

SSB 5733 - H COMM AMD

By Committee on Agriculture & Natural Resources

ADOPTED 4/9/2015

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 16.57
4 RCW to read as follows:

5 (1)(a) The director may establish an electronic cattle
6 transaction reporting system as a mechanism for reporting
7 transactions involving unbranded dairy cattle to the department. The
8 system may be used as an alternative to mandatory inspections under
9 RCW 16.57.160. However, it may only be used as an alternative for
10 unbranded dairy cattle that are individually identified through an
11 identification method authorized by the department. All other
12 livestock transactions are subject to the provisions of RCW
13 16.57.160.

14 (b) Pursuant to criteria established by the director by rule, a
15 cattle transaction described in (a) of this subsection, that would
16 otherwise trigger a mandatory inspection under rules adopted pursuant
17 to RCW 16.57.160, is eligible to report electronically under this
18 section.

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

22 (2) A person may not electronically report transactions involving
23 unbranded dairy cattle under this section without first obtaining an
24 electronic cattle transaction reporting license from the director.
25 Applicants for an electronic cattle transaction reporting license
26 must submit an application to the department on a form provided by
27 the department and must include an application fee. The amount of the
28 application fee must be established by the director by rule
29 consistent with subsection (8) of this section.

30 (3) All holders of an electronic cattle transaction reporting
31 license must transmit to the department a record of each transaction
32 containing the unique identification of each individual animal
33 included in the transaction as assigned through a department-

1 authorized identification method. The transmission required under
2 this subsection must be completed no more than twenty-four hours
3 after a qualifying transaction involving unbranded dairy cattle.

4 (4) All holders of an electronic cattle transaction reporting
5 license must keep accurate records of all transactions involving
6 unbranded dairy cattle and make those records available for
7 inspection by the department upon reasonable request during normal
8 business hours. All records of the licensed property must be retained
9 for at least three years.

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

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

17 (c) If the director is denied access to a property or cattle for
18 the purposes of this subsection, or a person fails to comply with an
19 order of the director, the director may apply to a court of competent
20 jurisdiction for a search warrant. To show that access is denied, the
21 director must file with the court an affidavit or declaration
22 containing a description of all attempts to notify and locate the
23 owner or owner's agent and secure consent.

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

28 (i) Fails to satisfy the reporting requirements as provided in
29 this section;

30 (ii) Knowingly makes false or inaccurate statements;

31 (iii) Has previously had an electronic cattle transaction
32 reporting license revoked;

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

35 (v) Violates any other provision of this chapter or any rules
36 adopted under this chapter.

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

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

4 (7) The department must submit an annual report to the
5 legislature, consistent with RCW 43.01.036, that documents all
6 examinations and inspections of cattle and records of electronic
7 cattle transaction reporting license holders performed by the
8 department either since the department's last report or since the
9 adoption of the electronic cattle transaction reporting system. The
10 annual report must also include details regarding any actions the
11 department took following the examinations and inspections. All
12 reports required under this section must be submitted by July 31st of
13 each year.

14 (8)(a) The director may adopt rules:

15 (i) Designating the conditions of licensure under this section
16 and the use of the electronic cattle transaction reporting system
17 authorized by this section;

18 (ii) Establishing an initial application fee and a license
19 renewal fee applicable to the electronic cattle transaction reporting
20 license; and

21 (iii) Establishing any fees that must be paid by the holder of an
22 electronic cattle transaction reporting license for reporting cattle
23 transactions through the electronic cattle transaction reporting
24 system.

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

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

31 (1) The director may adopt rules:

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

36 (b) Providing for issuance of individual horse and cattle
37 identification certificates or other means of horse and cattle
38 identification;

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

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

10 (2) The director may establish a process to electronically report
11 transactions involving unbranded dairy cattle under section 1 of this
12 act as an alternative to the mandatory cattle inspections required by
13 department rule adopted pursuant to this section.

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

20 ((+3)) (4)(a) Upon request by a milk producer licensed under
21 chapter 15.36 RCW, the department must issue an official individual
22 identification tag to be placed by the producer before the first
23 point of sale on bull calves and free-martins (infertile female
24 calves) under thirty days of age. The fee for each tag is the cost to
25 the department for manufacture, purchase, and distribution of the tag
26 plus the applicable beef commission assessment. As used in this
27 subsection ((+3)) (4), "green tag" means the official individual
28 identification issued by the department.

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

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

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

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

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

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

5 (c) All fees received under (a) of this subsection, except for
6 the beef commission assessment, must be deposited in the animal
7 disease traceability account in the agricultural local fund created
8 in RCW 43.23.230."

9 Correct the title.

EFFECT: (1) Narrows the scope of the authorization for the electronic cattle transaction reporting system (system) so that the system may be used only to report transactions involving unbranded dairy cattle that are individually identified through an identification method authorized by the Washington state department of agriculture (WSDA), rather than transactions involving all cattle;

(2) Requires the holder of an electronic cattle transaction reporting license to transmit to the WSDA, within twenty-four hours of each qualifying transaction involving unbranded dairy cattle, a record of each transaction containing the unique identification of each individual animal included in the transaction as assigned through a WSDA-authorized identification method; and

(3) Requires the WSDA to submit an annual report to the legislature that documents the examinations and inspections of cattle and records belonging to holders of electronic cattle transaction reporting licenses that the department performed that year and to include details regarding any actions the WSDA took following the examinations and inspections.

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