
HOUSE BILL 2887

State of Washington

55th Legislature

1998 Regular Session

By Representatives Chandler, Honeyford and Schoesler

Read first time 01/21/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to identification of livestock; amending RCW
2 16.57.010, 16.57.015, 16.57.020, 16.57.030, 16.57.040, 16.57.070,
3 16.57.080, 16.57.090, 16.57.100, 16.57.105, 16.57.110, 16.57.120,
4 16.57.130, 16.57.140, 16.57.150, 16.57.160, 16.57.165, 16.57.170,
5 16.57.180, 16.57.200, 16.57.210, 16.57.220, 16.57.230, 16.57.240,
6 16.57.260, 16.57.270, 16.57.275, 16.57.280, 16.57.290, 16.57.300,
7 16.57.310, 16.57.320, 16.57.330, 16.57.340, 16.57.350, 16.57.360,
8 16.57.370, 16.57.380, 16.57.400, 16.57.407, 16.57.410, 16.57.420,
9 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070,
10 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.120, 16.58.130,
11 16.58.140, 16.58.150, 16.58.160, 16.65.010, 16.65.015, 16.65.020,
12 16.65.030, 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080,
13 16.65.090, 16.65.100, 16.65.110, 16.65.140, 16.65.190, 16.65.200,
14 16.65.220, 16.65.235, 16.65.250, 16.65.260, 16.65.270, 16.65.280,
15 16.65.290, 16.65.300, 16.65.310, 16.65.320, 16.65.330, 16.65.340,
16 16.65.350, 16.65.360, 16.65.420, 16.65.422, 16.65.423, 16.65.424,
17 16.65.445, 16.65.450, 16.04.025, and 39.29.040; reenacting and amending
18 RCW 41.06.070; adding new sections to chapter 16.57 RCW; creating a new
19 section; repealing 1997 c 356 s 3; repealing 1997 c 356 s 5; repealing
20 1997 c 356 s 9; repealing 1997 c 356 s 11; and prescribing penalties.

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

2 **Sec. 1.** RCW 16.57.010 and 1996 c 105 s 1 are each amended to read
3 as follows:

4 For the purpose of this chapter:

5 (1) "Department" means the department of agriculture of the state
6 of Washington.

7 (2) "Director" means the director of the department or a duly
8 appointed representative.

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

13 (4) "Livestock" includes, but is not limited to, horses, mules,
14 cattle, sheep, swine, goats, poultry and rabbits.

15 (5) "Brand" means a permanent fire brand or any artificial mark,
16 other than an individual identification symbol, approved by the
17 (~~director~~) board to be used in conjunction with a brand or by itself.

18 (6) "Production record brand" means a number brand which shall be
19 used for production identification purposes only.

20 (7) "~~(Brand)~~ Livestock inspection" means the examination of
21 livestock or livestock hides for brands or any means of identifying
22 livestock or livestock hides and/or the application of any artificial
23 identification such as back tags or ear clips necessary to preserve the
24 identity of the livestock or livestock hides examined.

25 (8) "Individual identification symbol" means a permanent mark
26 placed on a horse for the purpose of individually identifying and
27 registering the horse and which has been approved for use as such by
28 the (~~director~~) board.

29 (9) "Registering agency" means any person issuing an individual
30 identification symbol for the purpose of individually identifying and
31 registering a horse.

32 (10) "Poultry" means chickens, turkeys, ratites, and other
33 domesticated fowl.

34 (11) "Ratite" means, but is not limited to, ostrich, emu, rhea, or
35 other flightless bird used for human consumption, whether live or
36 slaughtered.

37 (12) "Ratite farming" means breeding, raising, and rearing of an
38 ostrich, emu, or rhea in captivity or an enclosure.

1 (13) "Microchipping" means the implantation of an identification
2 microchip or similar electronic identification device to establish the
3 identity of an individual animal:

4 (a) In the pipping muscle of a chick ratite or the implantation of
5 a microchip in the tail muscle of an otherwise unidentified adult
6 ratite;

7 (b) In the nuchal ligament of a horse unless otherwise specified by
8 rule of the ~~((director))~~ board; and

9 (c) In locations of other livestock species as specified by rule of
10 the ~~((director))~~ board when requested by an association of producers of
11 that species of livestock.

12 (14) "Livestock identification board" or "board" means the body of
13 five members appointed by the governor that includes one beef producer,
14 one cattle feeder, one dairy producer, one livestock market owner, and
15 one horse producer.

16 **Sec. 2.** RCW 16.57.015 and 1993 c 354 s 10 are each amended to read
17 as follows:

18 ~~(1) ((The director shall establish a livestock identification~~
19 ~~advisory board. The board shall be composed of six members appointed~~
20 ~~by the director. One member shall represent each of the following~~
21 ~~groups: Beef producers, public livestock market operators, horse~~
22 ~~owners, dairy farmers, cattle feeders, and meat processors. In making~~
23 ~~appointments, the director shall solicit nominations from organizations~~
24 ~~representing these groups state wide.~~

25 ~~(2) The purpose of the board is to provide advice to the director~~
26 ~~regarding livestock identification programs administered under this~~
27 ~~chapter and regarding brand inspection fees and related licensing fees.~~
28 ~~The director shall consult the board before adopting, amending, or~~
29 ~~repealing a rule under this chapter or altering a fee under RCW~~
30 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director~~
31 ~~publishes in the state register a proposed rule to be adopted under the~~
32 ~~authority of this chapter or a proposed rule setting a fee under RCW~~
33 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not~~
34 ~~received the approval of the advisory board, the director shall file~~
35 ~~with the board a written statement setting forth the director's reasons~~
36 ~~for proposing the rule without the board's approval.~~

37 ~~(3) The members of the advisory board serve three year terms.~~
38 ~~However, the director shall by rule provide shorter initial terms for~~

1 ~~some of the members of the board to stagger the expiration of the~~
2 ~~initial terms. The members serve without compensation. The director~~
3 ~~may authorize the expenses of a member to be reimbursed if the member~~
4 ~~is selected to attend a regional or national conference or meeting~~
5 ~~regarding livestock identification. Any such reimbursement shall be in~~
6 ~~accordance with RCW 43.03.050 and 43.03.060.))~~ There is established a
7 Washington state livestock identification board. The board is composed
8 of five members appointed by the governor and includes one beef
9 producer, one cattle feeder, one dairy producer, one livestock market
10 owner, and one horse producer. The governor shall appoint members to
11 the board from nominees by organizations representing these groups
12 state-wide. Three members of the initial board shall be appointed for
13 two years and two members shall be appointed for three years,
14 thereafter members shall be appointed for a three-year term. Members
15 may succeed themselves.

16 (2) The board shall administer the livestock identification program
17 which includes the review of recording and registration of brands,
18 approval of all expenditures from the livestock identification account,
19 administration of the inspection and enforcement activities including
20 the employment of personnel, fee setting, and holding hearings and
21 adopting rules for the administration of the livestock identification
22 program.

23 (3) The board may contract with another agency or a private or
24 nonprofit corporation or company for registration and recording or for
25 livestock inspection or investigation work and fix the compensation and
26 terms of the contract.

27 (4) Members of the board shall receive compensation as provided by
28 RCW 43.03.240 and travel expenses to meetings or in otherwise carrying
29 out the duties of the board as provided under RCW 43.03.050 and
30 43.03.060. The board shall meet at least quarterly in each calendar
31 year. The board shall hire staff as necessary to carry out its duties.

32 NEW SECTION. Sec. 3. A new section is added to chapter 16.57 RCW
33 to read as follows:

34 There is established a Washington state livestock identification
35 account in the custody of the state treasurer into which all moneys
36 collected or received from registration, recording, inspection, or
37 enforcement under this chapter and chapter 16.58 RCW and moneys
38 collected or received by the board under chapter 16.65 RCW shall be

1 deposited. These moneys shall be used solely for the Washington state
2 livestock identification program. Only the board may authorize
3 expenditures from this account. The account is subject to allotment
4 procedures under chapter 43.88 RCW, but an appropriation is not
5 required for expenditures.

6 **Sec. 4.** RCW 16.57.020 and 1994 c 46 s 7 are each amended to read
7 as follows:

8 The ~~((director))~~ board shall be the recorder of livestock brands
9 and such brands shall not be recorded elsewhere in this state. Any
10 person desiring to register a livestock brand shall apply on a form
11 prescribed by the ~~((director))~~ board. Such application shall be
12 accompanied by a facsimile of the brand applied for and a ~~((thirty-~~
13 ~~five))~~ seventy-dollar recording fee. The ~~((director))~~ board shall,
14 upon ~~((his or her))~~ their satisfaction that the application and brand
15 facsimile meet the requirements of this chapter and/or rules adopted
16 hereunder, record such brand.

17 The director of agriculture may be designated by the board as the
18 recorder of livestock brands. The recording fee shall be deposited by
19 the director in the Washington state livestock identification account
20 and shall be used solely for livestock identification program purposes
21 as provided in this chapter and only as authorized by the board.

22 NEW SECTION. **Sec. 5.** A new section is added to chapter 16.57 RCW
23 to read as follows:

24 The board may designate another agency or private or nonprofit
25 corporation or company to register and record brands or do livestock
26 inspection or investigation work within the state of Washington. A
27 designated entity shall comply with this chapter and the rules adopted
28 by the board.

29 **Sec. 6.** RCW 16.57.030 and 1959 c 54 s 3 are each amended to read
30 as follows:

31 The ~~((director))~~ board shall not record tattoo brands or marks for
32 any purpose subsequent to the enactment of this chapter. However, all
33 tattoo brands and marks of record on the date of the enactment of this
34 chapter shall be recognized as legal ownership brands or marks.

1 **Sec. 7.** RCW 16.57.040 and 1974 ex.s. c 64 s 1 are each amended to
2 read as follows:

3 The ~~((director))~~ board may provide for the use of production record
4 brands. Numbers for such brands shall be issued at the discretion of
5 the ~~((director))~~ board and shall be placed on livestock immediately
6 below the registered ownership brand or any other location prescribed
7 by the ~~((director))~~ board.

8 **Sec. 8.** RCW 16.57.070 and 1959 c 54 s 7 are each amended to read
9 as follows:

10 The ~~((director))~~ board shall determine conflicting claims between
11 applicants to a brand, and in so doing shall consider the priority of
12 applicants.

13 **Sec. 9.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read
14 as follows:

15 ~~((The director shall establish by rule a schedule for the renewal
16 of registered brands.))~~ The fee for the renewal of ~~((the))~~ a
17 brand~~((s))~~ registration shall be ~~((no less than twenty five))~~ seventy
18 dollars for each two-year period of brand ownership, except that the
19 ~~((director))~~ board may~~((, in adopting a renewal schedule,))~~ provide for
20 the collection of renewal fees on a prorated basis ~~((and may by rule
21 increase the registration and renewal fee for brands by no more than
22 fifty percent subsequent to a hearing under chapter 34.05 RCW and in
23 conformance with RCW 16.57.015))~~. At least sixty days before the
24 expiration of a registered brand, the ~~((director))~~ board shall notify
25 by letter the owner of record of the brand that on the payment of the
26 requisite application fee and application of renewal the ~~((director))~~
27 board shall issue the proof of payment allowing the brand owner
28 exclusive ownership and use of the brand for the subsequent
29 registration period. The failure of the registered owner to pay the
30 renewal fee by the date required by rule shall cause such owner's brand
31 to revert to the department. The ~~((director))~~ board may for a period
32 of one year following such reversion, reissue such brand only to the
33 prior registered owner upon payment of the registration fee and a late
34 filing fee ~~((to be prescribed by the director by rule subsequent to a
35 hearing under chapter 34.05 RCW and in conformance with RCW
36 16.57.015,))~~ of twenty dollars for renewal subsequent to the regular
37 renewal period. The ~~((director))~~ board may at the ~~((director's))~~

1 board's discretion, if such brand is not reissued within one year to
2 the prior registered owner, issue such brand to any other applicant.

3 **Sec. 10.** RCW 16.57.090 and 1994 c 46 s 17 are each amended to read
4 as follows:

5 A brand is the personal property of the owner of record. Any
6 instrument affecting the title of such brand shall be acknowledged in
7 the presence of the recorded owner and a notary public. The
8 ((~~director~~)) board shall record such instrument upon presentation and
9 payment of a recording fee not to exceed fifteen dollars to be
10 prescribed by the ((~~director~~)) board by rule subsequent to a hearing
11 under chapter 34.05 RCW and in conformance with RCW 16.57.015. Such
12 recording shall be constructive notice to all the world of the
13 existence and conditions affecting the title to such brand. A copy of
14 all records concerning the brand, certified by the ((~~director~~)) board,
15 shall be received in evidence to all intent and purposes as the
16 original instrument. The ((~~director~~)) board shall not be personally
17 liable for failure of the ((~~director's~~)) board's agents to properly
18 record such instrument.

19 **Sec. 11.** RCW 16.57.100 and 1971 ex.s. c 135 s 3 are each amended
20 to read as follows:

21 The right to use a brand shall be evidenced by the original
22 certificate issued by the ((~~director~~)) board showing that the brand is
23 of present record or a certified copy of the record of such brand
24 showing that it is of present record. A healed brand of record on
25 livestock shall be prima facie evidence that the recorded owner of such
26 brand has legal title to such livestock and is entitled to its
27 possession: PROVIDED, That the ((~~director~~)) board may require
28 additional proof of ownership of any animal showing more than one
29 healed brand.

30 **Sec. 12.** RCW 16.57.105 and 1967 c 240 s 38 are each amended to
31 read as follows:

32 Any person having a brand recorded with the department shall have
33 a preemptory right to use such brand and its design under any newly
34 approved method of branding adopted by the ((~~director~~)) board.

1 **Sec. 13.** RCW 16.57.110 and 1959 c 54 s 11 are each amended to read
2 as follows:

3 No brand shall be placed on livestock that is not permanent in
4 nature and of a size that is not readily visible. The ((~~director~~))
5 board, in order to assure that brands are readily visible, may
6 prescribe the size of branding irons to be used for ownership brands.

7 **Sec. 14.** RCW 16.57.120 and 1991 c 110 s 2 are each amended to read
8 as follows:

9 No person shall remove or alter a brand of record on livestock
10 without first having secured the written permission of the ((~~director~~))
11 board. Violation of this section shall be a gross misdemeanor
12 punishable to the same extent as a gross misdemeanor that is punishable
13 under RCW 9A.20.021.

14 **Sec. 15.** RCW 16.57.130 and 1959 c 54 s 13 are each amended to read
15 as follows:

16 The ((~~director~~)) board shall not record a brand that is identical
17 to a brand of present record; nor a brand so similar to a brand of
18 present record that it will be difficult to distinguish between such
19 brands when applied to livestock.

20 **Sec. 16.** RCW 16.57.140 and 1994 c 46 s 18 are each amended to read
21 as follows:

22 The owner of a brand of record may procure from the ((~~director~~))
23 board a certified copy of the record of the owner's brand upon payment
24 of a fee not to exceed seven dollars and fifty cents to be prescribed
25 by the ((~~director~~)) board by rule subsequent to a hearing under chapter
26 34.05 RCW and in conformance with RCW 16.57.015.

27 **Sec. 17.** RCW 16.57.150 and 1974 ex.s. c 64 s 5 are each amended to
28 read as follows:

29 The ((~~director~~)) board shall publish a book to be known as the
30 "Washington State Brand Book", showing all the brands of record. Such
31 book shall contain the name and address of the owners of brands of
32 record and a copy of the brand laws and regulations. Supplements to
33 such brand book showing newly recorded brands, amendments or newly
34 adopted regulations, shall be published biennially, or prior thereto at
35 the discretion of the ((~~director~~)) board: PROVIDED, That whenever ((he

1 ~~deems it~~) necessary, the ~~((director))~~ board may issue a new brand
2 book.

3 **Sec. 18.** RCW 16.57.160 and 1991 c 110 s 3 are each amended to read
4 as follows:

5 (1) Except as provided in subsection (2) of this section, the
6 ~~((director))~~ board may by rule adopted subsequent to a public hearing
7 designate any point for mandatory ~~((brand))~~ livestock inspection of
8 cattle or the furnishing of proof that cattle passing or being
9 transported through such points have been ~~((brand))~~ livestock inspected
10 and are lawfully being moved. Further, the ~~((director))~~ board may stop
11 vehicles carrying cattle to determine if such cattle are identified,
12 branded, or accompanied by the form prescribed by the ~~((director))~~
13 board under RCW 16.57.240 or a brand certificate issued by the
14 department.

15 (2) Inspection shall not be required for any individual private
16 sale of any unbranded dairy breed milk production cattle involving
17 fifteen head or less.

18 **Sec. 19.** RCW 16.57.165 and 1971 ex.s. c 135 s 6 are each amended
19 to read as follows:

20 The ~~((director))~~ board may, in order to reduce the cost of
21 ~~((brand))~~ livestock inspection to livestock owners, enter into
22 agreements with any qualified county, municipal, or other local law
23 enforcement agency, or qualified individuals for the purpose of
24 performing ~~((brand))~~ livestock inspection in areas where department
25 ~~((brand))~~ livestock inspection may not readily be available.

26 **Sec. 20.** RCW 16.57.170 and 1959 c 54 s 17 are each amended to read
27 as follows:

28 The ~~((director))~~ board may enter at any reasonable time any
29 slaughterhouse or public livestock market to make an examination of the
30 brands on livestock or hides, and may enter at any reasonable time an
31 establishment where hides are held to examine them for brands. The
32 ~~((director))~~ board may enter any of these premises at any reasonable
33 time to examine all books and records required by law in matters
34 relating to ~~((brand))~~ livestock inspection or other methods of
35 livestock identification.

1 **Sec. 21.** RCW 16.57.180 and 1959 c 54 s 18 are each amended to read
2 as follows:

3 Should the ((~~director~~)) board be denied access to any premises or
4 establishment where such access was sought for the purposes set forth
5 in RCW 16.57.170, ((~~he~~)) the board may apply to any court of competent
6 jurisdiction for a search warrant authorizing access to such premises
7 or establishment for said purposes. The court may upon such
8 application, issue the search warrant for the purposes requested.

9 **Sec. 22.** RCW 16.57.200 and 1959 c 54 s 20 are each amended to read
10 as follows:

11 Any owner or ((~~his~~)) an agent shall make the brand or brands on
12 livestock being ((~~brand~~)) livestock inspected readily visible and shall
13 cooperate with the ((~~director~~)) board to carry out such ((~~brand~~))
14 livestock inspection in a safe and expeditious manner.

15 **Sec. 23.** RCW 16.57.210 and 1959 c 54 s 21 are each amended to read
16 as follows:

17 The ((~~director~~)) board shall have authority to arrest any person
18 without warrant anywhere in the state found in the act of, or whom
19 ((~~he~~)) the board has reason to believe is guilty of, driving, holding,
20 selling or slaughtering stolen livestock. Any such person arrested by
21 the ((~~director~~)) board shall be turned over to the sheriff of the
22 county where the arrest was made, as quickly as possible.

23 **Sec. 24.** RCW 16.57.220 and 1997 c 356 s 2 are each amended to read
24 as follows:

25 The ((~~director~~)) livestock identification board shall cause a
26 charge to be made for all ((~~brand~~)) livestock inspection of cattle and
27 horses required under this chapter and rules adopted hereunder. Such
28 charges shall be paid to the ((~~department~~)) board by the owner or
29 person in possession unless requested by the purchaser and then such
30 ((~~brand~~)) livestock inspection shall be paid by the purchaser
31 requesting such ((~~brand~~)) livestock inspection. Except as provided by
32 rule, such inspection charges shall be due and payable at the time
33 ((~~brand~~)) livestock inspection is performed and shall be paid upon
34 billing by the ((~~department~~)) board and if not shall constitute a prior
35 lien on the cattle or cattle hides or horses or horse hides ((~~brand~~))
36 livestock inspected until such charge is paid. The ((~~director~~)) board

1 in order to best utilize the services of the ((department)) livestock
2 inspector in performing ((brand)) livestock inspection may establish
3 schedules by days and hours when a ((brand)) livestock inspector will
4 be on duty to perform ((brand)) livestock inspection at established
5 inspection points. The fees for ((brand)) livestock inspection
6 performed at inspection points according to schedules established by
7 the ((director)) board shall be seventy-five cents per head for cattle
8 and not more than three dollars per head for horses as prescribed by
9 the ((director)) board subsequent to a hearing under chapter 34.05 RCW
10 and in conformance with RCW 16.57.015. Fees for ((brand)) livestock
11 inspection of cattle and horses at points other than those designated
12 by the ((director)) board or not in accord with the schedules
13 established by the ((director)) board shall be based on a fee schedule
14 not to exceed actual net cost to the ((department)) board of performing
15 the ((brand)) livestock inspection service. For the purpose of this
16 section, actual costs shall mean fifteen dollars per hour and the
17 current mileage rate set by the office of financial management.

18 **Sec. 25.** RCW 16.57.230 and 1995 c 374 s 50 are each amended to
19 read as follows:

20 No person shall collect or make a charge for ((brand)) livestock
21 inspection of livestock unless there has been an actual ((brand))
22 livestock inspection of such livestock by the board.

23 **Sec. 26.** RCW 16.57.240 and 1995 c 374 s 51 are each amended to
24 read as follows:

25 Any person purchasing, selling, holding for sale, trading,
26 bartering, transferring title, slaughtering, handling, or transporting
27 cattle shall keep a record on forms prescribed by the ((director))
28 board. Such forms shall show the number, specie, brand or other method
29 of identification of such cattle and any other necessary information
30 required by the ((director)) board. The original shall be kept for a
31 period of three years or shall be furnished to the ((director)) board
32 upon demand or as prescribed by rule, one copy shall accompany the
33 cattle to their destination and shall be subject to inspection at any
34 time by the ((director)) board or any peace officer or member of the
35 state patrol: PROVIDED, That in the following instances only, cattle
36 may be moved or transported within this state without being accompanied

1 by an official certificate of permit, ((brand)) livestock inspection
2 certificate, bill of sale, or self-inspection slip:

3 (1) When such cattle are moved or transported upon lands under the
4 exclusive control of the person moving or transporting such cattle;

5 (2) When such cattle are being moved or transported for temporary
6 grazing or feeding purposes and have the registered brand of the person
7 having or transporting such cattle.

8 **Sec. 27.** RCW 16.57.260 and 1981 c 296 s 19 are each amended to
9 read as follows:

10 It shall be unlawful for any person to remove or cause to be
11 removed or accept for removal from this state, any cattle or horses
12 which are not accompanied at all times by an official ((brand))
13 livestock inspection certificate issued by the ((director)) board on
14 such cattle or horses, except as provided in RCW 16.57.160.

15 **Sec. 28.** RCW 16.57.270 and 1959 c 54 s 27 are each amended to read
16 as follows:

17 It shall be unlawful for any person moving or transporting
18 livestock in this state to refuse to assist the ((director)) board or
19 any peace officer in establishing the identity of such livestock being
20 moved or transported.

21 **Sec. 29.** RCW 16.57.275 and 1967 c 240 s 37 are each amended to
22 read as follows:

23 Any cattle carcass, or primal part thereof, of any breed or age
24 being transported in this state from other than a state or federal
25 licensed and inspected slaughterhouse or common carrier hauling for
26 such slaughterhouse, shall be accompanied by a certificate of permit
27 signed by the owner of such carcass or primal part thereof and, if such
28 carcass or primal part is delivered to a facility custom handling such
29 carcasses or primal part thereof, such certificate of permit shall be
30 deposited with the owner or manager of such custom handling facility
31 and such certificate of permit shall be retained for a period of one
32 year and be made available to the ((department)) livestock
33 identification board for inspection during reasonable business hours.
34 The owner of such carcass or primal part thereof shall mail a copy of
35 the ((said)) certificate of permit to the ((department)) board within
36 ten days of ((said)) transportation.

1 **Sec. 30.** RCW 16.57.280 and 1995 c 374 s 52 are each amended to
2 read as follows:

3 No person shall knowingly have unlawful possession of any livestock
4 marked with a recorded brand or tattoo of another person unless:

5 (1) Such livestock lawfully bears the person's own healed recorded
6 brand; or

7 (2) Such livestock is accompanied by a certificate of permit from
8 the owner of the recorded brand or tattoo; or

9 (3) Such livestock is accompanied by a ~~((brand))~~ livestock
10 inspection certificate; or

11 (4) Such cattle is accompanied by a self-inspection slip; or

12 (5) Such livestock is accompanied by a bill of sale from the
13 previous owner or other satisfactory proof of ownership.

14 A violation of this section constitutes a gross misdemeanor
15 punishable to the same extent as a gross misdemeanor that is punishable
16 under RCW 9A.20.021.

17 **Sec. 31.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to
18 read as follows:

19 All unbranded cattle and horses and those bearing brands not
20 recorded, in the current edition of this state's brand book, which are
21 not accompanied by a certificate of permit, and those bearing brands
22 recorded, in the current edition of this state's brand book, which are
23 not accompanied by a certificate of permit signed by the owner of the
24 brand when presented for inspection by the ~~((director))~~ board, shall be
25 sold by the ~~((director))~~ board or the ~~((director's))~~ board's
26 representative, unless other satisfactory proof of ownership is
27 presented showing the person presenting them to be lawfully in
28 possession. Upon the sale of such cattle or horses, the ~~((director))~~
29 board or the ~~((director's))~~ board's representative shall give the
30 purchasers a bill of sale therefor, or, if theft is suspected, the
31 cattle or horses may be impounded by the ~~((director))~~ board or the
32 ~~((director's))~~ board's representative.

33 **Sec. 32.** RCW 16.57.300 and 1989 c 286 s 24 are each amended to
34 read as follows:

35 The proceeds from the sale of cattle and horses as provided for
36 under RCW 16.57.290, after paying the cost thereof, shall be paid to
37 the ~~((director))~~ board, who shall make a record showing the brand or

1 marks or other method of identification of the animals and the amount
2 realized from the sale thereof. However, the proceeds from a sale of
3 such cattle or horses at a licensed public livestock market shall be
4 held by the licensee for a reasonable period not to exceed thirty days
5 to permit the consignor to establish ownership or the right to sell
6 such cattle or horses. If such consignor fails to establish legal
7 ownership or the right to sell such cattle or horses, such proceeds
8 shall be paid to the ((~~director~~)) board to be disposed of as any other
9 stray proceeds.

10 **Sec. 33.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read
11 as follows:

12 When a person has been notified by registered mail that animals
13 bearing his or her recorded brand have been sold by the ((~~director~~))
14 board, he or she shall present to the ((~~director~~)) board a claim on the
15 proceeds within ten days from the receipt of the notice or the
16 ((~~director~~)) board may decide that no claim exists.

17 **Sec. 34.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read
18 as follows:

19 If, after the expiration of one year from the date of sale, the
20 person presenting the animals for inspection has not provided the
21 ((~~director~~)) board with satisfactory proof of ownership, the proceeds
22 from the sale shall be paid on the claim of the owner of the recorded
23 brand. However, it shall be a gross misdemeanor for the owner of the
24 recorded brand to knowingly accept such funds after he or she has sold,
25 bartered or traded such animals to the claimant or any other person.
26 A gross misdemeanor under this section is punishable to the same extent
27 as a gross misdemeanor that is punishable under RCW 9A.20.021.

28 **Sec. 35.** RCW 16.57.330 and 1959 c 54 s 33 are each amended to read
29 as follows:

30 If, after the expiration of one year from the date of sale, no
31 claim is made, the money shall be credited to the ((~~department of~~
32 ~~agriculture~~)) board to be expended in carrying out the provisions of
33 this chapter.

34 **Sec. 36.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
35 as follows:

1 The (~~director~~) board shall have the authority to enter into
2 reciprocal agreements with any or all states to prevent the theft,
3 misappropriation or loss of identification of livestock. The
4 (~~director~~) board may declare any livestock which is shipped or moved
5 into this state from such states estrays if such livestock is not
6 accompanied by the proper official brand certificate or other such
7 certificates required by the law of the state of origin of such
8 livestock. The (~~director~~) board may hold such livestock subject to
9 all costs of holding or sell such livestock and send the funds, after
10 the deduction of the cost of such sale, to the proper authority in the
11 state of origin of such livestock.

12 **Sec. 37.** RCW 16.57.350 and 1994 c 46 s 8 are each amended to read
13 as follows:

14 The (~~director~~) board may adopt such rules as are necessary to
15 carry out the purposes of this chapter. It shall be the duty of the
16 (~~director~~) board to enforce and carry out the provisions of this
17 chapter and/or rules adopted hereunder. No person shall interfere with
18 the (~~director~~) board when (~~he or she~~) the board is performing or
19 carrying out duties imposed on (~~him or her~~) it by this chapter and/or
20 rules adopted hereunder.

21 **Sec. 38.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read
22 as follows:

23 The (~~department~~) board is authorized to issue notices of and
24 enforce civil infractions in the manner prescribed under chapter 7.80
25 RCW.

26 The violation of any provision of this chapter and/or rules and
27 regulations adopted hereunder shall constitute a class I civil
28 infraction as provided under chapter 7.80 RCW unless otherwise
29 specified herein.

30 **Sec. 39.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read
31 as follows:

32 All fees collected under the provisions of this chapter shall be
33 retained and deposited by the (~~director~~) board to be used only for
34 the enforcement of this chapter.

1 **Sec. 40.** RCW 16.57.380 and 1991 c 110 s 8 are each amended to read
2 as follows:

3 The ~~((director))~~ board may by rule adopted subsequent to a public
4 hearing designate any point for mandatory ~~((brand))~~ livestock
5 inspection of horses or the furnishing of proof that horses passing or
6 being transported through such points have been ~~((brand))~~ livestock
7 inspected and are lawfully being moved. Further, the ~~((director))~~
8 board may stop vehicles carrying horses to determine if such horses are
9 identified or branded.

10 **Sec. 41.** RCW 16.57.400 and 1994 c 46 s 20 are each amended to read
11 as follows:

12 The ~~((director))~~ board may provide by rules ~~((and regulations))~~
13 adopted pursuant to chapter 34.05 RCW for the issuance of individual
14 horse and cattle identification certificates or other means of horse
15 and cattle identification deemed appropriate. Such certificates or
16 other means of identification shall be valid only for the use of the
17 horse and cattle owner in whose name it is issued.

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

27 **Sec. 42.** RCW 16.57.407 and 1996 c 105 s 3 are each amended to read
28 as follows:

29 The ~~((department))~~ livestock identification board has the authority
30 to conduct an investigation of an incident where scars or other marks
31 indicate that a microchip has been removed from a horse.

32 **Sec. 43.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to
33 read as follows:

34 (1) No person may act as a registering agency without a permit
35 issued by the department. The ~~((director))~~ board may issue a permit to
36 any person or organization to act as a registering agency for the

1 purpose of issuing permanent identification symbols for horses in a
2 manner prescribed by the ((director)) board. Application for such
3 permit, or the renewal thereof by January 1 of each year, shall be on
4 a form prescribed by the ((director)) board, and accompanied by the
5 proof of registration to be issued, any other documents required by the
6 ((director)) board, and a fee of one hundred dollars.

7 (2) Each registering agency shall maintain a permanent record for
8 each individual identification symbol. The record shall include, but
9 need not be limited to, the name, address, and phone number of the
10 horse owner and a general description of the horse. A copy of each
11 permanent record shall be forwarded to the ((director)) board, if
12 requested by the ((director)) board.

13 (3) Individual identification symbols shall be inspected as
14 required for brands under RCW 16.57.220 and 16.57.380. Any horse
15 presented for inspection and bearing such a symbol, but not accompanied
16 by proof of registration and certificate of permit, shall be sold as
17 provided under RCW 16.57.290 through 16.57.330.

18 (4) The ((director)) board shall adopt such rules as are necessary
19 for the effective administration of this section pursuant to chapter
20 34.05 RCW.

21 **Sec. 44.** RCW 16.57.420 and 1993 c 105 s 3 are each amended to read
22 as follows:

23 The ((department)) livestock identification board may, in
24 consultation with representatives of the ratite industry, develop by
25 rule a system that provides for the identification of individual
26 ratites through the use of microchipping. The ((department)) board may
27 establish fees for the issuance or reissuance of microchipping numbers
28 sufficient to cover the expenses of the ((department)) board.

29 **Sec. 45.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended
30 to read as follows:

31 For the purpose of this chapter:

32 (1) "Livestock identification board" or "board" means the livestock
33 identification board defined under RCW 16.57.010.

34 (2) "Certified feed lot" means any place, establishment, or
35 facility commonly known as a commercial feed lot, cattle feed lot, or
36 the like, which complies with all of the requirements of this chapter,
37 and any ((regulations)) rules adopted pursuant to the provisions of

1 this chapter and which holds a valid license from the ~~((director))~~
2 board as hereinafter provided.

3 ~~((+2))~~ (3) "Department" means the department of agriculture of the
4 state of Washington.

5 ~~((+3))~~ (4) "Director" means the director of the department or
6 ~~((his))~~ a duly authorized representative.

7 ~~((+4))~~ (5) "Licensee" means any persons licensed under the
8 provisions of this chapter.

9 ~~((+5))~~ (6) "Person" means a natural person, individual, firm,
10 partnership, corporation, company, society, and association, and every
11 officer, agent or employee thereof. This term shall import either the
12 singular or the plural as the case may be.

13 **Sec. 46.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended
14 to read as follows:

15 The ~~((director))~~ board may adopt such rules ~~((and regulations))~~ as
16 are necessary to carry out the purpose of this chapter. The adoption
17 of such rules shall be subject to the provisions of this chapter and
18 rules ~~((and regulations))~~ adopted hereunder. No person shall interfere
19 with the ~~((director when he))~~ board when it is performing or carrying
20 out any duties imposed ~~((upon him))~~ by this chapter or rules ~~((and~~
21 ~~regulations))~~ adopted hereunder.

22 **Sec. 47.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended
23 to read as follows:

24 On or after August 9, 1971, any person desiring to engage in the
25 business of operating one or more certified feed lots shall obtain an
26 annual license from the ~~((director))~~ board for such purpose. The
27 application for a license shall be on a form prescribed by the
28 ~~((director))~~ board and shall include the following:

29 (1) The number of certified feed lots the applicant intends to
30 operate and their exact location and mailing address;

31 (2) The legal description of the land on which the certified feed
32 lot will be situated;

33 (3) A complete description of the facilities used for feeding and
34 handling of cattle at each certified feed lot;

35 (4) The estimated number of cattle which can be handled for feeding
36 purposes at each such certified feed lot; and

1 (5) Any other information necessary to carry out the purpose and
2 provisions of this chapter and rules (~~or regulations~~) adopted
3 hereunder.

4 **Sec. 48.** RCW 16.58.050 and 1997 c 356 s 4 are each amended to read
5 as follows:

6 The application for an annual license to engage in the business of
7 operating one or more certified feed lots shall be accompanied by a
8 license fee of seven hundred fifty dollars. Upon approval of the
9 application by the (~~director~~) livestock identification board and
10 compliance with the provisions of this chapter and rules adopted
11 hereunder, the applicant shall be issued a license or a renewal
12 thereof.

13 **Sec. 49.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to
14 read as follows:

15 The (~~director~~) board shall establish by rule an expiration date
16 or dates for all certified feed lot licenses. License fees shall be
17 prorated where necessary to accommodate staggering of expiration dates
18 of a license or licenses. If an application for renewal of a certified
19 feed lot license is not received by the (~~department~~) board per the
20 date required by rule or should a person fail, refuse, or neglect to
21 apply for renewal of a preexisting license on or before the date of
22 expiration, that person shall be assessed an additional twenty-five
23 dollars which shall be added to the regular license fee and shall be
24 paid before the (~~director~~) board may issue a license to the
25 applicant.

26 **Sec. 50.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to
27 read as follows:

28 The (~~director~~) livestock identification board is authorized to
29 deny, suspend, or revoke a license in accord with the provisions of
30 chapter 34.05 RCW if (~~he~~) it finds that there has been a failure to
31 comply with any requirement of this chapter or rules (~~and~~
32 ~~regulations~~) adopted hereunder. Hearings for the revocation,
33 suspension, or denial of a license shall be subject to the provisions
34 of chapter 34.05 RCW concerning adjudicative proceedings.

1 **Sec. 51.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended
2 to read as follows:

3 Every certified feed lot shall be equipped with a facility or a
4 livestock pen, approved by the ((~~director~~)) livestock identification
5 board as to location and construction within the ((~~said~~)) feed lot so
6 that necessary ((~~brand~~)) livestock inspection can be carried on in a
7 proper, expeditious and safe manner. Each licensee shall furnish the
8 ((~~director~~)) board with sufficient help necessary to carry out
9 ((~~brand~~)) livestock inspection in the manner set forth above.

10 **Sec. 52.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to
11 read as follows:

12 All cattle entering or reentering a certified feed lot must be
13 inspected for brands upon entry, unless they are accompanied by a
14 ((~~brand~~)) livestock inspection certificate issued by the ((~~director~~))
15 livestock identification board, or any other agency authorized in any
16 state or Canadian province by law to issue such a certificate.
17 Licensees shall report a discrepancy between cattle entering or
18 reentering a certified feed lot and the ((~~brand~~)) livestock inspection
19 certificate accompanying the cattle to the nearest ((~~brand~~)) livestock
20 inspector immediately. A discrepancy may require an inspection of all
21 the cattle entering or reentering the lot, except as may otherwise be
22 provided by rule.

23 **Sec. 53.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read
24 as follows:

25 The ((~~director~~)) livestock identification board shall each year
26 conduct audits of the cattle received, fed, handled, and shipped by the
27 licensee at each certified feed lot. Such audits shall be for the
28 purpose of determining if such cattle correlate with the ((~~brand~~))
29 livestock inspection certificates issued in their behalf and that the
30 certificate of assurance furnished the ((~~director~~)) board by the
31 licensee correlates with his or her assurance that ((~~brand~~)) livestock
32 inspected cattle were not commingled with uninspected cattle.

33 **Sec. 54.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to
34 read as follows:

35 All certified feed lots shall furnish the ((~~director~~)) livestock
36 identification board with records as requested by ((~~him~~)) it from time

1 to time on all cattle entering or on feed in (~~said~~) certified feed
2 lots and dispersed therefrom. All such records shall be subject to
3 examination by the (~~director~~) board for the purpose of maintaining
4 the integrity of the identity of all such cattle. The (~~director~~)
5 board may make the examinations only during regular business hours
6 except in an emergency to protect the interest of the owners of such
7 cattle.

8 **Sec. 55.** RCW 16.58.120 and 1991 c 109 s 13 are each amended to
9 read as follows:

10 The licensee shall maintain sufficient records as required by the
11 (~~director~~) livestock identification board at each certified feed lot,
12 if (~~said~~) the licensee operates more than one certified feed lot.

13 **Sec. 56.** RCW 16.58.130 and 1997 c 356 s 7 are each amended to read
14 as follows:

15 Each licensee shall pay to the (~~director~~) livestock
16 identification board a fee of twelve cents for each head of cattle
17 handled through the licensee's feed lot. Payment of such fee shall be
18 made by the licensee on a monthly basis. Failure to pay as required
19 shall be grounds for suspension or revocation of a certified feed lot
20 license. Further, the (~~director~~) board shall not renew a certified
21 feed lot license if a licensee has failed to make prompt and timely
22 payments.

23 **Sec. 57.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read
24 as follows:

25 All fees provided for in this chapter shall be retained by the
26 (~~director~~) board for the purpose of enforcing and carrying out the
27 purpose and provisions of this chapter or chapter 16.57 RCW.

28 **Sec. 58.** RCW 16.58.150 and 1971 ex.s. c 181 s 15 are each amended
29 to read as follows:

30 No (~~brand~~) livestock inspection shall be required when cattle are
31 moved or transferred from one certified feed lot to another or the
32 transfer of cattle from a certified feed lot to a point within this
33 state, or out of state where this state maintains (~~brand~~) livestock
34 inspection, for the purpose of immediate slaughter.

1 **Sec. 59.** RCW 16.58.160 and 1991 c 109 s 15 are each amended to
2 read as follows:

3 The ~~((director))~~ board may, when a certified feed lot's conditions
4 become such that the integrity of reports or records of the cattle
5 therein becomes doubtful, suspend such certified feed lot's license
6 until such time as the ~~((director))~~ board can conduct an investigation
7 to carry out the purpose of this chapter.

8 **Sec. 60.** RCW 16.65.010 and 1983 c 298 s 1 are each amended to read
9 as follows:

10 For the purposes of this chapter:

11 (1) The term "public livestock market" means any place,
12 establishment or facility commonly known as a "public livestock
13 market", "livestock auction market", "livestock sales ring", yards
14 selling on commission, or the like, conducted or operated for
15 compensation or profit as a public livestock market, consisting of pens
16 or other enclosures, and their appurtenances in which livestock is
17 received, held, sold, kept for sale or shipment. The term does not
18 include the operation of a person licensed under this chapter to
19 operate a special open consignment horse sale.

20 (2) ~~(("Department" means the department of agriculture of the state
21 of Washington.~~

22 (3) ~~"Director" means the director of the department or his duly
23 authorized representative.~~

24 (4)) "Licensee" means any person licensed under the provisions of
25 this chapter.

26 ((+5)) (3) "Livestock" includes horses, mules, burros, cattle,
27 sheep, swine, and goats.

28 ((+6)) (4) "Livestock identification board" or "board" means the
29 board created in RCW 16.57.015.

30 (5) "Person" means a natural person, individual, firm, partnership,
31 corporation, company, society, and association, and every officer,
32 agent or employee thereof. This term shall import either the singular
33 or the plural as the case may be.

34 ((+7)) (6) "Stockyard" means any place, establishment, or facility
35 commonly known as a stockyard consisting of pens or other enclosures
36 and their appurtenances in which livestock services such as feeding,
37 watering, weighing, sorting, receiving and shipping are offered to the
38 public: PROVIDED, That stockyard shall not include any facilities

1 where livestock is offered for sale at public auction, feed lots, or
2 quarantined registered feed lots.

3 ~~((+8))~~ (7) "Packer" means any person engaged in the business of
4 slaughtering, manufacturing, preparing meat or meat products for sale,
5 marketing meat, meat food products or livestock products.

6 ~~((+9))~~ (8) "Deputy state veterinarian" means a graduate
7 veterinarian authorized to practice in the state of Washington and
8 appointed or deputized by the director of agriculture as his or her
9 duly authorized representative.

10 ~~((+10))~~ (9) "Special open consignment horse sale" means a sale
11 conducted by a person other than the operator of a public livestock
12 market which is limited to the consignment of horses and donkeys only
13 for sale on an occasional and seasonal basis.

14 **Sec. 61.** RCW 16.65.015 and 1983 c 298 s 2 are each amended to read
15 as follows:

16 This chapter does not apply to:

17 (1) A farmer selling his or her own livestock on the farmer's own
18 premises by auction or any other method.

19 (2) A farmers' cooperative association or an association of
20 livestock breeders when any class of their own livestock is assembled
21 and offered for sale at a special sale on an occasional and seasonal
22 basis under the association's management and responsibility, and the
23 special sale has been approved by the ~~((director))~~ board in writing.
24 However, the special sale shall be subject to brand and health
25 inspection requirements as provided in this chapter for sales at public
26 livestock markets.

27 **Sec. 62.** RCW 16.65.020 and 1983 c 298 s 5 are each amended to read
28 as follows:

29 Public livestock markets and special open consignment horse sales
30 shall be under the direction and supervision of the ~~((director))~~
31 livestock identification board, and the ~~((director))~~ board, but not
32 ~~((his))~~ its duly authorized representative, may adopt such rules ~~((and~~
33 ~~regulations))~~ as are necessary to carry out the purpose of this
34 chapter. It shall be the duty of the ~~((director))~~ board to enforce and
35 carry out the provisions of this chapter and rules ~~((and regulations))~~
36 adopted hereunder. No person shall interfere with the ~~((director))~~
37 board when ~~((he))~~ it is performing or carrying out any duties imposed

1 upon ~~((him))~~ it by this chapter or rules ~~((and regulations))~~ adopted
2 hereunder.

3 **Sec. 63.** RCW 16.65.030 and 1995 c 374 s 54 are each amended to
4 read as follows:

5 (1) On and after June 10, 1959, no person shall operate a public
6 livestock market without first having obtained a license from the
7 ~~((director))~~ livestock identification board. Application for such
8 license shall be in writing on forms prescribed by the ~~((director))~~
9 board, and shall include the following:

10 (a) A nonrefundable original license application fee of fifteen
11 hundred dollars.

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

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

18 (d) A detailed statement showing all the assets and liabilities of
19 the applicant which must reflect a sufficient net worth to construct or
20 operate a public livestock market.

21 (e) The schedule of rates and charges the applicant proposes to
22 impose on the owners of livestock for services rendered in the
23 operation of such livestock market.

24 (f) The weekly or monthly sales day or days on which the applicant
25 proposes to operate his or her public livestock market sales.

26 (g) Projected source and quantity of livestock, by county,
27 anticipated to be handled.

28 (h) Projected income and expense statements for the first year's
29 operation.

30 (i) Facts upon which are based the conclusion that the trade area
31 and the livestock industry will benefit because of the proposed market.

32 (j) Such other information as the ~~((director))~~ board may reasonably
33 require.

34 (2) The ~~((director))~~ board shall, after public hearing as provided
35 by chapter 34.05 RCW, grant or deny an application for original license
36 for a public livestock market after considering evidence and testimony
37 relating to all of the requirements of this section and giving
38 reasonable consideration at the same hearing to:

1 (a) Benefits to the livestock industry to be derived from the
2 establishment and operation of the public livestock market proposed in
3 the application; and

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

6 (3) Applications for renewal under RCW 16.65.040 shall include all
7 information under subsection (1) of this section, except subsection
8 (1)(a) of this section.

9 **Sec. 64.** RCW 16.65.037 and 1997 c 356 s 8 are each amended to read
10 as follows:

11 (1) Upon the approval of the application by the (~~director~~)
12 livestock identification board and compliance with the provisions of
13 this chapter, the applicant shall be issued a license or renewal
14 thereof. Any license issued under the provisions of this chapter shall
15 only be valid at location and for the sales day or days for which the
16 license was issued.

17 (2) The license fee shall be based on the average gross sales
18 volume per official sales day of that market:

19 (a) Markets with an average gross sales volume up to and including
20 ten thousand dollars, a one hundred fifty dollar fee;

21 (b) Markets with an average gross sales volume over ten thousand
22 dollars and up to and including fifty thousand dollars, a three hundred
23 fifty dollar fee; and

24 (c) Markets with an average gross sales volume over fifty thousand
25 dollars, a four hundred fifty dollar fee.

26 The fees for public market licenses shall be set by the
27 (~~director~~) board by rule subsequent to a hearing under chapter 34.05
28 RCW and in conformance with RCW 16.57.015.

29 (3) Any applicant operating more than one public livestock market
30 shall make a separate application for a license to operate each such
31 public livestock market, and each such application shall be accompanied
32 by the appropriate application fee.

33 **Sec. 65.** RCW 16.65.040 and 1983 c 298 s 6 are each amended to read
34 as follows:

35 All public livestock market licenses provided for in this chapter
36 shall expire on March 1st subsequent to the date of issue. Any person
37 who fails, refuses, or neglects to apply for a renewal of a preexisting

1 license on or before the date of expiration, shall pay a penalty of
2 twenty-five dollars, which shall be added to the regular license fee,
3 before such license may be renewed by the ~~((director))~~ livestock
4 identification board.

5 **Sec. 66.** RCW 16.65.042 and 1983 c 298 s 3 are each amended to read
6 as follows:

7 (1) A person shall not operate a special open consignment horse
8 sale without first obtaining a license from the ~~((director))~~ livestock
9 identification board. The application for the license shall include:

10 (a) A detailed statement showing all of the assets and liabilities
11 of the applicant;

12 (b) The schedule of rates and charges the applicant proposes to
13 impose on the owners of horses for services rendered in the operation
14 of the horse sale;

15 (c) The specific date and exact location of the proposed sale;

16 (d) Projected quantity and approximate value of horses to be
17 handled; and

18 (e) Such other information as the ~~((director))~~ board may reasonably
19 require.

20 (2) The application shall be accompanied by a license fee of one
21 hundred dollars. Upon the approval of the application by the
22 ~~((director))~~ board and compliance with this chapter, the applicant
23 shall be issued a license. A special open consignment horse sale
24 license is valid only for the specific date or dates and exact location
25 for which the license was issued.

26 **Sec. 67.** RCW 16.65.050 and 1959 c 107 s 5 are each amended to read
27 as follows:

28 All fees ~~((provided for))~~ collected or received by the board under
29 this chapter shall be ~~((retained by the director))~~ deposited by the
30 board in the livestock identification account created in section 3 of
31 this act. Moneys collected under this chapter may be expended by the
32 board without appropriation for the purpose of enforcing this chapter.

33 **Sec. 68.** RCW 16.65.080 and 1985 c 415 s 9 are each amended to read
34 as follows:

35 (1) The ~~((director))~~ livestock identification board is authorized
36 to deny, suspend, or revoke a license in the manner prescribed herein,

1 when there are findings by the ((~~director~~)) board that any licensee (a)
2 has been guilty of fraud or misrepresentation as to titles, charges,
3 numbers, brands, weights, proceeds of sale, or ownership of livestock;
4 (b) has attempted payment to a consignor by a check the licensee knows
5 not to be backed by sufficient funds to cover such check; (c) has
6 violated any of the provisions of this chapter or rules ((~~and~~
7 ~~regulations~~)) adopted hereunder; (d) has violated any laws of the state
8 that require health or ((~~brand~~)) livestock inspection of livestock; (e)
9 has violated any condition of the bond, as provided in this chapter.
10 However, the ((~~director~~)) board may deny a license if the applicant
11 refuses to accept the sales day or days allocated to ((~~him~~)) it under
12 the provisions of this chapter.

13 (2) In all proceedings for revocation, suspension, or denial of a
14 license the licensee or applicant shall be given an opportunity to be
15 heard in regard to such revocation, suspension or denial of a license.
16 The ((~~director~~)) board shall give the licensee or applicant twenty
17 days' notice in writing and such notice shall specify the charges or
18 reasons for such revocation, suspension or denial. The notice shall
19 also state the date, time and place where such hearing is to be held.
20 Such hearings shall be held in the city where the licensee has his or
21 her principal place of business, or where the applicant resides, unless
22 some other place be agreed upon by the parties, and the defendant may
23 be represented by counsel.

24 (3) The ((~~director~~)) board may issue subpoenas to compel the
25 attendance of witnesses, and/or the production of books or documents
26 anywhere in the state. The applicant or licensee shall have
27 opportunity to be heard, and may have such subpoenas issued as he or
28 she desires. Subpoenas shall be served in the same manner as in civil
29 cases in the superior court. Witnesses shall testify under oath which
30 may be administered by the ((~~director~~)) board. Testimony shall be
31 recorded, and may be taken by deposition under such rules as the
32 ((~~director~~)) board may prescribe.

33 (4) The ((~~director~~)) board shall hear and determine the charges,
34 make findings and conclusions upon the evidence produced, and file them
35 in ((~~his~~)) its office, together with a record of all of the evidence,
36 and serve upon the accused a copy of such findings and conclusions.

37 **Sec. 69.** RCW 16.65.090 and 1997 c 356 s 10 are each amended to
38 read as follows:

1 The ((director)) livestock identification board shall provide for
2 ((brand)) livestock inspection. When such ((brand)) livestock
3 inspection is required the licensee shall collect from the consignor
4 and pay to the ((department)) board, as provided by law, a fee for
5 ((brand)) livestock inspection for each animal consigned to the public
6 livestock market or special open consignment horse sale. However, if
7 in any one sale day the total fees collected for ((brand)) livestock
8 inspection do not exceed ninety dollars, then such licensee shall pay
9 ninety dollars for such ((brand)) livestock inspection or as much
10 thereof as the ((director)) board may prescribe.

11 **Sec. 70.** RCW 16.65.100 and 1983 c 298 s 9 are each amended to read
12 as follows:

13 The licensee of each public livestock market or special open
14 consignment horse sale shall collect from any purchaser of livestock
15 requesting ((brand)) livestock inspection a fee as provided by law for
16 each animal inspected. Such fee shall be in addition to the fee
17 charged to the consignor for ((brand)) livestock inspection and shall
18 not apply to the minimum fee chargeable to the licensee.

19 **Sec. 71.** RCW 16.65.110 and 1959 c 107 s 11 are each amended to
20 read as follows:

21 The director of agriculture shall cause a charge to be made for any
22 examining, testing, treating, or inoculation required by this chapter
23 and rules ((and regulations)) adopted hereunder. Such charge shall be
24 paid by the licensee to the department of agriculture and such charge
25 shall include the cost of the required drugs and a fee no larger than
26 two dollars nor less than fifty cents for administration of such drugs
27 to each animal and such fee shall be set at the discretion of the
28 director. However, if the total fees payable to the department for
29 such examining, testing, treating or inoculation do not exceed the
30 actual cost to the department for such examining, testing, treating, or
31 inoculation, or ten dollars (whichever is greater), the director shall
32 require the licensee to pay the actual cost of such examining, testing,
33 treating, or inoculation, or ten dollars (whichever is greater), to the
34 department.

35 **Sec. 72.** RCW 16.65.140 and 1971 ex.s. c 192 s 4 are each amended
36 to read as follows:

1 Each licensee shall establish a custodial account for consignor's
2 proceeds. All funds derived from the sale of livestock handled on a
3 commission or agency basis shall be deposited in that account. Such
4 account shall be drawn on only for the payment of net proceeds to the
5 consignor, or such other person or persons of whom such licensee has
6 knowledge is entitled to such proceeds, and to obtain from such
7 proceeds only the sums due the licensee as compensation for his or her
8 services as are set out in his or her tariffs, and for such sums as are
9 necessary to pay all legal charges against the consignment of livestock
10 which the licensee in his or her capacity as agent is required to pay
11 for on behalf of the consignor or shipper. The licensee in each case
12 shall keep such accounts and records that will at all times disclose
13 the names of the consignors and the amount due and payable to each from
14 the funds in the custodial account for consignor's proceeds. The
15 licensee shall maintain the custodial account for consignor's proceeds
16 in a manner that will expedite examination by the ~~((director))~~
17 livestock identification board and reflect compliance with the
18 requirements of this section.

19 **Sec. 73.** RCW 16.65.190 and 1983 c 298 s 12 are each amended to
20 read as follows:

21 No person shall hereafter operate a public livestock market or
22 special open consignment horse sale unless such person has filed a
23 schedule with the application for license to operate such public
24 livestock market or special open consignment horse sale. Such schedule
25 shall show all rates and charges for stockyard services to be furnished
26 by such person at such public livestock market or special open
27 consignment horse sale.

28 (1) Schedules shall be posted conspicuously at the public livestock
29 market or special open consignment horse sale, and shall plainly state
30 all such rates and charges in such detail as the ~~((director))~~ livestock
31 identification board may require, and shall state any rules ~~((and~~
32 ~~regulations))~~ which in any manner change, affect, or determine any part
33 of the aggregate of such rates or charges, or the value of the
34 stockyard services furnished. The ~~((director))~~ board may determine and
35 prescribe the form and manner in which such schedule shall be prepared,
36 arranged and posted.

37 (2) No changes shall be made in rates or charges so filed and
38 published except after thirty days' notice to the ~~((director))~~ board

1 and to the public filed and posted as aforesaid, which shall plainly
2 state the changes proposed to be made and the time such changes will go
3 into effect.

4 (3) No licensee shall charge, demand or collect a greater or a
5 lesser or a different compensation for such service than the rates and
6 charges specified in the schedule filed with the (~~director~~) board and
7 in effect at the time; nor shall a licensee refund or remit in any
8 manner any portion of the rates or charges so specified (but this shall
9 not prohibit a cooperative association of producers from properly
10 returning to its members, on a patronage basis, its excess earnings on
11 their livestock); nor shall a licensee extend to any person at such
12 public livestock market or special open consignment horse sale any
13 stockyard services except such as are specified in such schedule.

14 **Sec. 74.** RCW 16.65.200 and 1983 c 298 s 13 are each amended to
15 read as follows:

16 Before the license is issued to operate a public livestock market
17 or special open consignment horse sale, the applicant shall execute and
18 deliver to the (~~director~~) livestock identification board a surety
19 bond in a sum as herein provided for, executed by the applicant as
20 principal and by a surety company qualified and authorized to do
21 business in this state as surety. (~~Said~~) The bond shall be a
22 standard form and approved by the (~~director~~) board as to terms and
23 conditions. (~~Said~~) The bond shall be conditioned that the principal
24 will not commit any fraudulent act and will comply with the provisions
25 of this chapter and the rules (~~and/or regulations~~) adopted hereunder.
26 (~~Said~~) The bond shall be to the state in favor of every consignor
27 and/or vendor creditor whose livestock was handled or sold through or
28 at the licensee's public livestock market or special open consignment
29 horse sale: PROVIDED, That if such applicant is bonded as a market
30 agency under the provisions of the packers and stockyards act, (7
31 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater
32 than the sum required under the provisions of this chapter, and such
33 applicant furnishes the (~~director~~) board with a bond approved by the
34 United States secretary of agriculture naming the (~~department~~) board
35 as trustee, the (~~director~~) board may accept such bond and its method
36 of termination in lieu of the bond provided for herein and issue a
37 license if such applicant meets all the other requirements of this
38 chapter.

1 The total and aggregate liability of the surety for all claims upon
2 the bond shall be limited to the face of such bond. Every bond filed
3 with and approved by the ((~~director~~)) board shall, without the
4 necessity of periodic renewal, remain in force and effect until such
5 time as the license of the licensee is revoked for cause or otherwise
6 canceled. The surety on a bond, as provided herein, shall be released
7 and discharged from all liability to the state accruing on such bond
8 upon compliance with the provisions of RCW 19.72.110 concerning notice
9 and proof of service, as enacted or hereafter amended, but this shall
10 not operate to relieve, release or discharge the surety from any
11 liability already accrued or which shall accrue (due and to become due
12 hereunder) before the expiration period provided for in RCW 19.72.110
13 concerning notice and proof of service as enacted or hereafter amended,
14 and unless the principal shall before the expiration of such period,
15 file a new bond, the ((~~director~~)) board shall forthwith cancel the
16 principal's license.

17 **Sec. 75.** RCW 16.65.220 and 1971 ex.s. c 192 s 7 are each amended
18 to read as follows:

19 If the application for a license to operate a public livestock
20 market is from a new public livestock market which has not operated in
21 the past twelve-month period, the ((~~director~~)) livestock identification
22 board shall determine a bond, in a reasonable sum, that the applicant
23 shall execute in favor of the state, which shall not be less than ten
24 thousand dollars nor greater than twenty-five thousand dollars:
25 PROVIDED, That the ((~~director~~)) board may at any time, upon written
26 notice, review the licensee's operations and determine whether, because
27 of increased or decreased sales, the amount of the bond should be
28 altered.

29 **Sec. 76.** RCW 16.65.235 and 1973 c 142 s 3 are each amended to read
30 as follows:

31 In lieu of the surety bond required under the provisions of this
32 chapter, an applicant or licensee may file with the ((~~director~~))
33 livestock identification board a deposit consisting of cash or other
34 security acceptable to the ((~~director~~)) board. The ((~~director~~)) board
35 may adopt rules ((~~and regulations~~)) necessary for the administration of
36 such security.

1 **Sec. 77.** RCW 16.65.250 and 1959 c 107 s 25 are each amended to
2 read as follows:

3 The ~~((director))~~ livestock identification board or any vendor or
4 consignor creditor may also bring action upon ~~((said))~~ the bond against
5 both principal and surety in any court of competent jurisdiction to
6 recover the damages caused by any failure to comply with the provisions
7 of this chapter and the rules ~~((and/or regulations))~~ adopted hereunder.

8 **Sec. 78.** RCW 16.65.260 and 1983 c 298 s 14 are each amended to
9 read as follows:

10 In case of failure by a licensee to pay amounts due a vendor or
11 consignor creditor whose livestock was handled or sold through or at
12 the licensee's public livestock market or special open consignment
13 horse sale, as evidenced by a verified complaint filed with the
14 ~~((director))~~ livestock identification board, the ~~((director))~~ board may
15 proceed forthwith to ascertain the names and addresses of all vendor or
16 consignor creditors of such licensee, together with the amounts due and
17 owing to them and each of them by such licensee, and shall request all
18 such vendor and consignor creditors to file a verified statement of
19 their respective claims with the ~~((director))~~ board. Such request
20 shall be addressed to each known vendor or consignor creditor at his or
21 her last known address.

22 **Sec. 79.** RCW 16.65.270 and 1959 c 107 s 27 are each amended to
23 read as follows:

24 If a vendor or consignor creditor so addressed fails, refuses or
25 neglects to file in the office of the ~~((director—his))~~ livestock
26 identification board a verified claim as requested by the ~~((director))~~
27 board within sixty days from the date of such request, the ~~((director))~~
28 board shall thereupon be relieved of further duty or action hereunder
29 on behalf of ~~((said))~~ the producer or consignor creditor.

30 **Sec. 80.** RCW 16.65.280 and 1959 c 107 s 28 are each amended to
31 read as follows:

32 Where by reason of the absence of records, or other circumstances
33 making it impossible or unreasonable for the ~~((director))~~ livestock
34 identification board to ascertain the names and addresses of all
35 ~~((said))~~ the vendor and consignor creditors, the ~~((director))~~ board,
36 after exerting due diligence and making reasonable inquiry to secure

1 ((said)) the information from all reasonable and available sources, may
2 make demand on ((said)) the bond on the basis of information then in
3 ((his)) its possession, and thereafter shall not be liable or
4 responsible for claims or the handling of claims which may subsequently
5 appear or be discovered.

6 **Sec. 81.** RCW 16.65.290 and 1959 c 107 s 29 are each amended to
7 read as follows:

8 Upon ascertaining all claims and statements in the manner herein
9 set forth, the ((director)) livestock identification board may then
10 make demand upon the bond on behalf of those claimants whose statements
11 have been filed, and shall have the power to settle or compromise
12 ((said)) the claims with the surety company on the bond, and is
13 empowered in such cases to execute and deliver a release and discharge
14 of the bond involved.

15 **Sec. 82.** RCW 16.65.300 and 1959 c 107 s 30 are each amended to
16 read as follows:

17 Upon the refusal of the surety company to pay the demand, the
18 ((director)) livestock identification board may thereupon bring an
19 action on the bond in behalf of ((said)) the vendor and consignor
20 creditors. Upon any action being commenced on ((said)) the bond, the
21 ((director)) board may require the filing of a new bond. Immediately
22 upon the recovery in any action on such bond such licensee shall file
23 a new bond. Upon failure to file the same within ten days, in either
24 case, such failure shall constitute grounds for the suspension or
25 revocation of his or her license.

26 **Sec. 83.** RCW 16.65.310 and 1959 c 107 s 31 are each amended to
27 read as follows:

28 In any settlement or compromise by the ((director)) livestock
29 identification board with a surety company as provided in RCW
30 16.65.290, where there are two or more consignor and/or vendor
31 creditors that have filed claims, either fixed or contingent, against
32 a licensee's bond, such creditors shall share pro rata in the proceeds
33 of the bond to the extent of their actual damage: PROVIDED, That the
34 claims of the state and the ((department)) board which may accrue from
35 the conduct of the licensee's public livestock market shall have
36 priority over all other claims.

1 **Sec. 84.** RCW 16.65.320 and 1985 c 415 s 10 are each amended to
2 read as follows:

3 For the purpose of enforcing the provisions of this chapter, the
4 ~~((director))~~ livestock identification board on the ~~((director's))~~
5 board's own motion or upon the verified complaint of any vendor or
6 consignor against any licensee, or agent, or any person assuming or
7 attempting to act as such, shall have full authority to make any and
8 all necessary investigations. The ~~((director))~~ board is empowered to
9 administer oaths of verification of such complaints.

10 **Sec. 85.** RCW 16.65.330 and 1959 c 107 s 33 are each amended to
11 read as follows:

12 For the purpose of making investigations as provided for in RCW
13 16.65.320, the ~~((director))~~ livestock identification board may enter a
14 public livestock market and examine any records required under the
15 provisions of this chapter. The ~~((director))~~ board shall have full
16 authority to issue subpoenas requiring the attendance of witnesses
17 before ~~((him))~~ it, together with all books, memorandums, papers, and
18 other documents relative to the matters under investigation, and to
19 administer oaths and take testimony thereunder.

20 **Sec. 86.** RCW 16.65.340 and 1967 c 192 s 2 are each amended to read
21 as follows:

22 The ~~((director))~~ livestock identification board shall, when
23 livestock is sold, traded, exchanged or handled at or through a public
24 livestock market, require such testing, treating, identifying,
25 examining and record keeping of such livestock by a deputy state
26 veterinarian as in the ~~((director's))~~ board's judgment may be necessary
27 to prevent the spread of brucellosis, tuberculosis, paratuberculosis,
28 hog cholera or any other infectious, contagious or communicable disease
29 among the livestock of this state.

30 **Sec. 87.** RCW 16.65.350 and 1959 c 107 s 35 are each amended to
31 read as follows:

32 (1) The director of agriculture shall perform all tests and make
33 all examinations required under the provisions of this chapter and
34 rules ~~((and regulations))~~ adopted hereunder: PROVIDED, That veterinary
35 inspectors of the United States department of agriculture may be

1 appointed by the director to make such examinations and tests as are
2 provided for in this chapter without bond or compensation, and shall
3 have the same authority and power in this state as a deputy state
4 veterinarian.

5 (2) The director of agriculture shall have the responsibility for
6 the direction and control of sanitary practices and health practices
7 and standards and for the examination of animals at public livestock
8 markets. The deputy state veterinarian at any such public livestock
9 market shall notify the licensee or his or her managing agent, in
10 writing, of insanitary practices or conditions. Such deputy state
11 veterinarian shall notify the director if the improper sanitary
12 practices or conditions are not corrected within the time specified.
13 The director shall investigate and upon finding such report correct
14 shall take appropriate action to hold a hearing on the suspension or
15 revocation of the licensee's license.

16 **Sec. 88.** RCW 16.65.360 and 1959 c 107 s 36 are each amended to
17 read as follows:

18 Licensees shall provide facilities and sanitation for the
19 prevention of livestock diseases at their public livestock markets, as
20 follows:

21 (1) The floors of all pens and alleys that are part of a public
22 livestock market shall be constructed of concrete or similar impervious
23 material and kept in good repair, with a slope of not less than one-
24 fourth inch per foot to adequate drains leading to an approved sewage
25 system: PROVIDED, That the (~~director~~) livestock identification board
26 may designate certain pens within such public livestock markets as
27 feeding and holding pens and the floors and alleys of such pens shall
28 not be subject to the aforementioned surfacing requirements.

29 (2) Feeding and holding pens maintained in an area adjacent to a
30 public livestock market shall be constructed and separated from such
31 public livestock market, in a manner prescribed by the director of
32 agriculture, in order to prevent the spread of communicable diseases to
33 the livestock sold or held for sale in such public livestock market.

34 (3) All yards, chutes and pens used in handling livestock shall be
35 constructed of such materials which will render them easily cleaned and
36 disinfected, and such yards, pens and chutes shall be kept clean,
37 sanitary and in good repair at all times, as required by the director
38 of agriculture.

1 (4) Sufficient calf pens of adequate size to prevent overcrowding
2 shall be provided, and such pens, when used, shall be cleaned and
3 disinfected no later than the day subsequent to each sale.

4 (5) All swine pens, when used, shall be cleaned and disinfected no
5 later than the day subsequent to each sale.

6 (6) A water system carrying a pressure of forty pounds and
7 supplying sufficient water to thoroughly wash all pens, floors, alleys
8 and equipment shall be provided.

9 (7) Sufficient quarantine pens of adequate capacity shall be
10 provided. Such pens shall be used to hold only cattle reacting to
11 brucellosis and tuberculosis or to quarantine livestock with other
12 contagious or communicable diseases and shall be:

13 (a) hard surfaced with concrete or similar impervious material and
14 shall be kept in good repair;

15 (b) provided with separate watering facilities;

16 (c) painted white with the word "quarantine" painted in red letters
17 not less than four inches high on such quarantine pen's gate;

18 (d) provided with a tight board fence not less than five and one-
19 half feet high;

20 (e) cleaned and disinfected not later than one day subsequent to
21 the date of sale.

22 To prevent the spread of communicable diseases among livestock, the
23 director of agriculture shall have the authority to cause the cleaning
24 and disinfecting of any area or all areas of a public livestock market
25 and equipment or vehicles with a complete coverage of disinfectants
26 approved by the director.

27 **Sec. 89.** RCW 16.65.420 and 1991 c 17 s 3 are each amended to read
28 as follows:

29 (1) Any application for sales days or days for a new salesyard, and
30 any application for a change of sales day or days or additional sales
31 day or days for an existing yard shall be subject to approval by the
32 (~~director~~) livestock identification board, subsequent to a hearing as
33 provided for in this chapter and the (~~director~~) board is hereby
34 authorized to allocate these dates and type and class of livestock
35 which may be sold on these dates. In considering the allocation of
36 such sales days, the (~~director~~) board shall give appropriate
37 consideration, among other relevant factors, to the following:

38 (a) The geographical area which will be affected;

1 (b) The conflict, if any, with sales days already allocated in the
2 area;

3 (c) The amount and class of livestock available for marketing in
4 the area;

5 (d) Buyers available to such market;

6 (e) Any other conditions affecting the orderly marketing of
7 livestock.

8 (2) No special sales shall be conducted by the licensee unless the
9 licensee has applied to the ((~~director~~)) board in writing fifteen days
10 prior to such proposed sale and such sale date shall be approved at the
11 discretion of the ((~~director~~)) board.

12 (3) In any case that a licensee fails to conduct sales on the sales
13 days allocated to the licensee, the ((~~director~~)) board shall,
14 subsequent to a hearing, be authorized to revoke an allocation for
15 nonuse. The rate of usage required to maintain an allocation shall be
16 established by rule.

17 **Sec. 90.** RCW 16.65.422 and 1963 c 232 s 17 are each amended to
18 read as follows:

19 A producer of purebred livestock may, upon obtaining a permit from
20 the ((~~director~~)) livestock identification board, conduct a public sale
21 of the purebred livestock on an occasional or seasonal basis on
22 premises other than his or her own farm. Application for such special
23 sale shall be in writing to the ((~~director~~)) board for ((~~his~~)) its
24 approval at least fifteen days before the proposed public sale is
25 scheduled to be held by such producer.

26 **Sec. 91.** RCW 16.65.423 and 1983 c 298 s 16 are each amended to
27 read as follows:

28 The ((~~director~~)) livestock identification board shall have the
29 authority to issue a public livestock market license pursuant to the
30 provisions of this chapter limited to the sale of horses and/or mules
31 and to allocate a sales day or days to such licensee. The ((~~director~~))
32 board is hereby authorized and directed to adopt ((~~regulations~~)) rules
33 for facilities and sanitation applicable to such a license. The
34 facility requirements of RCW 16.65.360 shall not be applicable to such
35 licensee's operation as provided for in this section.

1 **Sec. 92.** RCW 16.65.424 and 1963 c 232 s 19 are each amended to
2 read as follows:

3 The ((~~director~~)) livestock identification board shall have the
4 authority to grant a licensee an additional sales day or days limited
5 to the sale of horses and/or mules and may if requested grant the
6 licensee, by permit, the authority to have the sale at premises other
7 than at his or her public livestock market if the facilities are
8 approved by the ((~~director~~)) board as being adequate for the protection
9 of the health and safety of such horses and/or mules. For the purpose
10 of such limited sale the facility requirements of RCW 16.65.360 shall
11 not be applicable.

12 **Sec. 93.** RCW 16.65.445 and 1989 c 175 s 55 are each amended to
13 read as follows:

14 The ((~~director~~)) livestock identification board shall hold public
15 hearings upon a proposal to promulgate any new or amended
16 ((~~regulations~~)) rules and all hearings for the denial, revocation, or
17 suspension of a license issued under this chapter or in any other
18 adjudicative proceeding, and shall comply in all respects with chapter
19 34.05 RCW, the Administrative Procedure Act.

20 **Sec. 94.** RCW 16.65.450 and 1991 c 17 s 4 are each amended to read
21 as follows:

22 Any licensee or applicant who feels aggrieved by an order of the
23 ((~~director~~)) livestock identification board may appeal to the superior
24 court of the county in the state of Washington of the residence of the
25 licensee or applicant where the trial on such appeal shall be held de
26 novo.

27 **Sec. 95.** RCW 16.04.025 and 1989 c 286 s 21 are each amended to
28 read as follows:

29 If the owner or the person having in charge or possession such
30 animals is unknown to the person sustaining the damage, the person
31 retaining such animals shall, within twenty-four hours, notify the
32 county sheriff or the nearest state brand inspector as to the number,
33 description, and location of the animals. The county sheriff or brand
34 inspector shall examine the animals by brand, tattoo, or other
35 identifying characteristics and attempt to ascertain ownership. If the
36 animal is marked with a brand or tattoo which is registered with the

1 ((~~director of agriculture~~)) livestock identification board, the brand
2 inspector or county sheriff shall furnish this information and other
3 pertinent information to the person holding the animals who in turn
4 shall send the notice required in RCW 16.04.020 to the animals' owner
5 of record by certified mail.

6 If the county sheriff or the brand inspector determines that there
7 is no apparent damage to the property of the person retaining the
8 animals, or if the person sustaining the damage contacts the county
9 sheriff or brand inspector to have the animals removed from his or her
10 property, such animals shall be removed in accordance with chapter
11 16.24 RCW. Such removal shall not prejudice the property owner's
12 ability to recover damages through civil suit.

13 **Sec. 96.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
14 1996 c 186 s 109 are each reenacted and amended to read as follows:

15 (1) The provisions of this chapter do not apply to:

16 (a) The members of the legislature or to any employee of, or
17 position in, the legislative branch of the state government including
18 members, officers, and employees of the legislative council, joint
19 legislative audit and review committee, statute law committee, and any
20 interim committee of the legislature;

21 (b) The justices of the supreme court, judges of the court of
22 appeals, judges of the superior courts or of the inferior courts, or to
23 any employee of, or position in the judicial branch of state
24 government;

25 (c) Officers, academic personnel, and employees of technical
26 colleges;

27 (d) The officers of the Washington state patrol;

28 (e) Elective officers of the state;

29 (f) The chief executive officer of each agency;

30 (g) In the departments of employment security and social and health
31 services, the director and the director's confidential secretary; in
32 all other departments, the executive head of which is an individual
33 appointed by the governor, the director, his or her confidential
34 secretary, and his or her statutory assistant directors;

35 (h) In the case of a multimember board, commission, or committee,
36 whether the members thereof are elected, appointed by the governor or
37 other authority, serve ex officio, or are otherwise chosen:

38 (i) All members of such boards, commissions, or committees;

1 (ii) If the members of the board, commission, or committee serve on
2 a part-time basis and there is a statutory executive officer: The
3 secretary of the board, commission, or committee; the chief executive
4 officer of the board, commission, or committee; and the confidential
5 secretary of the chief executive officer of the board, commission, or
6 committee;

7 (iii) If the members of the board, commission, or committee serve
8 on a full-time basis: The chief executive officer or administrative
9 officer as designated by the board, commission, or committee; and a
10 confidential secretary to the chair of the board, commission, or
11 committee;

12 (iv) If all members of the board, commission, or committee serve ex
13 officio: The chief executive officer; and the confidential secretary
14 of such chief executive officer;

15 (i) The confidential secretaries and administrative assistants in
16 the immediate offices of the elective officers of the state;

17 (j) Assistant attorneys general;

18 (k) Commissioned and enlisted personnel in the military service of
19 the state;

20 (l) Inmate, student, part-time, or temporary employees, and part-
21 time professional consultants, as defined by the Washington personnel
22 resources board;

23 (m) The public printer or to any employees of or positions in the
24 state printing plant;

25 (n) Officers and employees of the Washington state fruit
26 commission;

27 (o) Officers and employees of the Washington state apple
28 advertising commission;

29 (p) Officers and employees of the Washington state dairy products
30 commission;

31 (q) Officers and employees of the Washington tree fruit research
32 commission;

33 (r) Officers and employees of the Washington state beef commission;

34 (s) Officers and employees of any commission formed under chapter
35 15.66 RCW;

36 (t) Officers and employees of the state wheat commission formed
37 under chapter 15.63 RCW;

38 (u) Officers and employees of agricultural commissions formed under
39 chapter 15.65 RCW;

1 (v) Officers and employees of the nonprofit corporation formed
2 under chapter 67.40 RCW;

3 (w) Executive assistants for personnel administration and labor
4 relations in all state agencies employing such executive assistants
5 including but not limited to all departments, offices, commissions,
6 committees, boards, or other bodies subject to the provisions of this
7 chapter and this subsection shall prevail over any provision of law
8 inconsistent herewith unless specific exception is made in such law;

9 (x) In each agency with fifty or more employees: Deputy agency
10 heads, assistant directors or division directors, and not more than
11 three principal policy assistants who report directly to the agency
12 head or deputy agency heads;

13 (y) All employees of the marine employees' commission;

14 (z) Up to a total of five senior staff positions of the western
15 library network under chapter 27.26 RCW responsible for formulating
16 policy or for directing program management of a major administrative
17 unit. This subsection (1)(z) shall expire on June 30, 1997;

18 (aa) Staff employed by the department of community, trade, and
19 economic development to administer energy policy functions and manage
20 energy site evaluation council activities under RCW 43.21F.045(2)(m);

21 (bb) Staff employed by Washington State University to administer
22 energy education, applied research, and technology transfer programs
23 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

24 (cc) Officers and employees of the livestock identification board
25 created under RCW 16.57.015.

26 (2) The following classifications, positions, and employees of
27 institutions of higher education and related boards are hereby exempted
28 from coverage of this chapter:

29 (a) Members of the governing board of each institution of higher
30 education and related boards, all presidents, vice-presidents, and
31 their confidential secretaries, administrative, and personal
32 assistants; deans, directors, and chairs; academic personnel; and
33 executive heads of major administrative or academic divisions employed
34 by institutions of higher education; principal assistants to executive
35 heads of major administrative or academic divisions; other managerial
36 or professional employees in an institution or related board having
37 substantial responsibility for directing or controlling program
38 operations and accountable for allocation of resources and program
39 results, or for the formulation of institutional policy, or for

1 carrying out personnel administration or labor relations functions,
2 legislative relations, public information, development, senior computer
3 systems and network programming, or internal audits and investigations;
4 and any employee of a community college district whose place of work is
5 one which is physically located outside the state of Washington and who
6 is employed pursuant to RCW 28B.50.092 and assigned to an educational
7 program operating outside of the state of Washington;

8 (b) Student, part-time, or temporary employees, and part-time
9 professional consultants, as defined by the Washington personnel
10 resources board, employed by institutions of higher education and
11 related boards;

12 (c) The governing board of each institution, and related boards,
13 may also exempt from this chapter classifications involving research
14 activities, counseling of students, extension or continuing education
15 activities, graphic arts or publications activities requiring
16 prescribed academic preparation or special training as determined by
17 the board: PROVIDED, That no nonacademic employee engaged in office,
18 clerical, maintenance, or food and trade services may be exempted by
19 the board under this provision;

20 (d) Printing craft employees in the department of printing at the
21 University of Washington.

22 (3) In addition to the exemptions specifically provided by this
23 chapter, the Washington personnel resources board may provide for
24 further exemptions pursuant to the following procedures. The governor
25 or other appropriate elected official may submit requests for exemption
26 to the Washington personnel resources board stating the reasons for
27 requesting such exemptions. The Washington personnel resources board
28 shall hold a public hearing, after proper notice, on requests submitted
29 pursuant to this subsection. If the board determines that the position
30 for which exemption is requested is one involving substantial
31 responsibility for the formulation of basic agency or executive policy
32 or one involving directing and controlling program operations of an
33 agency or a major administrative division thereof, the Washington
34 personnel resources board shall grant the request and such
35 determination shall be final as to any decision made before July 1,
36 1993. The total number of additional exemptions permitted under this
37 subsection shall not exceed one percent of the number of employees in
38 the classified service not including employees of institutions of
39 higher education and related boards for those agencies not directly

1 under the authority of any elected public official other than the
2 governor, and shall not exceed a total of twenty-five for all agencies
3 under the authority of elected public officials other than the
4 governor. The Washington personnel resources board shall report to
5 each regular session of the legislature during an odd-numbered year all
6 exemptions granted under subsections (1)(w) and (x) and (2) of this
7 section, together with the reasons for such exemptions.

8 The salary and fringe benefits of all positions presently or
9 hereafter exempted except for the chief executive officer of each
10 agency, full-time members of boards and commissions, administrative
11 assistants and confidential secretaries in the immediate office of an
12 elected state official, and the personnel listed in subsections (1)(j)
13 through (v), (y), (z), and (2) of this section, shall be determined by
14 the Washington personnel resources board. However, beginning with
15 changes proposed for the 1997-99 fiscal biennium, changes to the
16 classification plan affecting exempt salaries must meet the same
17 provisions for classified salary increases resulting from adjustments
18 to the classification plan as outlined in RCW 41.06.152.

19 Any person holding a classified position subject to the provisions
20 of this chapter shall, when and if such position is subsequently
21 exempted from the application of this chapter, be afforded the
22 following rights: If such person previously held permanent status in
23 another classified position, such person shall have a right of
24 reversion to the highest class of position previously held, or to a
25 position of similar nature and salary.

26 Any classified employee having civil service status in a classified
27 position who accepts an appointment in an exempt position shall have
28 the right of reversion to the highest class of position previously
29 held, or to a position of similar nature and salary.

30 A person occupying an exempt position who is terminated from the
31 position for gross misconduct or malfeasance does not have the right of
32 reversion to a classified position as provided for in this section.

33 NEW SECTION. **Sec. 97.** (1) On the effective date of this section,
34 all powers, duties, and functions of the department of agriculture
35 under chapters 16.57 and 16.58 RCW are transferred to the livestock
36 identification board. The authority to adopt rules regarding those
37 powers, duties, and functions is transferred to the livestock

1 identification board and the administration of those powers, duties,
2 and functions is transferred to the board.

3 (2)(a) All reports, documents, surveys, books, records, files,
4 papers, or written material in the possession of the department of
5 agriculture pertaining to the powers, functions, and duties transferred
6 shall be delivered to the custody of the board. All cabinets,
7 furniture, office equipment, motor vehicles, and other tangible
8 property employed by the department of agriculture in carrying out the
9 powers, functions, and duties transferred shall be made available to
10 the board. All funds, credits, or other assets, including but not
11 limited to those in the agricultural local fund, held by the department
12 of agriculture in connection with the powers, functions, and duties
13 transferred shall be assigned to the board.

14 (b) Whenever any question arises as to the transfer of any funds,
15 books, documents, records, papers, files, equipment, or other tangible
16 property used or held in the exercise of the powers and the performance
17 of the duties and functions transferred, the director of financial
18 management shall make a determination as to the proper allocation and
19 certify the same to the state agencies concerned.

20 (3) All rules of the department of agriculture adopted under
21 chapter 16.57 RCW in effect on the effective date of this section and
22 all rules adopted by the department under chapter 16.58 RCW in effect
23 on the effective date of this section are, on the effective date of
24 this section, rules of the livestock identification board. All
25 proposed rules and all pending business before the department of
26 agriculture pertaining to the powers, functions, and duties transferred
27 shall be continued and acted upon by the board. All existing contracts
28 and obligations shall remain in full force and shall be performed by
29 the board. All registrations made with the department under chapter
30 16.57 RCW and all licenses issued by the department under chapter 16.58
31 RCW before the effective date of this section shall be considered to be
32 registrations with and licenses issued by the board.

33 (4) The transfer of the powers, duties, and functions of the
34 department of agriculture shall not affect the validity of any act
35 performed before the effective date of this section. The board shall
36 take action to enforce against violations of chapters 16.57 and 16.58
37 RCW and rules adopted thereunder which occurred before the effective
38 date of this section and for which enforcement is not taken by the
39 department before the effective date of this section with the same

1 force and effect as it may take actions to enforce chapters 16.57 and
2 16.58 RCW and rules adopted thereunder after the effective date of this
3 section. Any enforcement action taken by the department of agriculture
4 under chapter 16.57 or 16.58 RCW, or the rules adopted thereunder and
5 not concluded before the effective date of this section, shall be
6 continued in the name of the board.

7 (5) As used in this section "livestock identification board" and
8 "board" means the board created under RCW 16.57.015.

9 **Sec. 98.** RCW 39.29.040 and 1996 c 2 s 19 are each amended to read
10 as follows:

11 This chapter does not apply to:

12 (1) Contracts specifying a fee of less than two thousand five
13 hundred dollars if the total of the contracts from that agency with the
14 contractor within a fiscal year does not exceed two thousand five
15 hundred dollars;

16 (2) Contracts awarded to companies that furnish a service where the
17 tariff is established by the utilities and transportation commission or
18 other public entity;

19 (3) Intergovernmental agreements awarded to any governmental
20 entity, whether federal, state, or local and any department, division,
21 or subdivision thereof;

22 (4) Contracts awarded for services to be performed for a standard
23 fee, when the standard fee is established by the contracting agency or
24 any other governmental entity and a like contract is available to all
25 qualified applicants;

26 (5) Contracts for services that are necessary to the conduct of
27 collaborative research if prior approval is granted by the funding
28 source;

29 (6) Contracts for client services;

30 (7) Contracts for architectural and engineering services as defined
31 in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;

32 (8) Contracts for the employment of expert witnesses for the
33 purposes of litigation; (~~and~~)

34 (9) Contracts for bank supervision authorized under RCW 30.38.040;
35 and

36 (10) Contracts for livestock identification authorized under RCW
37 16.57.015.

1 NEW SECTION. **Sec. 99.** The following acts or parts of acts are
2 each repealed:

3 (1) 1997 c 356 s 3;

4 (2) 1997 c 356 s 5;

5 (3) 1997 c 356 s 9; and

6 (4) 1997 c 356 s 11.

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