



RULE-MAKING ORDER
(RCW 34.05.360)

AdmOrder 5050

CR-103 (10/1/89)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: June 9, 1994

(2) Purpose:
Sets livestock registration and inspection fees and criteria.

(3) Citation of existing rules affected by this order:

Repealed:
Amended: WAC 16-620
Suspended:

(4) Authority for adoption:

Statute: 16.57 RCW
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 94-10-075 on May 18, 1994 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

- | | |
|--|--|
| <p>Permanent Rules</p> <p><input checked="" type="checkbox"/> 31 days after filing</p> <p><input type="checkbox"/> Other (specify) _____ *</p> | <p>Emergency Rules</p> <p><input type="checkbox"/> Immediately</p> <p><input type="checkbox"/> Later (specify) _____</p> |
|--|--|

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)
Jim Jesernig

SIGNATURE
Jim Jesernig
TITLE
Director

DATE
6/9/94

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 09 1994

TIME: 4:16
WSR: 94-13-070

AMENDATORY SECTION (Amending Order 2059, filed 11/21/90, effective 12/22/90)

WAC 16-620-010 Definitions. For the purpose of ((these regulations, the definitions provided in RCW 16.57.010 shall apply)) this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

(13) "Microchipping" means the implantation of an identification microchip in the pipping muscle of a chick ratite or the implantation of a microchip in the tail muscle of an otherwise unidentified adult ratite.

NEW SECTION

WAC 16-620-015 The livestock identification advisory board.

(1) The livestock identification advisory board established in RCW 16.57.015 shall be composed of six members appointed by the director. The advisory board shall meet at least once annually with the director to perform its advisory functions. Additional meetings may be convened at the request of the director or a majority of the membership.

(2) Advisory board members must be residents of the state of Washington and actively engaged in the industry they represent. The director shall serve as an ex officio member of the livestock identification advisory board.

(3) Appointments shall be made for three-year terms, except that initial appointments shall be as follows:

- (a) Two members appointed for three-year terms;
- (b) Two members appointed for two-year terms; and
- (c) Two members appointed for one-year terms.

(4) Positions shall be numbered one through six as follows:

- (a) Position one - beef producers;
- (b) Position two - public livestock market operators;
- (c) Position three - horse owners;
- (d) Position four - dairy farmers;
- (e) Position five - cattle feeders; and
- (f) Position six - meat processors.

(5) Initially positions one and four will serve a one-year term; positions two and five will serve a two-year term; and positions three and six will serve a three-year term.

(6) Subsequent to the initial appointments, terms shall commence July 1 and expire June 30.

(7) Vacancies in membership may be filled by the director for the remainder of the unexpired term. Active members of the advisory board and presidents of affected state-wide industry groups may submit names to the director for consideration in filling vacancies.

(8) The director shall solicit nominations to fill vacancies from state-wide industry groups associated with a vacant position. Nominations from industry groups for full terms shall be submitted to the director for consideration prior to May 1 of the year the term is scheduled to expire.

AMENDATORY SECTION (Amending Order 2059, filed 11/21/90, effective 12/22/90)

WAC 16-620-280 Inspection--Annual and lifetime certificates.

Pursuant to RCW 16.57.400, the owner of any horses or cattle may apply for an annual or lifetime identification certificate. The fee for an annual certificate shall be ~~((three dollars))~~ seven dollars and fifty cents for any ~~((horse bearing a brand readily visible and currently registered with the director under the provisions of chapter 16.57 RCW or five dollars for any other))~~ horses or cattle. The fee for a lifetime certificate shall be ~~((seven))~~ fifteen dollars ~~((and fifty cents))~~ for any ~~((horse~~

bearing a brand readily visible and currently registered with the director under the provisions of chapter 16.57 RCW or twelve dollars and fifty cents for any other)) horses or cattle. In the event the fees collected do not cover the cost of the inspector in performing any such inspection, an additional charge may be added at actual costs.

AMENDATORY SECTION (Amending Order 1944, filed 7/29/87)

WAC 16-620-290 Fees--Regular inspection points. The fee for the brand inspection of horses at public livestock markets and slaughterhouses shall be ~~((two))~~ three dollars per animal inspected. Such inspection fees shall be applicable only during the scheduled time which the director of agriculture has established as regular brand inspecting time at each such public livestock market or slaughterhouse. Inspection performed upon request during any other time at such public livestock markets or slaughterhouses may be actual costs.

AMENDATORY SECTION (Amending Order 2059, filed 11/21/90, effective 12/22/90)

WAC 16-620-340 Inspection, special sales. Inspection shall be mandatory at all special horse sales wherein horses of more than one owner are offered for sale either by private treaty or auction. Inspection charges at any such sale shall be collected and paid to the department of agriculture by the person or business entity conducting the sale. The department of agriculture may require the prepayment of said inspection charges. The charge for inspection at special horse sales shall be ~~((two))~~ three dollars per animal. If the inspection charges do not cover the total cost incurred by the department, the remainder shall be the responsibility of the person or business entity conducting the sale at actual cost.

AMENDATORY SECTION (Amending Order 2059, filed 11/21/90, effective 12/22/90)

WAC 16-620-380 Inspection fee. The fee for inspecting cattle for brands and proof of ownership shall be ~~((fifty))~~ seventy-five cents per head. In any case when the department determines that a request for inspection is unreasonable due to time or distance, the department shall charge its actual costs.

NEW SECTION

WAC 16-620-400 Recording fee. The director shall record any instrument affecting the title of a brand which is correctly executed and acknowledged upon presentation and payment of a fifteen dollar recording fee.

NEW SECTION

WAC 16-620-410 Fee for certified copy of brand record. The owner of a brand of record may procure from the director a certified copy of the record upon payment of a seven dollar and fifty cent fee.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-620-270 Actual costs established.