issued in their behalf and
8 that the certificate of assurance furnished the director by the
9 licensee correlates with his or her assurance that inspected cattle
10 were not commingled with uninspected cattle.

11 (2) The department (~~shall~~) may conduct an audit to determine
12 compliance with RCW 16.36.150 (~~at the time of conducting audits~~
13 ~~under subsection (1) of this section~~).

14 **Sec. 18.** RCW 16.58.110 and 2003 c 326 s 55 are each amended to
15 read as follows:

16 All certified feed lots shall furnish an individual certified by
17 the director with records as requested (~~by the director~~) on a
18 monthly basis on all cattle entering or on feed in the certified feed
19 lots and dispersed therefrom. These records must include a copy of
20 each inspection certificate received and an itemized listing of all
21 cattle entering and leaving the feed lot. All requested records shall
22 be subject to examination by the individual certified by the director
23 for the purpose of maintaining the integrity of the identity of all
24 the cattle. The individual certified by the director may make the
25 examinations only during regular business hours or (~~any working~~
26 ~~shift except~~) in an emergency to protect the interest of the owners
27 of the cattle.

28 **Sec. 19.** RCW 16.58.150 and 2003 c 326 s 58 are each amended to
29 read as follows:

30 No inspection shall be required when cattle are moved or
31 transferred from one certified feed lot to another when they are
32 accompanied by satisfactory proof of ownership and there is no change
33 of ownership or from a certified feed lot to a point within this
34 state, or out of state where this state maintains inspection, for the
35 purpose of immediate slaughter. Any change of ownership within a
36 certified feed lot requires a livestock inspection unless the cattle
37 are sent direct to slaughter. (~~An inspection fee as provided for in~~
38 ~~RCW 16.57.220 is payable to the director by the seller of the cattle~~

1 ~~or through the licensee as an agent.)~~) Upon notice by the director to
2 suspend a license under this section, a person may request a hearing
3 under chapter 34.05 RCW.

4 **Sec. 20.** RCW 16.65.090 and 2003 c 326 s 71 are each amended to
5 read as follows:

6 An individual certified by the director under RCW 16.57.025 shall
7 provide for livestock inspection. ((When livestock inspection is
8 required the licensee shall collect from the consignor and pay to the
9 department an inspection fee, as provided by law, for each animal
10 inspected. However, if in any one sale day the total fees collected
11 for inspection do not exceed one hundred dollars, then the licensee
12 shall pay one hundred dollars for the inspection services)) Certified
13 individuals providing livestock inspection may charge a fee for
14 livestock inspection. Certified individuals shall collect fees under
15 RCW 16.36.150 at the time of inspection and remit those fees to the
16 department.

17 **Sec. 21.** RCW 16.65.390 and 2003 c 326 s 85 are each amended to
18 read as follows:

19 Public livestock market facilities shall include adequate space
20 and facilities necessary for ~~((livestock inspectors and veterinarians~~
21 ~~to properly carry out their duties, as provided by law and rules~~
22 ~~adopted under law, in a safe and expeditious manner)) market~~
23 ~~veterinarians, federal veterinarians, or state veterinarians, and~~
24 ~~individuals certified by the director to properly carry out their~~
25 ~~functions as prescribed by law and rules adopted under law or as~~
26 ~~prescribed by applicable federal law or regulation.~~

27 NEW SECTION. **Sec. 22.** A new section is added to chapter 16.57
28 RCW to read as follows:

29 The department must allow use of credit and debit cards for
30 payment of fees to the department and its agents. The department must
31 establish a convenience fee to be paid by the credit or debit card
32 user whenever a credit or debit card is chosen as the payment method.
33 The fee must be sufficient to offset, but may not exceed, the charges
34 imposed on the department and its agents by credit and debit card
35 companies. In no event may the use of credit or debit cards
36 authorized by this section create a loss of revenue to the state.

1 NEW SECTION. **Sec. 23.** A new section is added to chapter 16.58
2 RCW to read as follows:

3 The department must allow use of credit and debit cards for
4 payment of fees to the department and its agents. The department must
5 establish a convenience fee to be paid by the credit or debit card
6 user whenever a credit or debit card is chosen as the payment method.
7 The fee must be sufficient to offset, but may not exceed, the charges
8 imposed on the department and its agents by credit and debit card
9 companies. In no event may the use of credit or debit cards
10 authorized by this section create a loss of revenue to the state.

11 NEW SECTION. **Sec. 24.** A new section is added to chapter 16.65
12 RCW to read as follows:

13 The department must allow use of credit and debit cards for
14 payment of fees to the department and its agents. The department must
15 establish a convenience fee to be paid by the credit or debit card
16 user whenever a credit or debit card is chosen as the payment method.
17 The fee must be sufficient to offset, but may not exceed, the charges
18 imposed on the department and its agents by credit and debit card
19 companies. In no event may the use of credit or debit cards
20 authorized by this section create a loss of revenue to the state.

21 NEW SECTION. **Sec. 25.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 16.57.015 (Livestock identification advisory committee—
24 Rule review—Fee setting) and 2011 1st sp.s. c 21 s 51, 2003 c 326 s
25 3, & 1993 c 354 s 10;

26 (2) RCW 16.57.165 (Agreements with others to perform livestock
27 inspection) and 2003 c 326 s 19 & 1971 ex.s. c 135 s 6;

28 (3) RCW 16.57.170 (Inspection of livestock, hides, records) and
29 2003 c 326 s 20 & 1959 c 54 s 17;

30 (4) RCW 16.57.180 (Search warrants) and 2003 c 326 s 21 & 1959 c
31 54 s 18;

32 (5) RCW 16.57.200 (Duty of owner or agent—Livestock inspection)
33 and 2003 c 326 s 22 & 1959 c 54 s 20;

34 (6) RCW 16.57.210 (Arrest without warrant) and 2003 c 326 s 23 &
35 1959 c 54 s 21;

36 (7) RCW 16.57.220 (Livestock inspection—Fee schedule—
37 Certificates) and 2010 c 66 s 7, 2006 c 156 s 1, 2003 c 326 s 24,

1 1997 c 356 s 3, 1997 c 356 s 2, 1995 c 374 s 49, & (1995 c 374 s 48
2 expired July 1, 1997);

3 (8) RCW 16.57.223 (Payment of inspection fee—Due at inspection—
4 Lien—Late fee) and 2003 c 326 s 25;

5 (9) RCW 16.57.230 (Charges for livestock inspection—Actual
6 inspection required) and 2003 c 326 s 26, 1995 c 374 s 50, & 1959 c
7 54 s 23;

8 (10) RCW 16.57.240 (Certificates of permit, inspection, self-
9 inspection) and 2010 c 66 s 8, 2003 c 326 s 27, 1995 c 374 s 51, 1991
10 c 110 s 4, 1985 c 415 s 8, 1981 c 296 s 18, & 1959 c 54 s 24;

11 (11) RCW 16.57.245 (Authority to stop vehicles carrying cattle or
12 horses) and 2010 c 66 s 10 & 2003 c 326 s 29;

13 (12) RCW 16.57.400 (Horse and cattle identification—Inspection
14 when consigned for sale) and 2003 c 326 s 44, 1994 c 46 s 20, 1993 c
15 354 s 9, 1981 c 296 s 23, & 1974 ex.s. c 38 s 3;

16 (13) RCW 16.57.410 (Horses—Registering agencies—Permit required
17 —Fee—Records—Identification symbol inspections—Rules) and 2003 c
18 326 s 45, 1993 c 354 s 11, 1989 c 286 s 25, & 1981 c 296 s 35;

19 (14) RCW 16.57.430 (Replacement copies of brand inspection
20 documents—Rules—Fees) and 2010 c 66 s 13;

21 (15) RCW 16.58.130 (Feed lots—Fee for each head of cattle handled
22 —Failure to pay) and 2006 c 156 s 2, 2003 c 326 s 56, 1997 c 356 s 7,
23 1997 c 356 s 6, 1994 c 46 s 24, 1994 c 46 s 15, 1993 c 354 s 4, 1991
24 c 109 s 14, 1979 c 81 s 4, & 1971 ex.s. c 181 s 13;

25 (16) RCW 16.58.140 (Disposition of fees) and 2003 c 326 s 57,
26 1979 c 81 s 5, & 1971 ex.s. c 181 s 14; and

27 (17) RCW 16.65.100 (Livestock inspection—Purchaser's fee) and
28 2003 c 326 s 72, 1983 c 298 s 9, & 1959 c 107 s 10."

29 Correct the title.

EFFECT: Retains provisions of the underlying bill with the following changes:

Adds language expressing legislative intent to terminate some, instead of all, of the Department of Agriculture's (Department) livestock identification program activities; ensure that animal disease traceability is not adversely affected; and enhance the electronic cattle transaction reporting system (ECTR) to track in-state cattle movement.

Reinstates the Director of the Department's (Director) authority to license feedlots.

Reinstates definitions and authorities for the Department to issue individual identification certificates.

Clarifies that the Director may enter into agreements with veterinarians or other qualified individuals to conduct livestock inspections and impound certain livestock offered for sale but not accompanied by proof of ownership. Such individuals are not considered employees of the Department. The Department may adopt fees to cover costs associated with records management and administrative oversight in addition to costs associated with certification.

Requires the Department to allow the use of credit or debit cards to pay fees.

Provides that the applicable county sheriff, rather than brand inspector, may direct unclaimed impounded livestock to be sold at public sale.

Makes additional changes to align with the removal of the Department's livestock inspection fee-setting authority and the expansion of the ECTR system.

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