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**SENATE BILL 5443**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senators M. Rasmussen, Barr and Loveland; by request of Department of Agriculture

Read first time 01/28/93. Referred to Committee on Agriculture.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 The fees for public livestock market licensees shall be set by the  
39 director subsequent to a hearing under chapter 34.05 RCW and based upon

1 the recommendation of the livestock identification advisory board,  
2 established by section 10 of this act.

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

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

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

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

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

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

1 regulations)) adopted hereunder, the applicant shall be issued a  
2 license or a renewal thereof.

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

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

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

14 The director shall establish by rule a schedule for the renewal of  
15 registered brands. The fee for renewal of the brands shall be no less  
16 than twenty-five dollars for each two-year period of brand ownership,  
17 except that the director may, in adopting a renewal schedule, provide  
18 for the collection of renewal fees on a prorated basis and may increase  
19 the registration and renewal fee for brands by no more than fifty  
20 percent subsequent to a hearing under chapter 34.05 RCW and based upon  
21 the recommendation of the livestock identification advisory board,  
22 established by section 10 of this act. At least one hundred twenty  
23 days before the expiration of a registered brand, the director shall  
24 notify by letter the owner of record of the brand that on the payment  
25 of the requisite application fee and application of renewal the  
26 director shall issue the proof of payment allowing the brand owner  
27 exclusive ownership and use of the brand for the subsequent  
28 registration period. The failure of the registered owner to pay the  
29 renewal fee by the date required by rule shall cause such owner's brand  
30 to revert to the department. The director may for a period of one year  
31 following such reversion, reissue such brand only to the prior  
32 registered owner upon payment of ~~((twenty-five dollars and an~~  
33 ~~additional fee of ten dollars))~~ the registration fee and a late filing  
34 fee to be prescribed by the director subsequent to a hearing under  
35 chapter 34.05 RCW and based upon the recommendation of the livestock  
36 identification advisory board, established by section 10 of this act,  
37 for renewal subsequent to the regular renewal period. The director may

1 at ((his)) the director's discretion, if such brand is not reissued  
2 within one year to the prior registered owner, issue such brand to any  
3 other applicant.

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

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

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

22 The owner of a brand of record may procure from the director a  
23 certified copy of the record of ((his)) the owner's brand upon payment  
24 of ((five dollars)) a fee not to exceed seven dollars and fifty cents  
25 to be prescribed by the director subsequent to a hearing under chapter  
26 34.05 RCW and based upon the recommendation of the livestock  
27 identification advisory board, established by section 10 of this act.

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

30 The director shall cause a charge to be made for all brand  
31 inspection of cattle and horses required under this chapter and rules  
32 ((and regulations)) adopted hereunder. Such charges shall be paid to  
33 the department by the owner or person in possession unless requested by  
34 the purchaser and then such brand inspection shall be paid by the  
35 purchaser requesting such brand inspection. Such inspection charges  
36 shall be due and payable at the time brand inspection is performed and

1 shall be paid upon billing by the department and if not shall  
2 constitute a prior lien on the cattle or cattle hides or horses or  
3 horse hides brand inspected until such charge is paid. The director in  
4 order to best utilize the services of the department in performing  
5 brand inspection (~~((shall))~~) may establish schedules by days and hours  
6 when a brand inspector will be on duty to perform brand inspection at  
7 established inspection points. The fees for brand inspection  
8 (~~((performed at inspection points according to schedules established by~~  
9 ~~the director))~~) shall be not less than (~~((thirty cents nor more than))~~)  
10 fifty cents nor more than seventy-five cents per head for cattle and  
11 not less than two dollars nor more than three dollars per head for  
12 horses as prescribed by the director subsequent to a hearing under  
13 chapter 34.05 RCW and based upon the recommendations of the livestock  
14 identification advisory board, established by section 10 of this act.  
15 Fees for brand inspection of cattle and horses performed by the  
16 director at points other than those designated by the director or not  
17 in accord with the schedules established by (~~((him))~~) the director shall  
18 be based on a fee schedule not to exceed actual net cost to the  
19 department of performing the brand inspection service. Such schedule  
20 of fees shall be established subsequent to a hearing and all  
21 regulations concerning fees shall be adopted in accord with the  
22 provisions of chapter 34.05 RCW, the Administrative Procedure Act,  
23 concerning the adoption of rules as enacted or hereafter amended.

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

26 The director may provide by rules and regulations adopted pursuant  
27 to chapter 34.05 RCW for the issuance of individual horse and cattle  
28 identification certificates or other means of horse and cattle  
29 identification deemed appropriate. Such certificates or other means of  
30 identification shall be valid only for the use of the horse and cattle  
31 owner in whose name it is issued.

32 Horses and cattle identified pursuant to the provisions of this  
33 section and the rules and regulations adopted hereunder shall not be  
34 subject to brand inspection except when sold at points provided for in  
35 RCW 16.57.380. The director shall charge a fee for the certificates or  
36 other means of identification authorized pursuant to this section and  
37 no identification shall be issued until the director has received the

1 fee. The schedule of fees shall be established in accordance with the  
2 provisions of chapter 34.05 RCW.

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

5 The director shall establish an advisory board for the livestock  
6 identification program that will consist of six members, one each  
7 representing the following organizations:

8 (1) Washington cattlemen's association.

9 (2) Washington livestock marketing association.

10 (3) Washington state horse council.

11 (4) Washington state dairy federation.

12 (5) Washington cattle feeders association.

13 (6) Northwest meat processors association.

14 Should any of the organizations identified in this section merge  
15 with any of the other listed organizations, there shall continue to be  
16 a position held for each segment of the livestock industry currently  
17 represented by the organizations listed in this section and each  
18 representative will continue to be selected from the segment of the  
19 industry that person represents. The representatives of these  
20 organizations shall be selected by the director from nominations  
21 received from the representative organizations. Each representative  
22 may serve for one or more three year terms. A staggered schedule of  
23 these terms shall be adopted by rule. No funds shall be provided to  
24 any member of this advisory board for their participation in committee  
25 meetings, unless the director determines that some reimbursement should  
26 be provided to any board member who may be selected by the board to  
27 attend a national or regional conference or meeting related to  
28 livestock identification.

29 The purpose of this board shall be to provide the director with  
30 recommendations for any changes in any of the fees to be charged for  
31 the licensing of public livestock markets, brand recording, brand  
32 inspection of cattle or horses, certified feed lots, and for any  
33 inspection fees to be paid by public livestock market operators and any  
34 assessments to be paid by certified feed lots and the director shall  
35 give those recommendations appropriate consideration before making any  
36 changes in the rules regarding the fees to be paid by public livestock  
37 market operators, the fees for brand recording or brand inspection, and  
38 the fees to be paid by certified feed lot operators. The board shall

1 also be empowered to offer the director advice regarding the  
2 administration of the livestock identification program and to offer  
3 opinions regarding program policies and any proposed law or rule  
4 changes affecting the livestock identification program.

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