
SUBSTITUTE SENATE BILL 5443

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Barr and Loveland; by request of Department of Agriculture)

Read first time 02/19/93.

1 AN ACT Relating to livestock identification, public livestock
2 markets, and certified feed lots; amending RCW 16.65.030, 16.65.090,
3 16.58.050, 16.58.130, 16.57.080, 16.57.090, 16.57.140, 16.57.220, and
4 16.57.400; and adding a new section to chapter 16.57 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 16.65.030 and 1991 c 17 s 1 are each amended to read
7 as follows:

8 (1) On and after June 10, 1959, no person shall operate a public
9 livestock market without first having obtained a license from the
10 director. Application for such license or renewal thereof shall be in
11 writing on forms prescribed by the director, and shall include the
12 following:

13 (a) A legal description of the property upon which the public
14 livestock market shall be located.

15 (b) A complete description and blueprints or plans of the public
16 livestock market physical plant, yards, pens, and all facilities the
17 applicant proposes to use in the operation of such public livestock
18 market.

1 (c) A detailed statement showing all the assets and liabilities of
2 the applicant which must reflect a sufficient net worth to construct or
3 operate a public livestock market.

4 (d) The schedule of rates and charges the applicant proposes to
5 impose on the owners of livestock for services rendered in the
6 operation of such livestock market.

7 (e) The weekly or monthly sales day or days on which the applicant
8 proposes to operate his or her public livestock market sales.

9 (f) Projected source and quantity of livestock, by county,
10 anticipated to be handled.

11 (g) Projected income and expense statements for the first year's
12 operation.

13 (h) Facts upon which are based the conclusion that the trade area
14 and the livestock industry will benefit because of the proposed market.

15 (i) Such other information as the director may reasonably require.

16 (2) The director shall, after public hearing as provided by chapter
17 34.05 RCW, grant or deny an application for original license for a
18 public livestock market after considering evidence and testimony
19 relating to all of the requirements of this section and giving
20 reasonable consideration at the same hearing to:

21 (a) Benefits to the livestock industry to be derived from the
22 establishment and operation of the public livestock market proposed in
23 the application; and

24 (b) The present market services elsewhere available to the trade
25 area proposed to be served.

26 (3) Such application shall be accompanied by a license fee based on
27 the average gross sales volume per official sales day of that market:

28 (a) Markets with an average gross sales volume up to and including
29 ten thousand dollars, a fee of no less than one hundred ((dollar-fee))
30 dollars or more than one hundred fifty dollars;

31 (b) Markets with an average gross sales volume over ten thousand
32 dollars and up to and including fifty thousand dollars, a fee of no
33 less than two hundred ((dollar-fee)) dollars or more than three hundred
34 fifty dollars; and

35 (c) Markets with an average gross sales volume over fifty thousand
36 dollars, a fee of no less than three hundred ((dollar-fee)) dollars or
37 more than four hundred fifty dollars.

1 The fees for public livestock market licensees shall be set by the
2 director subsequent to a hearing under chapter 34.05 RCW and based upon
3 section 10 of this act.

4 (4) Any applicant operating more than one public livestock market
5 shall make a separate application for a license to operate each such
6 public livestock market, and each such application shall be accompanied
7 by the appropriate license fee.

8 (5) Upon the approval of the application by the director and
9 compliance with the provisions of this chapter, the applicant shall be
10 issued a license or renewal thereof. Any license issued under the
11 provisions of this chapter shall only be valid at location and for the
12 sales day or days for which the license was issued.

13 **Sec. 2.** RCW 16.65.090 and 1983 c 298 s 8 are each amended to read
14 as follows:

15 The director shall provide for brand inspection. When such brand
16 inspection is required the licensee shall collect from the consignor
17 and pay to the department, as provided by law, a fee for brand
18 inspection for each animal consigned to the public livestock market or
19 special open consignment horse sale(~~(:—PROVIDED, That)~~). If in any
20 one sale day the total fees collected for brand inspection do not
21 exceed an amount of not less than sixty dollars or no more than ninety
22 dollars, then such licensee shall pay ((sixty dollars)) the minimum
23 amount prescribed by the director subsequent to a hearing under chapter
24 34.05 RCW and based upon section 10 of this act, for such brand
25 inspection ((or as much thereof as the director may prescribe)).

26 **Sec. 3.** RCW 16.58.050 and 1979 c 81 s 2 are each amended to read
27 as follows:

28 The application for an annual license to engage in the business of
29 operating one or more certified feed lots shall be accompanied by a
30 license fee of no less than five hundred dollars or no more than seven
31 hundred fifty dollars. The actual license fee for a certified feed lot
32 license shall be prescribed by the director subsequent to a hearing
33 under chapter 34.05 RCW and based upon section 10 of this act. Upon
34 approval of the application by the director and compliance with the
35 provisions of this chapter and rules ((and regulations)) adopted
36 hereunder, the applicant shall be issued a license or a renewal
37 thereof.

1 **Sec. 4.** RCW 16.58.130 and 1991 c 109 s 14 are each amended to read
2 as follows:

3 Each licensee shall pay to the director a fee of no less than ten
4 cents but no more than fifteen cents for each head of cattle handled
5 through the licensee's feed lot. Payment of such fee shall be made by
6 the licensee on a monthly basis. Failure to pay as required shall be
7 grounds for suspension or revocation of a certified feed lot license.
8 Further, the director shall not renew a certified feed lot license if
9 a licensee has failed to make prompt and timely payments.

10 **Sec. 5.** RCW 16.57.080 and 1991 c 110 s 1 are each amended to read
11 as follows:

12 The director shall establish by rule a schedule for the renewal of
13 registered brands. The fee for renewal of the brands shall be no less
14 than twenty-five dollars for each two-year period of brand ownership,
15 except that the director may, in adopting a renewal schedule, provide
16 for the collection of renewal fees on a prorated basis and may increase
17 the registration and renewal fee for brands by no more than fifty
18 percent subsequent to a hearing under chapter 34.05 RCW and based upon
19 section 10 of this act. At least one hundred twenty days before the
20 expiration of a registered brand, the director shall notify by letter
21 the owner of record of the brand that on the payment of the requisite
22 application fee and application of renewal the director shall issue the
23 proof of payment allowing the brand owner exclusive ownership and use
24 of the brand for the subsequent registration period. The failure of
25 the registered owner to pay the renewal fee by the date required by
26 rule shall cause such owner's brand to revert to the department. The
27 director may for a period of one year following such reversion, reissue
28 such brand only to the prior registered owner upon payment of (~~twenty-~~
29 ~~five dollars and an additional fee of ten dollars~~) the registration
30 fee and a late filing fee to be prescribed by the director subsequent
31 to a hearing under chapter 34.05 RCW and based upon section 10 of this
32 act, for renewal subsequent to the regular renewal period. The
33 director may at (~~his~~) the director's discretion, if such brand is not
34 reissued within one year to the prior registered owner, issue such
35 brand to any other applicant.

36 **Sec. 6.** RCW 16.57.090 and 1974 ex.s. c 64 s 3 are each amended to
37 read as follows:

1 A brand is the personal property of the owner of record. Any
2 instrument affecting the title of such brand shall be acknowledged in
3 the presence of the recorded owner and a notary public. The director
4 shall record such instrument upon presentation and payment of a (~~ten~~
5 ~~dollar~~) recording fee not to exceed fifteen dollars to be prescribed
6 by the director subsequent to a hearing under chapter 34.05 RCW and
7 based upon section 10 of this act. Such recording shall be
8 constructive notice to all the world of the existence and conditions
9 affecting the title to such brand. A copy of all records concerning
10 the brand, certified by the director, shall be received in evidence to
11 all intent and purposes as the original instrument. The director shall
12 not be personally liable for failure of (~~his~~) the director's agents
13 to properly record such instrument.

14 **Sec. 7.** RCW 16.57.140 and 1974 ex.s. c 64 s 4 are each amended to
15 read as follows:

16 The owner of a brand of record may procure from the director a
17 certified copy of the record of (~~his~~) the owner's brand upon payment
18 of (~~five dollars~~) a fee not to exceed seven dollars and fifty cents
19 to be prescribed by the director subsequent to a hearing under chapter
20 34.05 RCW and based upon section 10 of this act.

21 **Sec. 8.** RCW 16.57.220 and 1981 c 296 s 17 are each amended to read
22 as follows:

23 The director shall cause a charge to be made for all brand
24 inspection of cattle and horses required under this chapter and rules
25 (~~and regulations~~) adopted hereunder. Such charges shall be paid to
26 the department by the owner or person in possession unless requested by
27 the purchaser and then such brand inspection shall be paid by the
28 purchaser requesting such brand inspection. Such inspection charges
29 shall be due and payable at the time brand inspection is performed and
30 shall be paid upon billing by the department and if not shall
31 constitute a prior lien on the cattle or cattle hides or horses or
32 horse hides brand inspected until such charge is paid. The director in
33 order to best utilize the services of the department in performing
34 brand inspection (~~shall~~) may establish schedules by days and hours
35 when a brand inspector will be on duty to perform brand inspection at
36 established inspection points. The fees for brand inspection
37 (~~performed at inspection points according to schedules established by~~

1 ~~the director~~) shall be not less than (~~thirty cents nor more than~~)
2 fifty cents nor more than seventy-five cents per head for cattle and
3 not less than two dollars nor more than three dollars per head for
4 horses as prescribed by the director subsequent to a hearing under
5 chapter 34.05 RCW and based upon section 10 of this act. Fees for
6 brand inspection of cattle and horses performed by the director at
7 points other than those designated by the director or not in accord
8 with the schedules established by (~~him~~) the director shall be based
9 on a fee schedule not to exceed actual net cost to the department of
10 performing the brand inspection service. Such schedule of fees shall
11 be established subsequent to a hearing and all regulations concerning
12 fees shall be adopted in accord with the provisions of chapter 34.05
13 RCW, the Administrative Procedure Act, concerning the adoption of rules
14 as enacted or hereafter amended.

15 **Sec. 9.** RCW 16.57.400 and 1981 c 296 s 23 are each amended to read
16 as follows:

17 The director may provide by rules and regulations adopted pursuant
18 to chapter 34.05 RCW for the issuance of individual horse and cattle
19 identification certificates or other means of horse and cattle
20 identification deemed appropriate. Such certificates or other means of
21 identification shall be valid only for the use of the horse and cattle
22 owner in whose name it is issued.

23 Horses and cattle identified pursuant to the provisions of this
24 section and the rules and regulations adopted hereunder shall not be
25 subject to brand inspection except when sold at points provided for in
26 RCW 16.57.380. The director shall charge a fee for the certificates or
27 other means of identification authorized pursuant to this section and
28 no identification shall be issued until the director has received the
29 fee. The schedule of fees shall be established in accordance with the
30 provisions of chapter 34.05 RCW.

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

33 The director shall establish a board for the livestock
34 identification program that will consist of six members, one each
35 representing the following organizations:

- 36 (1) Washington cattlemen's association.
37 (2) Washington livestock marketing association.

- 1 (3) Washington state horse council.
- 2 (4) Washington state dairy federation.
- 3 (5) Washington cattle feeders association.
- 4 (6) Northwest meat processors association.

5 Should any of the organizations identified in this section merge
6 with any of the other listed organizations, there shall continue to be
7 a position held for each segment of the livestock industry currently
8 represented by the organizations listed in this section and each
9 representative will continue to be selected from the segment of the
10 industry that person represents. The representatives of these
11 organizations shall be elected by the representative organizations.
12 Each representative may serve for one or more three year terms. A
13 staggered schedule of these terms shall be adopted by rule. No funds
14 shall be provided to any member of this advisory board for their
15 participation in committee meetings, unless the director determines
16 that some reimbursement should be provided to any board member who may
17 be selected by the board to attend a national or regional conference or
18 meeting related to livestock identification.

19 The purpose of this board shall be to mutually cooperate with the
20 director for any changes in any of the fees to be charged for the
21 licensing of public livestock markets, brand recording, brand
22 inspection of cattle or horses, certified feed lots, and for any
23 inspection fees to be paid by public livestock market operators and any
24 assessments to be paid by certified feed lots. The board shall also
25 mutually cooperate with the director regarding the administration of
26 the livestock identification program regarding program policies and any
27 proposed law or rule changes affecting the livestock identification
28 program.

--- END ---