

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6204

55th Legislature
1998 Regular Session

Passed by the Senate March 12, 1998
YEAS 33 NAYS 16

President of the Senate

Passed by the House March 11, 1998
YEAS 64 NAYS 34

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6204** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6204

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senator Morton)

Read first time 02/06/98.

1 AN ACT Relating to livestock identification; 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, 16.57.400, 16.57.407, 16.57.410, 16.57.420, 16.58.020,
9 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070, 16.58.080,
10 16.58.095, 16.58.100, 16.58.110, 16.58.120, 16.58.130, 16.58.140,
11 16.58.150, 16.58.160, 16.65.010, 16.65.015, 16.65.020, 16.65.030,
12 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080, 16.65.090,
13 16.65.100, 16.65.140, 16.65.190, 16.65.200, 16.65.220, 16.65.235,
14 16.65.250, 16.65.260, 16.65.270, 16.65.280, 16.65.290, 16.65.300,
15 16.65.310, 16.65.320, 16.65.330, 16.65.340, 16.65.350, 16.65.360,
16 16.65.420, 16.65.422, 16.65.423, 16.65.424, 16.65.445, 16.65.450,
17 16.04.025, and 43.23.230; reenacting and amending RCW 41.06.070; adding
18 new sections to chapter 16.57 RCW; adding a new section to chapter
19 42.17 RCW; creating new sections; repealing RCW 16.57.380 and
20 16.65.110; repealing 1997 c 356 s 3; repealing 1997 c 356 s 5;

1 repealing 1997 c 356 s 9; repealing 1997 c 356 s 11; and providing an
2 effective date.

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

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

6 For the purpose of this chapter:

7 (1) "Department" means the department of agriculture of the state
8 of Washington.

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

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

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

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

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

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

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

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

34 (10) "Poultry" means chickens, turkeys, ratites, and other
35 domesticated fowl.

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

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

6 (13) "Microchipping" means the implantation of an identification
7 microchip or similar electronic identification device to establish the
8 identity of an individual animal:

9 (a) In the pipping muscle of a chick ratite or the implantation of
10 a microchip in the tail muscle of an otherwise unidentified adult
11 ratite;

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

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

17 (14) "Livestock identification board" or "board" means the board
18 established under RCW 16.57.015.

19 (15) "Certificate of permit" means a form prescribed by and
20 obtained from the board that is completed by the owner or a person
21 authorized to act on behalf of the owner to show the ownership of
22 livestock. It does not evidence inspection of livestock.

23 (16) "Inspection certificate" means a certificate issued by the
24 board documenting the ownership of livestock based on an inspection of
25 livestock by the board. It includes an individual identification
26 certificate issued by the board.

27 (17) "Self-inspection certificate" means a form prescribed by and
28 obtained from the board that is used for self-inspection of cattle or
29 horses and is signed by the buyer and seller of the cattle or horses.

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

32 ~~(1) ((The director shall establish a livestock identification~~
33 ~~advisory board. The board shall be composed of six members appointed~~
34 ~~by the director. One member shall represent each of the following~~
35 ~~groups: Beef producers, public livestock market operators, horse~~
36 ~~owners, dairy farmers, cattle feeders, and meat processors. In making~~
37 ~~appointments, the director shall solicit nominations from organizations~~
38 ~~representing these groups state-wide.~~

1 ~~(2) The purpose of the board is to provide advice to the director~~
2 ~~regarding livestock identification programs administered under this~~
3 ~~chapter and regarding brand inspection fees and related licensing fees.~~
4 ~~The director shall consult the board before adopting, amending, or~~
5 ~~repealing a rule under this chapter or altering a fee under RCW~~
6 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director~~
7 ~~publishes in the state register a proposed rule to be adopted under the~~
8 ~~authority of this chapter or a proposed rule setting a fee under RCW~~
9 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not~~
10 ~~received the approval of the advisory board, the director shall file~~
11 ~~with the board a written statement setting forth the director's reasons~~
12 ~~for proposing the rule without the board's approval.~~

13 ~~(3) The members of the advisory board serve three year terms.~~
14 ~~However, the director shall by rule provide shorter initial terms for~~
15 ~~some of the members of the board to stagger the expiration of the~~
16 ~~initial terms. The members serve without compensation. The director~~
17 ~~may authorize the expenses of a member to be reimbursed if the member~~
18 ~~is selected to attend a regional or national conference or meeting~~
19 ~~regarding livestock identification. Any such reimbursement shall be in~~
20 ~~accordance with RCW 43.03.050 and 43.03.060.)) There is established a~~
21 ~~Washington state livestock identification board. The board is composed~~
22 ~~of the director, who shall be a nonvoting member, and six voting~~
23 ~~members appointed by the governor as follows: One beef producer, one~~
24 ~~cattle feeder, one dairy producer, one livestock market owner, one meat~~
25 ~~packer, and one horse producer. Organizations representing the groups~~
26 ~~represented on the board may submit nominations for these appointments~~
27 ~~to the governor for the governor's consideration. Three members of the~~
28 ~~initial board shall be appointed for two years and three members shall~~
29 ~~be appointed for three years, thereafter gubernatorially appointed~~
30 ~~members shall be appointed for a three-year term. Members may succeed~~
31 ~~themselves. As used in this subsection, "meat packer" means a person~~
32 ~~licensed to operate a slaughtering establishment under chapter 16.49A~~
33 ~~RCW.~~

34 (2) The board shall be responsible for the administration of the
35 livestock identification program which includes the review of recording
36 and registration of brands, approval of all expenditures from the
37 livestock identification account, administration of this chapter and
38 chapters 16.58 and 16.65 RCW, administration of the inspection,
39 enforcement, and licensing activities, fee setting, and holding

1 hearings and adopting rules for the administration of the livestock
2 identification program. Authorities and responsibilities other than
3 rule making that are granted to the board by this chapter and chapters
4 16.58 and 16.65 RCW may be delegated by the board to duly authorized
5 representatives of the board. The board shall adopt rules regarding
6 such authorities and responsibilities in accordance with chapter 34.05
7 RCW.

8 (3) Until June 30, 2004, the board shall contract with the
9 department for registration and recording and for livestock inspection
10 or investigation work and fix the compensation and terms of the
11 contract. Beginning July 1, 2004, the board may contract with the
12 department or other entities to provide such registration, recording,
13 inspection, or investigation.

14 (4) Members of the board shall receive compensation as provided by
15 RCW 43.03.240 and travel expenses to meetings or in otherwise carrying
16 out the duties of the board as provided under RCW 43.03.050 and
17 43.03.060. The board shall meet at least quarterly in each calendar
18 year. The board shall hire staff as necessary to carry out its duties.

19 (5) The board may select the area of the state in which to locate
20 its principal office, which may include an area that is, by and large,
21 near the geographic center of the state. The department shall examine
22 the rental and other costs of locating the principal office from which
23 it administers any contract it has with the board in an area that is,
24 by and large, near the geographic center of the state. The department
25 shall compare these costs with those of maintaining the principal
26 office in its current location. The department shall report its
27 findings to the board and shall consider moving its principal office
28 for such administration to such an area if it would be more
29 cost-effective to do so.

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

32 There is established a Washington state livestock identification
33 account in the agricultural local fund created under RCW 43.23.230 into
34 which all moneys collected or received from registration, recording,
35 inspection, or enforcement under this chapter and moneys collected or
36 received by the board under chapters 16.58 and 16.65 RCW shall be
37 deposited. These moneys shall be used solely for the Washington state
38 livestock identification program. Only the board may authorize

1 expenditures from this account. The account is subject to allotment
2 procedures under chapter 43.88 RCW, but an appropriation is not
3 required for expenditures.

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

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

15 (2) As provided in RCW 16.57.015, the director of agriculture may
16 be designated by the board as the recorder of livestock brands. If the
17 director is so designated, the recording fee shall be deposited by the
18 director in the Washington state livestock identification account and
19 shall be used solely for livestock identification program purposes as
20 provided in this chapter and only as authorized by the board.

21 (3) This section is null and void unless subsections (1) through
22 (5) of section 2 of this act and section 98 of this act become law.

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

25 (1) The board may adopt rules establishing criteria and fees for
26 the permanent renewal of brands registered with the department or with
27 the board but renewed as livestock heritage brands. Such heritage
28 brands are not intended for use on livestock.

29 (2) If the Washington state livestock identification board with
30 authority and responsibility for administering the livestock
31 identification program is not established by July 31, 1998, the
32 department of agriculture is granted the authorities provided to the
33 board by subsection (1) of this section.

34 NEW SECTION. Sec. 6. A new section is added to chapter 16.57 RCW
35 to read as follows:

1 (1) The board may enter into agreements with Washington state
2 licensed and accredited veterinarians, who have been certified by the
3 board, to perform livestock inspection. Fees for livestock inspection
4 performed by a certified veterinarian shall be collected by the
5 veterinarian and remitted to the board. Veterinarians providing
6 livestock inspection may charge a fee for livestock inspection that is
7 in addition to and separate from fees collected under RCW 16.57.220.
8 The board may adopt rules necessary to implement livestock inspection
9 performed by veterinarians and may adopt fees to cover the cost
10 associated with certification of veterinarians.

11 (2) If the Washington state livestock identification board with
12 authority and responsibility for administering the livestock
13 identification program is not established by July 31, 1998, the
14 department of agriculture is granted all of the authorities provided to
15 the board by subsection (1) of this section.

16 **Sec. 7.** RCW 16.57.030 and 1959 c 54 s 3 are each amended to read
17 as follows:

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

22 **Sec. 8.** RCW 16.57.040 and 1974 ex.s. c 64 s 1 are each amended to
23 read as follows:

24 The ((~~director~~)) board may provide for the use of production record
25 brands. Numbers for such brands shall be issued at the discretion of
26 the ((~~director~~)) board and shall be placed on livestock immediately
27 below the registered ownership brand or any other location prescribed
28 by the ((~~director~~)) board.

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

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

34 **Sec. 10.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read
35 as follows:

1 (~~The director shall establish by rule a schedule for the renewal~~
2 ~~of registered brands.~~) (1) Except as provided in section 5 of this
3 act, the fee for the renewal of ((the)) a brand((s)) registration shall
4 be ((no less than twenty five)) seventy dollars for each two-year
5 period of brand ownership((, except that)). However, the ((director))
6 board may((, in adopting a renewal schedule,)) provide for the
7 collection of renewal fees on a prorated basis ((and may by rule
8 increase the registration and renewal fee for brands by no more than
9 fifty percent subsequent to a hearing under chapter 34.05 RCW and in
10 conformance with RCW 16.57.015)). At least sixty days before the
11 expiration of a registered brand, the ((director)) board shall notify
12 by letter the owner of record of the brand that on the payment of the
13 requisite application fee and application of renewal the ((director))
14 board shall issue the proof of payment allowing the brand owner
15 exclusive ownership and use of the brand for the subsequent
16 registration period. The failure of the registered owner to pay the
17 renewal fee by the date required by rule shall cause such owner's brand
18 to revert to the ((department)) board. The ((director)) board may for
19 a period of one year following such reversion, reissue such brand only
20 to the prior registered owner upon payment of the registration fee and
21 a late filing fee ((to be prescribed by the director by rule subsequent
22 to a hearing under chapter 34.05 RCW and in conformance with RCW
23 16.57.015,)) of twenty dollars for renewal subsequent to the regular
24 renewal period. The ((director)) board may at the ((director's))
25 board's discretion, if such brand is not reissued within one year to
26 the prior registered owner, issue such brand to any other applicant.
27 (2) This section is null and void unless subsections (1) through
28 (5) of section 2 of this act and section 98 of this act become law.

29 **Sec. 11.** RCW 16.57.090 and 1994 c 46 s 17 are each amended to read
30 as follows:

31 A brand is the personal property of the owner of record. Any
32 instrument affecting the title of such brand shall be acknowledged in
33 the presence of the recorded owner and a notary public. The
34 ((director)) board shall record such instrument upon presentation and
35 payment of a recording fee not to exceed fifteen dollars to be
36 prescribed by the ((director)) board by rule subsequent to a hearing
37 under chapter 34.05 RCW and in conformance with RCW 16.57.015. Such
38 recording shall be constructive notice to all the world of the

1 existence and conditions affecting the title to such brand. A copy of
2 all records concerning the brand, certified by the ((~~director~~)) board,
3 shall be received in evidence to all intent and purposes as the
4 original instrument. The ((~~director~~)) board shall not be personally
5 liable for failure of the ((~~director's~~)) board's agents to properly
6 record such instrument.

7 **Sec. 12.** RCW 16.57.100 and 1971 ex.s. c 135 s 3 are each amended
8 to read as follows:

9 The right to use a brand shall be evidenced by the original
10 certificate issued by the ((~~director~~)) board showing that the brand is
11 of present record or a certified copy of the record of such brand
12 showing that it is of present record. A healed brand of record on
13 livestock shall be prima facie evidence that the recorded owner of such
14 brand has legal title to such livestock and is entitled to its
15 possession: PROVIDED, That the ((~~director~~)) board may require
16 additional proof of ownership of any animal showing more than one
17 healed brand.

18 **Sec. 13.** RCW 16.57.105 and 1967 c 240 s 38 are each amended to
19 read as follows:

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

24 **Sec. 14.** RCW 16.57.110 and 1959 c 54 s 11 are each amended to read
25 as follows:

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

30 **Sec. 15.** RCW 16.57.120 and 1991 c 110 s 2 are each amended to read
31 as follows:

32 No person shall remove or alter a brand of record on livestock
33 without first having secured the written permission of the ((~~director~~))
34 board. Violation of this section shall be a gross misdemeanor

1 punishable to the same extent as a gross misdemeanor that is punishable
2 under RCW 9A.20.021.

3 **Sec. 16.** RCW 16.57.130 and 1959 c 54 s 13 are each amended to read
4 as follows:

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

9 **Sec. 17.** RCW 16.57.140 and 1994 c 46 s 18 are each amended to read
10 as follows:

11 The owner of a brand of record may procure from the ~~((director))~~
12 board a certified copy of the record of the owner's brand upon payment
13 of a fee not to exceed seven dollars and fifty cents to be prescribed
14 by the ~~((director))~~ board by rule subsequent to a hearing under chapter
15 34.05 RCW and in conformance with RCW 16.57.015.

16 **Sec. 18.** RCW 16.57.150 and 1974 ex.s. c 64 s 5 are each amended to
17 read as follows:

18 The ~~((director))~~ board shall publish a book to be known as the
19 "Washington State Brand Book", showing all the brands of record. Such
20 book shall contain the name and address of the owners of brands of
21 record and a copy of the brand laws and regulations. Supplements to
22 such brand book showing newly recorded brands, amendments or newly
23 adopted regulations, shall be published biennially, or prior thereto at
24 the discretion of the ~~((director))~~ board: PROVIDED, That whenever ~~((he~~
25 ~~deems it))~~ necessary, the ~~((director))~~ board may issue a new brand
26 book.

27 **Sec. 19.** RCW 16.57.160 and 1991 c 110 s 3 are each amended to read
28 as follows:

29 (1) Except as provided in subsection (3) of this section, the
30 ~~((director))~~ board may ~~((by))~~ adopt rules ~~((adopted subsequent to a~~
31 ~~public hearing designate))~~: Designating any point for mandatory
32 ~~((brand))~~ livestock inspection of cattle or horses or the furnishing of
33 proof that cattle passing or being transported through such points have
34 been ~~((brand))~~ livestock inspected and are lawfully being moved;
35 providing for self-inspection of cattle and horses; and providing for

1 issuance of individual horse and cattle identification certificates or
2 other means of horse and cattle identification.

3 ~~((Further,))~~ (2) ~~The~~ ~~((director))~~ board or any peace officer may
4 stop vehicles carrying cattle or horses to determine if ~~((such))~~ the
5 cattle or horses are identified, branded, or accompanied by ~~((the form~~
6 ~~prescribed by the director under RCW 16.57.240 or a brand certificate~~
7 ~~issued by the department))~~ a certificate of permit, inspection
8 certificate, self-inspection certificate, or other satisfactory proof
9 of ownership, as determined by the board.

10 (3) Inspection shall not be required for:

11 (a) Any individual private sale of any unbranded dairy breed milk
12 production cattle involving fifteen head or less; or

13 (b) A sale by the owner of a dairy farm licensed under chapter
14 15.36 RCW of a male calf or male calves from the farm that are not
15 more than thirty days old, as long as the license number for the dairy
16 is listed on the bill of sale or its equivalent.

17 **Sec. 20.** RCW 16.57.165 and 1971 ex.s. c 135 s 6 are each amended
18 to read as follows:

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

26 **Sec. 21.** 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. 22.** 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. 23.** 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. 24.** 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. 25.** 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
9 by the director subsequent to a hearing under chapter 34.05 RCW and in
10 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. 26.** 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.

23 **Sec. 27.** 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. Such
28 forms)) (1) Certificates of permit, inspection certificates, and self-
29 inspection certificates shall show the owner, number, ((specie)) breed,
30 sex, brand or other method of identification of ((such)) the cattle or
31 horses and any other necessary information required by the ((director))
32 board. ((The original shall be kept for a period of three years or
33 shall be furnished to the director upon demand or as prescribed by
34 rule, one copy shall accompany the cattle to their destination and
35 shall be subject to inspection at any time by the director or any peace
36 officer or member of the state patrol: PROVIDED, That in the following
37 instances only, cattle may be moved or transported within this state

1 without being accompanied by an official certificate of permit, brand
2 inspection 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 (2) The board may cause certificate of permit forms to be issued to
9 any person on payment of a fee established by rule.

10 (3) Inspection certificates, self-inspection certificates, or other
11 proof of ownership deemed satisfactory by the board shall be kept by
12 the owner and/or person in possession of any cattle or horses and shall
13 be furnished to the board or any peace officer upon demand.

14 (4) Cattle may not be moved or transported within this state
15 without being accompanied by a certificate of permit, inspection
16 certificate, or self-inspection certificate except:

17 (a) When the cattle are moved or transported upon lands under the
18 exclusive control of the person moving or transporting the cattle; or

19 (b) When the cattle are being moved or transported for temporary
20 grazing or feeding purposes and have the recorded brand of the person
21 having or transporting the cattle.

22 (5) Certificates of permit, inspection certificates, or self-
23 inspection certificates accompanying cattle being moved or transported
24 within this state shall be subject to inspection at any time by the
25 board or any peace officer.

26 **Sec. 28.** RCW 16.57.260 and 1981 c 296 s 19 are each amended to
27 read as follows:

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

33 **Sec. 29.** RCW 16.57.270 and 1959 c 54 s 27 are each amended to read
34 as follows:

35 It shall be unlawful for any person moving or transporting
36 livestock in this state to refuse to assist the ((director)) board or

1 any peace officer in establishing the identity of such livestock being
2 moved or transported.

3 **Sec. 30.** RCW 16.57.275 and 1967 c 240 s 37 are each amended to
4 read as follows:

5 Any cattle carcass, or primal part thereof, of any breed or age
6 being transported in this state from other than a state or federal
7 licensed and inspected slaughterhouse or common carrier hauling for
8 such slaughterhouse, shall be accompanied by a certificate of permit
9 signed by the owner of such carcass or primal part thereof and, if such
10 carcass or primal part is delivered to a facility custom handling such
11 carcasses or primal part thereof, such certificate of permit shall be
12 deposited with the owner or manager of such custom handling facility
13 and such certificate of permit shall be retained for a period of one
14 year and be made available to the ((department)) livestock
15 identification board for inspection during reasonable business hours.
16 (~~The owner of such carcass or primal part thereof shall mail a copy of~~
17 ~~the said certificate of permit to the department within ten days of~~
18 ~~said transportation.~~)

19 **Sec. 31.** RCW 16.57.280 and 1995 c 374 s 52 are each amended to
20 read as follows:

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

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

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

27 (3) Such livestock is accompanied by a ((brand)) livestock
28 inspection certificate; or

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

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

32 A violation of this section constitutes a gross misdemeanor
33 punishable to the same extent as a gross misdemeanor that is punishable
34 under RCW 9A.20.021.

35 **Sec. 32.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to
36 read as follows:

1 All unbranded cattle and horses and those bearing brands not
2 recorded, in the current edition of this state's brand book, which are
3 not accompanied by a certificate of permit, and those bearing brands
4 recorded, in the current edition of this state's brand book, which are
5 not accompanied by a certificate of permit signed by the owner of the
6 brand when presented for inspection by the ~~((director))~~ board, shall be
7 sold by the ~~((director))~~ board or the ~~((director's))~~ board's
8 representative, unless other satisfactory proof of ownership is
9 presented showing the person presenting them to be lawfully in
10 possession. Upon the sale of such cattle or horses, the ~~((director))~~
11 board or the ~~((director's))~~ board's representative shall give the
12 purchasers a bill of sale therefor, or, if theft is suspected, the
13 cattle or horses may be impounded by the ~~((director))~~ board or the
14 ~~((director's))~~ board's representative.

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

17 The proceeds from the sale of cattle and horses as provided for
18 under RCW 16.57.290, after paying the cost thereof, shall be paid to
19 the ~~((director))~~ board, who shall make a record showing the brand or
20 marks or other method of identification of the animals and the amount
21 realized from the sale thereof. However, the proceeds from a sale of
22 such cattle or horses at a licensed public livestock market shall be
23 held by the licensee for a reasonable period not to exceed thirty days
24 to permit the consignor to establish ownership or the right to sell
25 such cattle or horses. If such consignor fails to establish legal
26 ownership or the right to sell such cattle or horses, such proceeds
27 shall be paid to the ~~((director))~~ board to be disposed of as any other
28 stray proceeds.

29 **Sec. 34.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read
30 as follows:

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

1 **Sec. 35.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read
2 as follows:

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

12 **Sec. 36.** RCW 16.57.330 and 1959 c 54 s 33 are each amended to read
13 as follows:

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

18 **Sec. 37.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
19 as follows:

20 The ((~~director~~)) board shall have the authority to enter into
21 reciprocal agreements with any or all states to prevent the theft,
22 misappropriation or loss of identification of livestock. The
23 ((~~director~~)) board may declare any livestock which is shipped or moved
24 into this state from such states estrays if such livestock is not
25 accompanied by the proper official brand certificate or other such
26 certificates required by the law of the state of origin of such
27 livestock. The ((~~director~~)) board may hold such livestock subject to
28 all costs of holding or sell such livestock and send the funds, after
29 the deduction of the cost of such sale, to the proper authority in the
30 state of origin of such livestock.

31 **Sec. 38.** RCW 16.57.350 and 1994 c 46 s 8 are each amended to read
32 as follows:

33 The ((~~director~~)) board may adopt such rules as are necessary to
34 carry out the purposes of this chapter. It shall be the duty of the
35 ((~~director~~)) board to enforce and carry out the provisions of this
36 chapter and/or rules adopted hereunder. No person shall interfere with

1 the ~~((director))~~ board when ~~((he or she))~~ the board is performing or
2 carrying out duties imposed on ~~((him or her))~~ it by this chapter and/or
3 rules adopted hereunder.

4 **Sec. 39.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read
5 as follows:

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

9 The violation of any provision of this chapter and/or rules and
10 regulations adopted hereunder shall constitute a class I civil
11 infraction as provided under chapter 7.80 RCW unless otherwise
12 specified herein.

13 **Sec. 40.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read
14 as follows:

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

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

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

26 Horses and cattle identified pursuant to the provisions of this
27 section and the rules ~~((and regulations))~~ adopted hereunder shall not
28 be subject to ~~((brand))~~ livestock inspection except when sold at points
29 provided for in RCW ~~((16.57.380))~~ 16.57.160. The ~~((director))~~ board
30 shall charge a fee for the certificates or other means of
31 identification authorized pursuant to this section and no
32 identification shall be issued until the ~~((director))~~ board has
33 received the fee. The schedule of fees shall be established in
34 accordance with the provisions of chapter 34.05 RCW.

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

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

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

8 (1) No person may act as a registering agency without a permit
9 issued by the ((~~department~~)) board. The ((~~director~~)) board may issue
10 a permit to any person or organization to act as a registering agency
11 for the purpose of issuing permanent identification symbols for horses
12 in a manner prescribed by the ((~~director~~)) board. Application for such
13 permit, or the renewal thereof by January 1 of each year, shall be on
14 a form prescribed by the ((~~director~~)) board, and accompanied by the
15 proof of registration to be issued, any other documents required by the
16 ((~~director~~)) board, and a fee of one hundred dollars.

17 (2) Each registering agency shall maintain a permanent record for
18 each individual identification symbol. The record shall include, but
19 need not be limited to, the name, address, and phone number of the
20 horse owner and a general description of the horse. A copy of each
21 permanent record shall be forwarded to the ((~~director~~)) board, if
22 requested by the ((~~director~~)) board.

23 (3) Individual identification symbols shall be inspected as
24 required for brands under RCW 16.57.220 ((~~and 16.57.380~~)). Any horse
25 presented for inspection and bearing such a symbol, but not accompanied
26 by proof of registration and certificate of permit, shall be sold as
27 provided under RCW 16.57.290 through 16.57.330.

28 (4) The ((~~director~~)) board shall adopt such rules as are necessary
29 for the effective administration of this section pursuant to chapter
30 34.05 RCW.

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

33 The ((~~department~~)) livestock identification board may, in
34 consultation with representatives of the ratite industry, develop by
35 rule a system that provides for the identification of individual
36 ratites through the use of microchipping. The ((~~department~~)) board may

1 establish fees for the issuance or reissuance of microchipping numbers
2 sufficient to cover the expenses of the (~~department~~) board.

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

5 For the purpose of this chapter:

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

8 (2) "Certified feed lot" means any place, establishment, or
9 facility commonly known as a commercial feed lot, cattle feed lot, or
10 the like, which complies with all of the requirements of this chapter,
11 and any (~~regulations~~) rules adopted pursuant to the provisions of
12 this chapter and which holds a valid license from the (~~director~~)
13 board as hereinafter provided.

14 (~~(2)~~) "~~Department~~" means the department of agriculture of the state
15 of Washington.

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

18 (~~(4)~~) (3) "Licensee" means any persons licensed under the
19 provisions of this chapter.

20 (~~(5)~~) (4) "Person" means a natural person, individual, firm,
21 partnership, corporation, company, society, and association, and every
22 officer, agent or employee thereof. This term shall import either the
23 singular or the plural as the case may be.

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

26 The (~~director~~) board may adopt such rules (~~and regulations~~) as
27 are necessary to carry out the purpose of this chapter. The adoption
28 of such rules shall be subject to the provisions of this chapter and
29 rules (~~and regulations~~) adopted hereunder. No person shall interfere
30 with the (~~director when he~~) board when it is performing or carrying
31 out any duties imposed (~~upon him~~) by this chapter or rules (~~and~~
32 ~~regulations~~) adopted hereunder.

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

35 On or after August 9, 1971, any person desiring to engage in the
36 business of operating one or more certified feed lots shall obtain an

1 annual license from the ((director)) board for such purpose. The
2 application for a license shall be on a form prescribed by the
3 ((director)) board and shall include the following:

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

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

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

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

12 (5) Any other information necessary to carry out the purpose and
13 provisions of this chapter and rules ((or regulations)) adopted
14 hereunder.

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

17 The application for an annual license to engage in the business of
18 operating one or more certified feed lots shall be accompanied by a
19 license fee of seven hundred fifty dollars. Upon approval of the
20 application by the ((director)) livestock identification board and
21 compliance with the provisions of this chapter and rules adopted
22 hereunder, the applicant shall be issued a license or a renewal
23 thereof. The board shall conduct an inspection of all cattle and their
24 corresponding ownership documents prior to issuing an original license.
25 The inspection fee shall be the higher of the current inspection fee
26 per head of cattle or time and mileage as set forth in RCW 16.57.220.

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

29 The ((director)) board shall establish by rule an expiration date
30 or dates for all certified feed lot licenses. License fees shall be
31 prorated where necessary to accommodate staggering of expiration dates
32 of a license or licenses. If an application for renewal of a certified
33 feed lot license is not received by the ((department)) board per the
34 date required by rule or should a person fail, refuse, or neglect to
35 apply for renewal of a preexisting license on or before the date of
36 expiration, that person shall be assessed an additional twenty-five
37 dollars which shall be added to the regular license fee and shall be

1 paid before the ((director)) board may issue a license to the
2 applicant.

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

5 The ((director)) livestock identification board is authorized to
6 deny, suspend, or revoke a license in accord with the provisions of
7 chapter 34.05 RCW if ((he)) it finds that there has been a failure to
8 comply with any requirement of this chapter or rules ((and
9 regulations)) adopted hereunder. Hearings for the revocation,
10 suspension, or denial of a license shall be subject to the provisions
11 of chapter 34.05 RCW concerning adjudicative proceedings.

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

14 Every certified feed lot shall be equipped with a facility or a
15 livestock pen, approved by the ((director)) livestock identification
16 board as to location and construction within the ((said)) feed lot so
17 that necessary ((brand)) livestock inspection can be carried on in a
18 proper, expeditious and safe manner. Each licensee shall furnish the
19 ((director)) board with sufficient help necessary to carry out
20 ((brand)) livestock inspection in the manner set forth above.

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

23 All cattle entering or reentering a certified feed lot must be
24 inspected for brands upon entry, unless they are accompanied by a
25 ((brand)) livestock inspection certificate issued by the ((director))
26 livestock identification board, or any other agency authorized in any
27 state or Canadian province by law to issue such a certificate.
28 Licensees shall report a discrepancy between cattle entering or
29 reentering a certified feed lot and the ((brand)) livestock inspection
30 certificate accompanying the cattle to the nearest ((brand)) livestock
31 inspector immediately. A discrepancy may require an inspection of all
32 the cattle entering or reentering the lot, except as may otherwise be
33 provided by rule.

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

1 The ((director)) livestock identification board shall each year
2 conduct audits of the cattle received, fed, handled, and shipped by the
3 licensee at each certified feed lot. Such audits shall be for the
4 purpose of determining if such cattle correlate with the ((brand))
5 livestock inspection certificates issued in their behalf and that the
6 certificate of assurance furnished the ((director)) board by the
7 licensee correlates with his or her assurance that ((brand)) livestock
8 inspected cattle were not commingled with uninspected cattle.

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

11 All certified feed lots shall furnish the ((director)) livestock
12 identification board with records as requested by ((him)) it from time
13 to time on all cattle entering or on feed in ((said)) certified feed
14 lots and dispersed therefrom. All such records shall be subject to
15 examination by the ((director)) board for the purpose of maintaining
16 the integrity of the identity of all such cattle. The ((director))
17 board may make the examinations only during regular business hours
18 except in an emergency to protect the interest of the owners of such
19 cattle.

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

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

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

27 (1) Each licensee shall pay to the ((director)) livestock
28 identification board a fee of ((twelve)) fifteen cents for each head of
29 cattle handled through the licensee's feed lot. Payment of such fee
30 shall be made by the licensee on a monthly basis. Failure to pay as
31 required shall be grounds for suspension or revocation of a certified
32 feed lot license. Further, the ((director)) board shall not renew a
33 certified feed lot license if a licensee has failed to make prompt and
34 timely payments.

35 (2) This section is null and void unless subsections (1) through
36 (5) of section 2 of this act and section 98 of this act become law.

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

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

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

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

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

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

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

22 For the purposes of this chapter:

23 (1) The term "public livestock market" means any place,
24 establishment or facility commonly known as a "public livestock
25 market", "livestock auction market", "livestock sales ring", yards
26 selling on commission, or the like, conducted or operated for
27 compensation or profit as a public livestock market, consisting of pens
28 or other enclosures, and their appurtenances in which livestock is
29 received, held, sold, kept for sale or shipment. The term does not
30 include the operation of a person licensed under this chapter to
31 operate a special open consignment horse sale.

32 (2) ~~(("Department" means the department of agriculture of the state
33 of Washington.~~

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

1 ~~(4))~~ "Licensee" means any person licensed under the provisions of
2 this chapter.

3 ~~((5))~~ (3) "Livestock" includes horses, mules, burros, cattle,
4 sheep, swine, and goats.

5 ~~((6))~~ (4) "Livestock identification board" or "board" means the
6 board created in RCW 16.57.015.

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

11 ~~((7))~~ (6) "Stockyard" means any place, establishment, or facility
12 commonly known as a stockyard consisting of pens or other enclosures
13 and their appurtenances in which livestock services such as feeding,
14 watering, weighing, sorting, receiving and shipping are offered to the
15 public: PROVIDED, That stockyard shall not include any facilities
16 where livestock is offered for sale at public auction, feed lots, or
17 quarantined registered feed lots.

18 ~~((8))~~ (7) "Packer" means any person engaged in the business of
19 slaughtering, manufacturing, preparing meat or meat products for sale,
20 marketing meat, meat food products or livestock products.

21 ~~((9))~~ (8) "Deputy state veterinarian" means a graduate
22 veterinarian authorized to practice in the state of Washington and
23 appointed or deputized by the director of agriculture as his or her
24 duly authorized representative.

25 ~~((10))~~ (9) "Special open consignment horse sale" means a sale
26 conducted by a person other than the operator of a public livestock
27 market which is limited to the consignment of horses and donkeys only
28 for sale on an occasional and seasonal basis.

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

31 This chapter does not apply to:

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

34 (2) A farmers' cooperative association or an association of
35 livestock breeders when any class of their own livestock is assembled
36 and offered for sale at a special sale on an occasional and seasonal
37 basis under the association's management and responsibility, and the
38 special sale has been approved by the ~~((director))~~ board in writing.

1 However, the special sale shall be subject to brand and health
2 inspection requirements as provided in this chapter for sales at public
3 livestock markets.

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

6 Public livestock markets and special open consignment horse sales
7 shall be under the direction and supervision of the ~~((director))~~
8 livestock identification board, and the ~~((director))~~ board, but not
9 ~~((his))~~ its duly authorized representative, may adopt such rules ~~((and~~
10 ~~regulations))~~ as are necessary to carry out the purpose of this
11 chapter. It shall be the duty of the ~~((director))~~ board to enforce and
12 carry out the provisions of this chapter and rules ~~((and regulations))~~
13 adopted hereunder. No person shall interfere with the ~~((director))~~
14 board when ~~((he))~~ it is performing or carrying out any duties imposed
15 upon ~~((him))~~ it by this chapter or rules ~~((and regulations))~~ adopted
16 hereunder.

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

19 (1) ~~((On and after June 10, 1959,))~~ No person shall operate a
20 public livestock market without first having obtained a license from
21 the ~~((director))~~ livestock identification board. Application for
22 ~~((such))~~ a license shall be in writing on forms prescribed by the
23 ~~((director))~~ board, and shall include the following:

24 (a) A nonrefundable original license application fee of fifteen
25 hundred dollars.

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

28 (c) A complete description and blueprints or plans of the public
29 livestock market physical plant, yards, pens, and all facilities the
30 applicant proposes to use in the operation of such public livestock
31 market.

32 ~~((A detailed statement showing all the assets and liabilities
33 of the applicant which must reflect a sufficient net worth to construct
34 or operate a public livestock market.))~~ A financial statement, compiled
35 or audited by a certified or licensed public accountant, to determine
36 whether or not the applicant meets the minimum net worth requirements,
37 established by the director by rule, to construct and/or operate a

1 public livestock market. If the applicant is a subsidiary of a larger
2 company, corporation, society, or cooperative association, both the
3 parent company and the subsidiary company must submit a financial
4 statement to determine whether or not the applicant meets the minimum
5 net worth requirements. All financial statement information required
6 by this subsection is confidential information and not subject to
7 public disclosure.

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

11 (f) The weekly or monthly sales day or days on which the applicant
12 proposes to operate his or her public livestock market sales and the
13 class of livestock that may be sold on these days.

14 (g) Projected source and quantity of livestock ~~((, by county,))~~
15 anticipated to be handled.

16 (h) Projected ~~((income and expense statements for))~~ gross dollar
17 volume of business to be carried on, at, or through the public
18 livestock market during the first year's operation.

19 (i) Facts upon which ~~((are))~~ is based the conclusion that the trade
20 area and the livestock industry will benefit because of the proposed
21 market.

22 (j) ~~((Such))~~ Other information as the ~~((director))~~ board may
23 ~~((reasonably))~~ require by rule.

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

29 ~~(a) Benefits to the livestock industry to be derived from the~~
30 ~~establishment and operation of the public livestock market proposed in~~
31 ~~the application; and~~

32 ~~(b) The present market services elsewhere available to the trade~~
33 ~~area proposed to be served.~~

34 (3) ~~Applications for renewal under RCW 16.65.040 shall include all~~
35 ~~information under subsection (1) of this section, except subsection~~
36 ~~(1)(a) of this section.)~~ If the board determines that the applicant
37 meets all the requirements of subsection (1) of this section, the board
38 shall conduct a public hearing as provided by chapter 34.05 RCW, and
39 shall grant or deny an application for original license for a public

1 livestock market after considering evidence and testimony relating to
2 the requirements of this section and giving reasonable consideration
3 to:

4 (a) Benefits to the livestock industry to be derived from the
5 establishment and operation of the public livestock market proposed in
6 the application;

7 (b) The geographical area that will be affected;

8 (c) The conflict, if any, with sales days already allocated in the
9 area;

10 (d) The amount and class of livestock available for marketing in
11 the area;

12 (e) Buyers available to the proposed market; and

13 (f) Any other conditions affecting the orderly marketing of
14 livestock.

15 (3) Before a license is issued to operate a public livestock
16 market, the applicant must:

17 (a) Execute and deliver to the board a surety bond as required
18 under RCW 16.65.200;

19 (b) Provide evidence of a custodial account, as required under RCW
20 16.65.140, for the consignor's proceeds;

21 (c) Pay the appropriate license fee; and

22 (d) Provide other information required under this chapter and rules
23 adopted under this chapter.

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

26 (1) Upon the approval of the application by the ~~((director))~~
27 livestock identification board and compliance with the provisions of
28 this chapter, the applicant shall be issued a license or renewal
29 thereof. Any license issued under the provisions of this chapter shall
30 only be valid at location and for the sales day or days for which the
31 license was issued.

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

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

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

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

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

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

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

12 All public livestock market licenses provided for in this chapter
13 shall expire on March 1st subsequent to the date of issue. Any person
14 who fails, refuses, or neglects to apply for a renewal of a preexisting
15 license on or before the date of expiration, shall pay a penalty of
16 twenty-five dollars, which shall be added to the regular license fee,
17 before such license may be renewed by the ((~~director~~)) livestock
18 identification board.

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

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

24 (a) A detailed statement showing all of the assets and liabilities
25 of the applicant;

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

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

30 (d) Projected quantity and approximate value of horses to be
31 handled; and

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

34 (2) The application shall be accompanied by a license fee of one
35 hundred dollars. Upon the approval of the application by the
36 ((~~director~~)) board and compliance with this chapter, the applicant
37 shall be issued a license. A special open consignment horse sale

1 license is valid only for the specific date or dates and exact location
2 for which the license was issued.

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

5 All fees (~~((provided for))~~) collected or received by the board under
6 this chapter shall be (~~((retained by the director))~~) deposited by the
7 board in the livestock identification account created in section 3 of
8 this act. Moneys collected under this chapter may be expended by the
9 board without appropriation for the purpose of enforcing this chapter.

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

12 (1) The (~~((director))~~) livestock identification board is authorized
13 to deny, suspend, or revoke a license in the manner prescribed herein,
14 when there are findings by the (~~((director))~~) board that any licensee (a)
15 has been guilty of fraud or misrepresentation as to titles, charges,
16 numbers, brands, weights, proceeds of sale, or ownership of livestock;
17 (b) has attempted payment to a consignor by a check the licensee knows
18 not to be backed by sufficient funds to cover such check; (c) has
19 violated any of the provisions of this chapter or rules (~~((and~~
20 ~~regulations))~~) adopted hereunder; (d) has violated any laws of the state
21 that require health or (~~((brand))~~) livestock inspection of livestock; (e)
22 has violated any condition of the bond, as provided in this chapter.
23 However, the (~~((director))~~) board may deny a license if the applicant
24 refuses to accept the sales day or days allocated to (~~((him))~~) it under
25 the provisions of this chapter.

26 (2) In all proceedings for revocation, suspension, or denial of a
27 license the licensee or applicant shall be given an opportunity to be
28 heard in regard to such revocation, suspension or denial of a license.
29 The (~~((director))~~) board shall give the licensee or applicant twenty
30 days' notice in writing and such notice shall specify the charges or
31 reasons for such revocation, suspension or denial. The notice shall
32 also state the date, time and place where such hearing is to be held.
33 Such hearings shall be held in the city where the licensee has his or
34 her principal place of business, or where the applicant resides, unless
35 some other place be agreed upon by the parties, and the defendant may
36 be represented by counsel.

1 (3) The ((~~director~~)) board may issue subpoenas to compel the
2 attendance of witnesses, and/or the production of books or documents
3 anywhere in the state. The applicant or licensee shall have
4 opportunity to be heard, and may have such subpoenas issued as he or
5 she desires. Subpoenas shall be served in the same manner as in civil
6 cases in the superior court. Witnesses shall testify under oath which
7 may be administered by the ((~~director~~)) board. Testimony shall be
8 recorded, and may be taken by deposition under such rules as the
9 ((~~director~~)) board may prescribe.

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

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

16 The ((~~director~~)) livestock identification board shall provide for
17 ((~~brand~~)) livestock inspection. When such ((~~brand~~)) livestock
18 inspection is required the licensee shall collect from the consignor
19 and pay to the ((~~department~~)) board, as provided by law, a fee for
20 ((~~brand~~)) livestock inspection for each animal consigned to the public
21 livestock market or special open consignment horse sale. However, if
22 in any one sale day the total fees collected for ((~~brand~~)) livestock
23 inspection do not exceed ninety dollars, then such licensee shall pay
24 ninety dollars for such ((~~brand~~)) livestock inspection or as much
25 thereof as the ((~~director~~)) board may prescribe.

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

28 The licensee of each public livestock market or special open
29 consignment horse sale shall collect from any purchaser of livestock
30 requesting ((~~brand~~)) livestock inspection a fee as provided by law for
31 each animal inspected. Such fee shall be in addition to the fee
32 charged to the consignor for ((~~brand~~)) livestock inspection and shall
33 not apply to the minimum fee chargeable to the licensee.

34 **Sec. 71.** RCW 16.65.140 and 1971 ex.s. c 192 s 4 are each amended
35 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. 72.** 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. 73.** 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 as~~
35 ~~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. 74.** 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. 75.** 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. 76.** 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. 77.** 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. 78.** 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. 79.** 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. 80.** 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. 81.** 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. 82.** 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. 83.** 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. 84.** 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. 85.** 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 licensed and accredited veterinarian employed by the market as in the
27 ~~((director's))~~ board's judgment may be necessary to prevent the spread
28 of brucellosis, tuberculosis, paratuberculosis, ~~((hog—cholera))~~
29 pseudorabies, or any other infectious, contagious or communicable
30 disease among the livestock of this state. The state veterinarian or
31 his or her authorized representative may conduct additional testing and
32 examinations for the same purpose.

33 **Sec. 86.** RCW 16.65.350 and 1959 c 107 s 35 are each amended to
34 read as follows:

35 ~~((1))~~ The director of the department of agriculture shall
36 ~~((perform all tests and make all examinations required under the~~

1 provisions of this chapter and rules and regulations adopted hereunder:
2 PROVIDED, That veterinary inspectors of the United States department of
3 agriculture may be appointed by the director to make such examinations
4 and tests as are provided for in this chapter without bond or
5 compensation, and shall have the same authority and power in this state
6 as a deputy state veterinarian.

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

18 **Sec. 87.** RCW 16.65.360 and 1959 c 107 s 36 are each amended to
19 read as follows:

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

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

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

36 (3) All yards, chutes and pens used in handling livestock shall be
37 constructed of such materials which will render them easily cleaned and
38 disinfected, and such yards, pens and chutes shall be kept clean,

1 sanitary and in good repair at all times, as required by the director
2 of agriculture.

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

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

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

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

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

17 (b) provided with separate watering facilities;

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

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

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

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

29 **Sec. 88.** RCW 16.65.420 and 1991 c 17 s 3 are each amended to read
30 as follows:

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

1 such sales days, the ((director)) board shall give appropriate
2 consideration, among other relevant factors, to the following:

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

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

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

8 (d) Buyers available to such market;

9 (e) Any other conditions affecting the orderly marketing of
10 livestock.

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

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

20 **Sec. 89.** RCW 16.65.422 and 1963 c 232 s 17 are each amended to
21 read as follows:

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

29 **Sec. 90.** RCW 16.65.423 and 1983 c 298 s 16 are each amended to
30 read as follows:

31 The ((director)) livestock identification board shall have the
32 authority to issue a public livestock market license pursuant to the
33 provisions of this chapter limited to the sale of horses and/or mules
34 and to allocate a sales day or days to such licensee. The ((director))
35 board is hereby authorized and directed to adopt ((regulations)) rules
36 for facilities and sanitation applicable to such a license. The

1 facility requirements of RCW 16.65.360 shall not be applicable to such
2 licensee's operation as provided for in this section.

3 **Sec. 91.** RCW 16.65.424 and 1963 c 232 s 19 are each amended to
4 read as follows:

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

14 **Sec. 92.** RCW 16.65.445 and 1989 c 175 s 55 are each amended to
15 read as follows:

16 The ((~~director~~)) livestock identification board shall hold public
17 hearings upon a proposal to promulgate any new or amended
18 ((~~regulations~~)) rules and all hearings for the denial, revocation, or
19 suspension of a license issued under this chapter or in any other
20 adjudicative proceeding, and shall comply in all respects with chapter
21 34.05 RCW, the Administrative Procedure Act.

22 **Sec. 93.** RCW 16.65.450 and 1991 c 17 s 4 are each amended to read
23 as follows:

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

29 **Sec. 94.** RCW 16.04.025 and 1989 c 286 s 21 are each amended to
30 read as follows:

31 If the owner or the person having in charge or possession such
32 animals is unknown to the person sustaining the damage, the person
33 retaining such animals shall, within twenty-four hours, notify the
34 county sheriff or the nearest state brand inspector as to the number,
35 description, and location of the animals. The county sheriff or brand

1 inspector shall examine the animals by brand, tattoo, or other
2 identifying characteristics and attempt to ascertain ownership. If the
3 animal is marked with a brand or tattoo which is registered with the
4 (~~director of agriculture~~) livestock identification board, the brand
5 inspector or county sheriff shall furnish this information and other
6 pertinent information to the person holding the animals who in turn
7 shall send the notice required in RCW 16.04.020 to the animals' owner
8 of record by certified mail.

9 If the county sheriff or the brand inspector determines that there
10 is no apparent damage to the property of the person retaining the
11 animals, or if the person sustaining the damage contacts the county
12 sheriff or brand inspector to have the animals removed from his or her
13 property, such animals shall be removed in accordance with chapter
14 16.24 RCW. Such removal shall not prejudice the property owner's
15 ability to recover damages through civil suit.

16 **Sec. 95.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
17 1996 c 186 s 109 are each reenacted and amended to read as follows:

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

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

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

28 (c) Officers, academic personnel, and employees of technical
29 colleges;

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

31 (e) Elective officers of the state;

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

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

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

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

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

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

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

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

21 (j) Assistant attorneys general;

22 (k) Commissioned and enlisted personnel in the military service of
23 the state;

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

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

29 (n) Officers and employees of the Washington state fruit
30 commission;

31 (o) Officers and employees of the Washington state apple
32 advertising commission;

33 (p) Officers and employees of the Washington state dairy products
34 commission;

35 (q) Officers and employees of the Washington tree fruit research
36 commission;

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

38 (s) Officers and employees of any commission formed under chapter
39 15.66 RCW;

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

3 (u) Officers and employees of agricultural commissions formed under
4 chapter 15.65 RCW;

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

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

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

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

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

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

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

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

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

33 (a) Members of the governing board of each institution of higher
34 education and related boards, all presidents, vice-presidents, and
35 their confidential secretaries, administrative, and personal
36 assistants; deans, directors, and chairs; academic personnel; and
37 executive heads of major administrative or academic divisions employed
38 by institutions of higher education; principal assistants to executive
39 heads of major administrative or academic divisions; other managerial

1 or professional employees in an institution or related board having
2 substantial responsibility for directing or controlling program
3 operations and accountable for allocation of resources and program
4 results, or for the formulation of institutional policy, or for
5 carrying out personnel administration or labor relations functions,
6 legislative relations, public information, development, senior computer
7 systems and network programming, or internal audits and investigations;
8 and any employee of a community college district whose place of work is
9 one which is physically located outside the state of Washington and who
10 is employed pursuant to RCW 28B.50.092 and assigned to an educational
11 program operating outside of the state of Washington;

12 (b) Student, part-time, or temporary employees, and part-time
13 professional consultants, as defined by the Washington personnel
14 resources board, employed by institutions of higher education and
15 related boards;

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

24 (d) Printing craft employees in the department of printing at the
25 University of Washington.

26 (3) In addition to the exemptions specifically provided by this
27 chapter, the Washington personnel resources board may provide for
28 further exemptions pursuant to the following procedures. The governor
29 or other appropriate elected official may submit requests for exemption
30 to the Washington personnel resources board stating the reasons for
31 requesting such exemptions. The Washington personnel resources board
32 shall hold a public hearing, after proper notice, on requests submitted
33 pursuant to this subsection. If the board determines that the position
34 for which exemption is requested is one involving substantial
35 responsibility for the formulation of basic agency or executive policy
36 or one involving directing and controlling program operations of an
37 agency or a major administrative division thereof, the Washington
38 personnel resources board shall grant the request and such
39 determination shall be final as to any decision made before July 1,

1 1993. The total number of additional exemptions permitted under this
2 subsection shall not exceed one percent of the number of employees in
3 the classified service not including employees of institutions of
4 higher education and related boards for those agencies not directly
5 under the authority of any elected public official other than the
6 governor, and shall not exceed a total of twenty-five for all agencies
7 under the authority of elected public officials other than the
8 governor. The Washington personnel resources board shall report to
9 each regular session of the legislature during an odd-numbered year all
10 exemptions granted under subsections (1)(w) and (x) and (2) of this
11 section, together with the reasons for such exemptions.

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

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

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

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

37 NEW SECTION. **Sec. 96.** A new section is added to chapter 42.17 RCW
38 to read as follows:

1 Financial statements provided under RCW 16.65.030(1)(d) are exempt
2 from disclosure under this chapter.

3 **Sec. 97.** RCW 43.23.230 and 1988 c 254 s 1 are each amended to read
4 as follows:

5 The agricultural local fund is hereby established in the custody of
6 the state treasurer. The fund shall consist of such money as is
7 directed by law for deposit in the fund, and such other money not
8 subject to appropriation that the department authorizes to be deposited
9 in the fund. Any money deposited in the fund, the use of which has
10 been restricted by law, may only be expended in accordance with those
11 restrictions. Except as provided in section 3 of this act, the
12 department may make disbursements from the fund. The fund is not
13 subject to legislative appropriation.

14 NEW SECTION. **Sec. 98.** (1) On the effective date of this section,
15 all powers, duties, and functions of the department of agriculture
16 under chapters 16.57, 16.58, and 16.65 RCW except those identified as
17 remaining with the department in RCW 16.65.350 and 16.65.360 are
18 transferred to the livestock identification board. The authority to
19 adopt rules regarding those powers, duties, and functions is
20 transferred to the livestock identification board and the
21 administration of those powers, duties, and functions is transferred to
22 the board.

23 (2)(a) All funds, credits, or other assets, including but not
24 limited to those in the agricultural local fund, held by the department
25 of agriculture in connection with the powers, functions, and duties
26 transferred shall be assigned to the board.

27 (b) At any time after June 30, 2004, and at the conclusion of a
28 contract under which the department of agriculture conducts by contract
29 activities for the livestock identification board, the board may
30 request the transfer and the department shall, upon such a request,
31 transfer to the custody of the board all reports, documents, surveys,
32 books, records, files, papers, or written material in the possession of
33 the department of agriculture pertaining to the functions performed by
34 contract by the department for the board and all cabinets, furniture,
35 office equipment, motor vehicles, and other tangible property employed
36 by the department to perform such duties on behalf of the board.

1 (c) Whenever any question arises as to the transfer of any funds,
2 books, documents, records, papers, files, equipment, or other tangible
3 property used or held in the exercise of the powers and the performance
4 of the duties and functions transferred, the director of financial
5 management shall make a determination as to the proper allocation and
6 certify the same to the state agencies concerned.

7 (3) All rules of the department of agriculture adopted under
8 chapter 16.57 RCW in effect on the effective date of this section, all
9 rules adopted by the department under chapter 16.58 RCW in effect on
10 the effective date of this section, and all rules adopted by the
11 department under chapter 16.65 RCW, except for those adopted under the
12 authorities retained by the department under RCW 16.65.350 and
13 16.65.360, in effect on the effective date of this section are, on the
14 effective date of this section, rules of the livestock identification
15 board. All proposed rules and all pending business before the
16 department of agriculture pertaining to the powers, functions, and
17 duties transferred shall be continued and acted upon by the board. All
18 existing contracts and obligations shall remain in full force and shall
19 be performed by the board. All registrations made with the department
20 under chapter 16.57 RCW, all licenses issued by the department under
21 chapter 16.58 RCW, and all licenses issued by the department under
22 chapter 16.65 RCW before the effective date of this section shall be
23 considered to be registrations with and licenses issued by the board.

24 (4) The transfer of the powers, duties, and functions of the
25 department of agriculture shall not affect the validity of any act
26 performed before the effective date of this section. The board shall
27 take action to enforce against violations of chapters 16.57, 16.58,
28 and 16.65 RCW and rules adopted thereunder regarding authorities
29 transferred to the board by this act which occurred before the
30 effective date of this section and for which enforcement is not taken
31 by the department before the effective date of this section with the
32 same force and effect as it may take actions to enforce chapters 16.57
33 and 16.58 RCW and rules adopted thereunder after the effective date of
34 this section. Any enforcement action taken by the department of
35 agriculture under chapter 16.57, 16.58, or 16.65 RCW regarding
36 authorities transferred to the board by this act, or the rules adopted
37 thereunder and not concluded before the effective date of this section,
38 shall be continued in the name of the board.

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

3 NEW SECTION. **Sec. 99.** (1) The following acts or parts of acts are
4 each repealed:

5 (a) 1997 c 356 s 3;

6 (b) 1997 c 356 s 5;

7 (c) 1997 c 356 s 9;

8 (d) 1997 c 356 s 11;

9 (e) RCW 16.57.380 and 1991 c 110 s 8, 1981 c 296 s 22, & 1974 ex.s.
10 c 38 s 1; and

11 (f) RCW 16.65.110 and 1959 c 107 s 11.

12 (2) This section is null and void unless subsections (1) through
13 (5) of section 2 of this act and section 98 of this act become law.

14 NEW SECTION. **Sec. 100.** This act takes effect July 1, 1998, except
15 that appointments may be made by the governor and proposed contracts
16 may be developed under RCW 16.57.015 prior to July 1, 1998, to provide
17 for an orderly transition of authority under this act.

18 NEW SECTION. **Sec. 101.** If specific funding for the purposes of
19 this act, referencing this act by bill or chapter number, is not
20 provided by June 30, 1998, in the omnibus appropriations act, sections
21 1 through 4 and 7 through 100 of this act are null and void.

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