
SUBSTITUTE SENATE BILL 6463

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Agriculture (originally sponsored by Senator M. Rasmussen; by request of Department of Agriculture)

Read first time 02/04/94.

1 AN ACT Relating to the department of agriculture; amending RCW
2 15.58.070, 15.58.080, 22.09.011, 22.09.050, 22.09.055, 22.09.830,
3 16.57.020, 16.57.350, 15.04.400, 15.04.402, 15.36.110, 16.65.030,
4 16.65.090, 16.58.050, 16.58.130, and 16.57.220; reenacting and amending
5 RCW 16.57.080 and 16.57.220; reenacting RCW 16.65.030, 16.65.090,
6 16.58.050, 16.58.130, 16.57.090, 16.57.140, and 16.57.400; creating new
7 sections; providing an effective date; and declaring an emergency.

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

9 **Sec. 1.** RCW 15.58.070 and 1989 c 380 s 6 are each amended to read
10 as follows:

11 (1) Except as provided in subsection (2) of this section, any
12 person desiring to register a pesticide with the department shall pay
13 to the director an annual registration fee for each pesticide
14 registered by the department for such person. The registration fee for
15 the registration of pesticides for any one person during a calendar
16 year shall be: One hundred five dollars for each of the first twenty-
17 five pesticides registered; one hundred dollars for each of the twenty-
18 sixth through one-hundredth pesticides registered; seventy-five dollars
19 for each of the one hundred first through one hundred fiftieth

1 pesticides registered; and fifty dollars for each additional pesticide
2 registered. In addition, the department may establish by rule a
3 registration fee not to exceed ten dollars for each registered product
4 labeled and intended for home and garden use only. The revenue
5 generated by the home and garden use only fees shall be deposited in
6 the agriculture--local fund, to be used to assist in funding activities
7 of the pesticide incident reporting and tracking review panel. All
8 pesticide registrations expire on December 31st of each year.

9 (2) A person desiring to register a label where a special local
10 need exists shall pay to the director a nonrefundable application fee
11 of two hundred dollars upon submission of the registration request. In
12 addition, a person desiring to renew an approved special local need
13 registration shall pay to the director an annual registration fee of
14 two hundred dollars for each special local needs label registered by
15 the department for such person. The revenue generated by the special
16 local needs application fees and the special local needs renewal fees
17 shall be deposited in the agricultural local fund to be used to assist
18 in funding the department's special local needs registration
19 activities. All special local needs registrations expire on December
20 31st of each year.

21 (3) Any registration approved by the director and in effect on the
22 31st day of December for which a renewal application has been made and
23 the proper fee paid, continues in full force and effect until the
24 director notifies the applicant that the registration has been renewed,
25 or otherwise denied in accord with the provision of RCW 15.58.110.

26 **Sec. 2.** RCW 15.58.080 and 1989 c 380 s 7 are each amended to read
27 as follows:

28 If the renewal of a pesticide registration or special needs
29 registration is not filed before January 1st of each year, an
30 additional fee of twenty-five dollars shall be assessed and added to
31 the original fee. The additional fee shall be paid by the applicant
32 before the registration renewal for that pesticide shall be issued
33 unless the applicant furnishes an affidavit certifying that the
34 applicant did not distribute the unregistered pesticide during the
35 period of nonregistration. The payment of the additional fee is not a
36 bar to any prosecution for doing business without proper registry.

1 **Sec. 3.** RCW 22.09.011 and 1989 c 354 s 44 are each amended to read
2 as follows:

3 The definitions set forth in this section apply throughout this
4 chapter unless the context clearly requires otherwise.

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

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

9 (3) "Person" means a natural person, individual, firm, partnership,
10 corporation, company, society, association, cooperative, two or more
11 persons having a joint or common interest, or any unit or agency of
12 local, state, or federal government.

13 (4) "Agricultural commodities," or "commodities," means: (a)
14 Grains for which inspection standards have been established under the
15 United States grain standards act; (b) pulses and similar commodities
16 for which inspection standards have been established under the
17 agricultural marketing act of 1946; and (c) other similar agricultural
18 products for which inspection standards have been established or which
19 have been otherwise designated by the department by rule for inspection
20 services or the warehousing requirements of this chapter.

21 (5) "Warehouse," also referred to as a public warehouse, means any
22 elevator, mill, subterminal grain warehouse, terminal warehouse,
23 country warehouse, or other structure or enclosure located in this
24 state that is used or useable for the storage of agricultural products,
25 and in which commodities are received from the public for storage,
26 handling, conditioning, or shipment for compensation. The term does
27 not include any warehouse storing or handling fresh fruits and/or
28 vegetables, any warehouse used exclusively for cold storage, or any
29 warehouse that conditions yearly less than three hundred tons of an
30 agricultural commodity for compensation.

31 (6) "Terminal warehouse" means any warehouse designated as a
32 terminal by the department, and located at an inspection point where
33 inspection facilities are maintained by the department and where
34 commodities are ordinarily received and shipped by common carrier.

35 (7) "Subterminal warehouse" means any warehouse that performs an
36 intermediate function in which agricultural commodities are customarily
37 received from dealers rather than producers and where the commodities
38 are accumulated before shipment to a terminal warehouse.

1 (8) "Station" means two or more warehouses between which
2 commodities are commonly transferred in the ordinary course of business
3 and that are (a) immediately adjacent to each other, or (b) located
4 within the corporate limits of any city or town and subject to the same
5 transportation tariff zone, or (c) at any railroad siding or switching
6 area and subject to the same transportation tariff zone, or (d) at one
7 location in the open country off rail, or (e) in any area that can be
8 reasonably audited by the department as a station under this chapter
9 and that has been established as such by the director by rule adopted
10 under chapter 34.05 RCW, or (f) within twenty miles of each other but
11 separated by the border between Washington and Idaho or Oregon when the
12 books and records for the station are maintained at the warehouse
13 located in Washington.

14 (9) "Inspection point" means a city, town, or other place wherein
15 the department maintains inspection and weighing facilities.

16 (10) "Warehouseman" means any person owning, operating, or
17 controlling a warehouse in the state of Washington.

18 (11) "Depositor" means (a) any person who deposits a commodity with
19 a Washington state licensed warehouseman for storage, handling,
20 conditioning, or shipment, or (b) any person who is the owner or legal
21 holder of a warehouse receipt, outstanding scale weight ticket, or
22 other evidence of the deposit of a commodity with a Washington state
23 licensed warehouseman or (c) any producer whose agricultural commodity
24 has been sold to a grain dealer through the dealer's place of business
25 located in the state of Washington, or any Washington producer whose
26 agricultural commodity has been sold to or is under the control of a
27 grain dealer, whose place of business is located outside the state of
28 Washington.

29 (12) "Historical depositor" means any person who in the normal
30 course of business operations has consistently made deposits in the
31 same warehouse of commodities produced on the same land. In addition
32 the purchaser, lessee, and/or inheritor of such land from the original
33 historical depositor with reference to the land shall be considered a
34 historical depositor with regard to the commodities produced on the
35 land.

36 (13) "Grain dealer" means any person who, through his place of
37 business located in the state of Washington, solicits, contracts for,
38 or obtains from a producer, title, possession, or control of any
39 agricultural commodity for purposes of resale, or any person who

1 solicits, contracts for, or obtains from a Washington producer, title,
2 possession, or control of any agricultural commodity for purposes of
3 resale.

4 (14) "Producer" means any person who is the owner, tenant, or
5 operator of land who has an interest in and is entitled to receive all
6 or any part of the proceeds from the sale of a commodity produced on
7 that land.

8 (15) "Warehouse receipt" means a negotiable or nonnegotiable
9 warehouse receipt as provided for in Article 7 of Title 62A RCW.

10 (16) "Scale weight ticket" means a load slip or other evidence of
11 deposit, serially numbered, not including warehouse receipts as defined
12 in subsection (15) of this section, given a depositor on request upon
13 initial delivery of the commodity to the warehouse and showing the
14 warehouse's name and state number, type of commodity, weight thereof,
15 name of depositor, and the date delivered.

16 (17) "Put through" means agricultural commodities that are
17 deposited in a warehouse for receiving, handling, conditioning, or
18 shipping, and on which the depositor has concluded satisfactory
19 arrangements with the warehouseman for the immediate or impending
20 shipment of the commodity.

21 (18) "Conditioning" means, but is not limited to, the drying or
22 cleaning of agricultural commodities.

23 (19) "Deferred price contract" means a contract for the sale of
24 commodities that conveys the title and all rights of ownership to the
25 commodities represented by the contract to the buyer, but allows the
26 seller to set the price of the commodities at a later date based on an
27 agreed upon relationship to a future month's price or some other
28 mutually agreeable method of price determination. Deferred price
29 contracts include but are not limited to those contracts commonly
30 referred to as delayed price, price later contracts, or open price
31 contracts.

32 (20) "Shortage" means that a warehouseman does not have in his
33 possession sufficient commodities at each of his stations to cover the
34 outstanding warehouse receipts, scale weight tickets, or other evidence
35 of storage liability issued or assumed by him for the station.

36 (21) "Failure" means:

37 (a) An inability to financially satisfy claimants in accordance
38 with this chapter and the time limits provided for in it;

39 (b) A public declaration of insolvency;

1 (c) A revocation of license and the leaving of an outstanding
2 indebtedness to a depositor;

3 (d) A failure to redeliver any commodity to a depositor or to pay
4 depositors for commodities purchased by a licensee in the ordinary
5 course of business and where a bona fide dispute does not exist between
6 the licensee and the depositor;

7 (e) A failure to make application for license renewal within sixty
8 days after the annual license renewal date; or

9 (f) A denial of the application for a license renewal.

10 (22) "Original inspection" means an initial, official inspection of
11 a grain or commodity.

12 (23) "Reinspection" means an official review of the results of an
13 original inspection service by an inspection office that performed that
14 original inspection service. A reinspection may be performed either on
15 the basis of the official file sample or a new sample obtained by the
16 same means as the original if the lot remains intact.

17 (24) "Appeal inspection" means, for commodities covered by federal
18 standards, a review of original inspection or reinspection results by
19 an authorized United States department of agriculture inspector. For
20 commodities covered under state standards, an appeal inspection means
21 a review of original or reinspection results by a supervising
22 inspector. An appeal inspection may be performed either on the basis
23 of the official file sample or a new sample obtained by the same means
24 as the original if the lot remains intact.

25 (25) "Exempt grain dealer" means a grain dealer who purchases less
26 than one hundred thousand dollars of covered commodities annually from
27 producers, and operates under the provisions of RCW 22.09.060.

28 **Sec. 4.** RCW 22.09.050 and 1991 c 109 s 25 are each amended to read
29 as follows:

30 Any application for a license to operate a warehouse shall be
31 accompanied by a license fee of (~~four~~) twelve hundred dollars for a
32 terminal warehouse, (~~three~~) nine hundred dollars for a subterminal
33 warehouse, and (~~one~~) three hundred and fifty dollars for a country
34 warehouse. If a licensee operates more than one warehouse under one
35 state license as provided for in RCW 22.09.030, the license fee shall
36 be computed by multiplying the number of physically separated
37 warehouses within the station by the applicable terminal, subterminal,
38 or country warehouse license fee.

1 If an application for renewal of a warehouse license or licenses is
2 not received by the department prior to the renewal date or dates
3 established by the director by rule, a penalty of fifty dollars for the
4 first week and one hundred dollars for each week thereafter shall be
5 assessed and added to the original fee and shall be paid by the
6 applicant before the renewal license may be issued. This penalty does
7 not apply if the applicant furnishes an affidavit certifying that he
8 has not acted as a warehouseman subsequent to the expiration of his or
9 her prior license.

10 **Sec. 5.** RCW 22.09.055 and 1991 c 109 s 26 are each amended to read
11 as follows:

12 An application for a license to operate as a grain dealer shall be
13 accompanied by a license fee of ~~((three))~~ six hundred dollars ~~((unless~~
14 ~~the applicant is also a licensed warehouseman, in which case the fee~~
15 ~~for a grain dealer license shall be one hundred fifty dollars))~~. The
16 license fee for exempt grain dealers ~~((exempted from bonding under RCW~~
17 ~~22.09.060))~~ shall be ~~((seventy-five))~~ one hundred fifty dollars.

18 If an application for renewal of a grain dealer or exempt grain
19 dealer license is not received by the department before the renewal
20 date or dates established by the director by rule, a penalty of fifty
21 dollars for the first week and one hundred dollars for each week
22 thereafter shall be assessed and added to the original fee and shall be
23 paid by the applicant before the renewal license may be issued. This
24 penalty does not apply if the applicant furnishes an affidavit
25 certifying that he has not acted as a grain dealer or exempt grain
26 dealer after the expiration of his or her prior license.

27 **Sec. 6.** RCW 22.09.830 and 1989 c 354 s 52 are each amended to read
28 as follows:

29 (1) All moneys collected as ~~((warehouse license fees,))~~ fees for
30 weighing, grading, and inspecting commodities and all other fees
31 collected under the provisions of this chapter, except as provided in
32 subsections (2) and (3) of this section, shall be deposited in the
33 grain inspection revolving fund, which is hereby established. The
34 state treasurer is the custodian of the revolving fund. Disbursements
35 from the revolving fund shall be on authorization of the director of
36 the department of agriculture. The revolving fund is subject to the
37 allotment procedure provided in chapter 43.88 RCW, but no appropriation

1 is required for disbursements from the fund. The fund shall be used
2 for all expenses directly incurred by the (~~commodity inspection~~
3 ~~division~~) grain inspection program in carrying out the provisions of
4 this chapter. The department may use so much of such fund not
5 exceeding five percent thereof as the director of agriculture may
6 determine necessary for research and promotional work, including rate
7 studies, relating to wheat and wheat products.

8 (2) All fees collected for the inspection, grading, and testing of
9 hops shall be deposited into the hop inspection fund, which is hereby
10 established, and shall be retained by the department for the purpose of
11 inspecting, grading, and testing hops. Any moneys in any fund retained
12 by the department on July 1, 1963, and derived from hop inspection and
13 grading shall be deposited to this hop inspection fund. For the
14 purposes of research which would contribute to the development of
15 superior hop varieties and to improve hop production and harvest
16 practices, the department may expend up to twenty percent of the moneys
17 deposited in the hop inspection fund during the fiscal year ending June
18 30th immediately preceding the year in which such expenditures are to
19 be made. No expenditures shall be made under the provisions of this
20 subsection when the hop inspection fund is, or the director may
21 reasonably anticipate that it will be, reduced below twenty thousand
22 dollars as the result of such expenditure or other necessary
23 expenditures made to carry out the inspection, grading, and testing of
24 hops.

25 (3) All moneys collected by the grain warehouse audit program,
26 including grain warehouse license fees pursuant to RCW 22.09.050 and
27 22.09.055, shall be deposited by the director into the grain warehouse
28 audit account, hereby created within the agricultural local fund
29 established in RCW 43.23.230. Moneys collected shall be used to
30 support the grain warehouse audit program.

31 **Sec. 7.** RCW 16.57.020 and 1971 ex.s. c 135 s 1 are each amended to
32 read as follows:

33 The director shall be the recorder of livestock brands and such
34 brands shall not be recorded elsewhere in this state. Any person
35 desiring to register a livestock brand shall apply on a form prescribed
36 by the director. Such application shall be accompanied by a facsimile
37 of the brand applied for and a (~~twenty-five~~) thirty-five dollar
38 recording fee. The director shall, upon his or her satisfaction that

1 the application and brand facsimile meet(~~(s)~~) the requirements of this
2 chapter and/or rules (~~(and regulations)~~) adopted hereunder, record such
3 brand.

4 **Sec. 8.** RCW 16.57.350 and 1959 c 54 s 35 are each amended to read
5 as follows:

6 The director(~~(, but not his duly appointed representatives,)~~) may
7 adopt such rules (~~(and/or regulations)~~) as are necessary to carry out
8 the purposes of this chapter. It shall be the duty of the director to
9 enforce and carry out the provisions of this chapter and/or rules (~~(and~~
10 ~~regulations)~~) adopted hereunder. No person shall interfere with the
11 director when he or she is performing or carrying out duties imposed on
12 him or her by this chapter and/or rules (~~(and regulations)~~) adopted
13 hereunder.

14 **Sec. 9.** RCW 15.04.400 and 1991 c 280 s 1 are each amended to read
15 as follows:

16 The history, economy, culture, and the future of Washington state
17 to a large degree all involve agriculture, which is vital to the
18 economic well-being of the state. The legislature finds that farmers
19 and ranchers are responsible stewards of the land, but are increasingly
20 subjected to complaints and unwarranted restrictions that encourage,
21 and even force, the premature removal of lands from agricultural uses.

22 The legislature further finds that it is now in the overriding
23 public interest that support for agriculture be clearly expressed and
24 that adequate protection be given to agricultural lands, uses,
25 activities, and operations.

26 The legislature further finds that the department of agriculture
27 has a duty to promote and protect agriculture and its dependent rural
28 community in Washington state however, the duty shall not be construed
29 as to diminish the responsibility of the department to fully carry out
30 its assigned regulatory responsibilities to protect the public health
31 and welfare.

32 **Sec. 10.** RCW 15.04.402 and 1991 c 280 s 2 are each amended to read
33 as follows:

34 The department shall seek to enhance, protect, and perpetuate the
35 ability of the private sector to produce food and fiber. Additionally,
36 the department shall seek, consistent with its regulatory

1 responsibilities, to maintain the economic well-being of the
2 agricultural industry and its dependent rural community in Washington
3 state.

4 **Sec. 11.** RCW 15.36.110 and 1989 c 354 s 17 are each amended to
5 read as follows:

6 During each six months period at least four samples of milk and
7 cream from each dairy farm and each milk plant shall be taken on
8 separate days and examined in a laboratory approved by the director:
9 PROVIDED, That in the case of raw milk for pasteurization the director
10 may accept the results of nonofficial laboratories which have been
11 officially checked periodically and found satisfactory. Samples of
12 other milk products may be taken and examined in a laboratory approved
13 by the director as often as he or she deems necessary. Samples of milk
14 and milk products from stores, cafes, soda fountains, restaurants, and
15 other places where milk or milk products are sold shall be examined as
16 often as the director may require. Bacterial plate counts, direct
17 microscopic counts, coliform determinations, phosphatase tests and
18 other laboratory tests shall conform to the procedures in the current
19 edition of "Standard Methods For The Examination Of Dairy Products,"
20 recommended by the American public health association. Examinations
21 may include such other chemical and physical determinations as the
22 director may deem necessary for the detection of adulteration. Samples
23 may be taken by the director at any time prior to the final delivery of
24 the milk or milk products. All proprietors of cafes, stores,
25 restaurants, soda fountains, and other similar places shall furnish the
26 director, upon his request, with the name of all distributors from whom
27 their milk and milk products are obtained. Bio-assays of the vitamin
28 D content of vitamin D milk shall be made when required by the director
29 in a laboratory approved by him or her for such examinations.

30 If two of the last four consecutive bacterial counts, somatic cell
31 counts, coliform determinations, or cooling temperatures, taken on
32 separate days, exceed the standard for milk or milk products, the
33 director shall send written notice thereof to the person concerned.
34 This notice shall remain in effect so long as two of the last four
35 consecutive samples exceed the limit of the standard. An additional
36 sample shall be taken within twenty-one days of the sending of the
37 notice, but not before the lapse of three days, except sixty days must
38 lapse before an official somatic cell count can be taken. The director

1 shall degrade or suspend the grade A permit whenever the standard is
2 again violated so that three of the last five consecutive samples
3 exceed the limit of the standard. A grade A permit shall subsequently
4 be reinstated in notice status upon receipt of sample results that are
5 within the standard for which the suspension occurred.

6 In case of violation of the phosphatase test requirements, the
7 cause of underpasteurization shall be determined and removed before
8 milk or milk products from this plant can again be sold as pasteurized
9 milk or milk products.

10 **Sec. 12.** RCW 16.65.030 and 1993 c 354 s 1 are each reenacted to
11 read as follows:

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

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

19 (b) A complete description and blueprints or plans of the public
20 livestock market physical plant, yards, pens, and all facilities the
21 applicant proposes to use in the operation of such public livestock
22 market.

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

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

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

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

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

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

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

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

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

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

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

13 (a) Markets with an average gross sales volume up to and including
14 ten thousand dollars, a fee of no less than one hundred dollars or more
15 than one hundred fifty dollars;

16 (b) Markets with an average gross sales volume over ten thousand
17 dollars and up to and including fifty thousand dollars, a fee of no
18 less than two hundred dollars or more than three hundred fifty dollars;
19 and

20 (c) Markets with an average gross sales volume over fifty thousand
21 dollars, a fee of no less than three hundred dollars or more than four
22 hundred fifty dollars.

23 The fees for public livestock market licensees shall be set by the
24 director by rule subsequent to a hearing under chapter 34.05 RCW and in
25 conformance with RCW 16.57.015.

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

30 (5) Upon the approval of the application by the director and
31 compliance with the provisions of this chapter, the applicant shall be
32 issued a license or renewal thereof. Any license issued under the
33 provisions of this chapter shall only be valid at location and for the
34 sales day or days for which the license was issued.

35 **Sec. 13.** RCW 16.65.090 and 1993 c 354 s 2 are each reenacted to
36 read as follows:

37 The director shall provide for brand inspection. When such brand
38 inspection is required the licensee shall collect from the consignor

1 and pay to the department, as provided by law, a fee for brand
2 inspection for each animal consigned to the public livestock market or
3 special open consignment horse sale. The director shall set by rule,
4 adopted after a hearing under chapter 34.05 RCW and in conformance with
5 RCW 16.57.015, a minimum daily inspection fee that shall be paid to the
6 department by the licensee. Such a fee shall be not less than sixty
7 dollars and not more than ninety dollars.

8 **Sec. 14.** RCW 16.58.050 and 1993 c 354 s 3 are each reenacted to
9 read as follows:

10 The application for an annual license to engage in the business of
11 operating one or more certified feed lots shall be accompanied by a
12 license fee of no less than five hundred dollars or no more than seven
13 hundred fifty dollars. The actual license fee for a certified feed lot
14 license shall be prescribed by the director by rule subsequent to a
15 hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015.
16 Upon approval of the application by the director and compliance with
17 the provisions of this chapter and rules adopted hereunder, the
18 applicant shall be issued a license or a renewal thereof.

19 **Sec. 15.** RCW 16.58.130 and 1993 c 354 s 4 are each reenacted to
20 read as follows:

21 Each licensee shall pay to the director a fee of no less than ten
22 cents but no more than fifteen cents for each head of cattle handled
23 through the licensee's feed lot. The fee shall be set by the director
24 by rule after a hearing under chapter 34.05 RCW and in conformance with
25 RCW 16.57.015. Payment of such fee shall be made by the licensee on a
26 monthly basis. Failure to pay as required shall be grounds for
27 suspension or revocation of a certified feed lot license. Further, the
28 director shall not renew a certified feed lot license if a licensee has
29 failed to make prompt and timely payments.

30 **Sec. 16.** RCW 16.57.080 and 1993 c 354 s 5 are each reenacted and
31 amended to read as follows:

32 The director shall establish by rule a schedule for the renewal of
33 registered brands. The fee for renewal of the brands shall be no less
34 than twenty-five dollars for each two-year period of brand ownership,
35 except that the director may, in adopting a renewal schedule, provide
36 for the collection of renewal fees on a prorated basis and may by rule

1 increase the registration and renewal fee for brands by no more than
2 fifty percent subsequent to a hearing under chapter 34.05 RCW and in
3 conformance with RCW 16.57.015. At least (~~one hundred twenty~~) sixty
4 days before the expiration of a registered brand, the director shall
5 notify by letter the owner of record of the brand that on the payment
6 of the requisite application fee and application of renewal the
7 director shall issue the proof of payment allowing the brand owner
8 exclusive ownership and use of the brand for the subsequent
9 registration period. The failure of the registered owner to pay the
10 renewal fee by the date required by rule shall cause such owner's brand
11 to revert to the department. The director may for a period of one year
12 following such reversion, reissue such brand only to the prior
13 registered owner upon payment of the registration fee and a late filing
14 fee to be prescribed by the director by rule subsequent to a hearing
15 under chapter 34.05 RCW and in conformance with RCW 16.57.015, for
16 renewal subsequent to the regular renewal period. The director may at
17 the director's discretion, if such brand is not reissued within one
18 year to the prior registered owner, issue such brand to any other
19 applicant.

20 **Sec. 17.** RCW 16.57.090 and 1993 c 354 s 6 are each reenacted to
21 read as follows:

22 A brand is the personal property of the owner of record. Any
23 instrument affecting the title of such brand shall be acknowledged in
24 the presence of the recorded owner and a notary public. The director
25 shall record such instrument upon presentation and payment of a
26 recording fee not to exceed fifteen dollars to be prescribed by the
27 director by rule subsequent to a hearing under chapter 34.05 RCW and in
28 conformance with RCW 16.57.015. Such recording shall be constructive
29 notice to all the world of the existence and conditions affecting the
30 title to such brand. A copy of all records concerning the brand,
31 certified by the director, shall be received in evidence to all intent
32 and purposes as the original instrument. The director shall not be
33 personally liable for failure of the director's agents to properly
34 record such instrument.

35 **Sec. 18.** RCW 16.57.140 and 1993 c 354 s 7 are each reenacted to
36 read as follows:

1 The owner of a brand of record may procure from the director a
2 certified copy of the record of the owner's brand upon payment of a fee
3 not to exceed seven dollars and fifty cents to be prescribed by the
4 director by rule subsequent to a hearing under chapter 34.05 RCW and in
5 conformance with RCW 16.57.015.

6 **Sec. 19.** RCW 16.57.220 and 1993 c 354 s 8 are each reenacted and
7 amended to read as follows:

8 The director shall cause a charge to be made for all brand
9 inspection of cattle and horses required under this chapter and rules
10 adopted hereunder. Such charges shall be paid to the department by the
11 owner or person in possession unless requested by the purchaser and
12 then such brand inspection shall be paid by the purchaser requesting
13 such brand inspection. Such inspection charges shall be due and
14 payable at the time brand inspection is performed and shall be paid
15 upon billing by the department and if not shall constitute a prior lien
16 on the cattle or cattle hides or horses or horse hides brand inspected
17 until such charge is paid. The director in order to best utilize the
18 services of the department in performing brand inspection may establish
19 schedules by days and hours when a brand inspector will be on duty to
20 perform brand inspection at established inspection points. The fees
21 for brand inspection shall be not less than fifty cents nor more than
22 seventy-five cents per head for cattle and not less than two dollars
23 nor more than three dollars per head for horses as prescribed by the
24 director by rule subsequent to a hearing under chapter 34.05 RCW and in
25 conformance with RCW 16.57.015. Fees for brand inspection of cattle
26 and horses performed by the director at points other than those
27 designated by the director or not in accord with the schedules
28 established by the director shall be based on a fee schedule not to
29 exceed actual net cost to the department of performing the brand
30 inspection service. ~~((Such schedule of fees shall be established
31 subsequent to a hearing and all regulations concerning fees shall be
32 adopted in accord with the provisions of chapter 34.05 RCW, the
33 Administrative Procedure Act, concerning the adoption of rules as
34 enacted or hereafter amended.))~~ For the purpose of this section, actual
35 costs shall mean fifteen dollars per hour and the current mileage rate
36 set by the office of financial management.

1 **Sec. 20.** RCW 16.57.400 and 1993 c 354 s 9 are each reenacted to
2 read as follows:

3 The director may provide by rules and regulations adopted pursuant
4 to chapter 34.05 RCW for the issuance of individual horse and cattle
5 identification certificates or other means of horse and cattle
6 identification deemed appropriate. Such certificates or other means of
7 identification shall be valid only for the use of the horse and cattle
8 owner in whose name it is issued.

9 Horses and cattle identified pursuant to the provisions of this
10 section and the rules and regulations adopted hereunder shall not be
11 subject to brand inspection except when sold at points provided for in
12 RCW 16.57.380. The director shall charge a fee for the certificates or
13 other means of identification authorized pursuant to this section and
14 no identification shall be issued until the director has received the
15 fee. The schedule of fees shall be established in accordance with the
16 provisions of chapter 34.05 RCW.

17 **Sec. 21.** RCW 16.65.030 and 1993 c 354 s 1 are each amended to read
18 as follows:

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

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

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

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

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

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

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

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

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

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

8 (2) The director shall, after public hearing as provided by chapter
9 34.05 RCW, grant or deny an application for original license for a
10 public livestock market after considering evidence and testimony
11 relating to all of the requirements of this section and giving
12 reasonable consideration at the same hearing to:

13 (a) Benefits to the livestock industry to be derived from the
14 establishment and operation of the public livestock market proposed in
15 the application; and

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

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

20 (a) Markets with an average gross sales volume up to and including
21 ten thousand dollars, a ~~((fee of no less than))~~ one hundred twenty
22 dollar~~((s or more than one hundred fifty dollars))~~ fee;

23 (b) Markets with an average gross sales volume over ten thousand
24 dollars and up to and including fifty thousand dollars, a ~~((fee of no~~
25 ~~less than))~~ two hundred forty dollar~~((s or more than three hundred~~
26 ~~fifty dollars))~~ fee; and

27 (c) Markets with an average gross sales volume over fifty thousand
28 dollars, a ~~((fee of no less than))~~ three hundred sixty dollar~~((s or~~
29 ~~more than four hundred fifty dollars))~~ fee.

30 ~~((The fees for public livestock market licensees shall be set by~~
31 ~~the director by rule subsequent to a hearing under chapter 34.05 RCW~~
32 ~~and in conformance with RCW 16.57.015.))~~

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

37 (5) Upon the approval of the application by the director and
38 compliance with the provisions of this chapter, the applicant shall be
39 issued a license or renewal thereof. Any license issued under the

1 provisions of this chapter shall only be valid at location and for the
2 sales day or days for which the license was issued.

3 **Sec. 22.** RCW 16.65.090 and 1993 c 354 s 2 are each amended to read
4 as follows:

5 The director shall provide for brand inspection. When such brand
6 inspection is required the licensee shall collect from the consignor
7 and pay to the department, as provided by law, a fee for brand
8 inspection for each animal consigned to the public livestock market or
9 special open consignment horse sale: PROVIDED, That if in any one sale
10 day the total fees collected for brand inspection do not exceed
11 seventy-two dollars, then such licensee shall pay seventy-two dollars
12 for such brand inspection or as much thereof as the director may
13 prescribe. ((The director shall set by rule, adopted after a hearing
14 under chapter 34.05 RCW and in conformance with RCW 16.57.015, a
15 minimum daily inspection fee that shall be paid to the department by
16 the licensee. Such a fee shall be not less than sixty dollars and not
17 more than ninety dollars.))

18 **Sec. 23.** RCW 16.58.050 and 1993 c 354 s 3 are each amended to read
19 as follows:

20 The application for an annual license to engage in the business of
21 operating one or more certified feed lots shall be accompanied by a
22 license fee of ((no less than five)) six hundred dollars ((or no more
23 than seven hundred fifty dollars. The actual license fee for a
24 certified feed lot license shall be prescribed by the director by rule
25 subsequent to a hearing under chapter 34.05 RCW and in conformance with
26 RCW 16.57.015)). Upon approval of the application by the director and
27 compliance with the provisions of this chapter and rules adopted
28 hereunder, the applicant shall be issued a license or a renewal
29 thereof.

30 **Sec. 24.** RCW 16.58.130 and 1993 c 354 s 4 are each amended to read
31 as follows:

32 Each licensee shall pay to the director a fee of ((no less than
33 ten)) twelve cents ((but no more than fifteen cents)) for each head of
34 cattle handled through the licensee's feed lot. ((The fee shall be set
35 by the director by rule after a hearing under chapter 34.05 RCW and in
36 conformance with RCW 16.57.015.)) Payment of such fee shall be made by

1 the licensee on a monthly basis. Failure to pay as required shall be
2 grounds for suspension or revocation of a certified feed lot license.
3 Further, the director shall not renew a certified feed lot license if
4 a licensee has failed to make prompt and timely payments.

5 **Sec. 25.** RCW 16.57.220 and 1993 c 354 s 8 are each amended to read
6 as follows:

7 The director shall cause a charge to be made for all brand
8 inspection of cattle and horses required under this chapter and rules
9 adopted hereunder. Such charges shall be paid to the department by the
10 owner or person in possession unless requested by the purchaser and
11 then such brand inspection shall be paid by the purchaser requesting
12 such brand inspection. Such inspection charges shall be due and
13 payable at the time brand inspection is performed and shall be paid
14 upon billing by the department and if not shall constitute a prior lien
15 on the cattle or cattle hides or horses or horse hides brand inspected
16 until such charge is paid. The director in order to best utilize the
17 services of the department in performing brand inspection may establish
18 schedules by days and hours when a brand inspector will be on duty to
19 perform brand inspection at established inspection points. The fees
20 for brand inspection performed at inspection points according to
21 schedules established by the director shall be ~~((not less than fifty))~~
22 sixty cents ~~((nor more than seventy five cents))~~ per head for cattle
23 and not ~~((less))~~ more than two dollars ~~((nor more than three dollars))~~
24 and forty cents per head for horses as prescribed by the director ~~((by~~
25 ~~rule))~~ subsequent to a hearing under chapter 34.05 RCW and in
26 conformance with RCW 16.57.015. Fees for brand inspection of cattle
27 and horses performed by the director at points other than those
28 designated by the director or not in accord with the schedules
29 established by the director shall be based on a fee schedule not to
30 exceed actual net cost to the department of performing the brand
31 inspection service. Such schedule of fees shall be established
32 subsequent to a hearing and all regulations concerning fees shall be
33 adopted in accord with the provisions of chapter 34.05 RCW, the
34 Administrative Procedure Act, concerning the adoption of rules as
35 enacted or hereafter amended.

36 NEW SECTION. **Sec. 26.** The reenactment of sections 12 through 20
37 of this act constitutes approval of fee increases for which prior

1 legislative approval is required by RCW 43.135.055 (section 8, chapter
2 2, Laws of 1994, Initiative Measure No. 601).

3 NEW SECTION. **Sec. 27.** A task force on livestock brand inspection
4 is hereby created. The task force shall be composed of: Two members
5 of the house of representatives appointed by the speaker of the house
6 of representatives, one from each political party caucus in the house
7 of representatives; two members of the senate appointed by the
8 president of the senate, one from each political party caucus in the
9 senate; the director of agriculture or the director's designee; and
10 citizen members appointed by the speaker of the house of
11 representatives and the president of the senate representing the
12 livestock industry including those who are beef cattle producers,
13 horseowners, dairy cattle farmers, cattle feeders, public livestock
14 market operators, and meat processors.

15 The task force shall examine means of providing a cost-efficient
16 and effective livestock brand inspection program and shall report its
17 recommendations regarding such a program to the legislature by December
18 1, 1994.

19 This section shall expire on June 1, 1995.

20 NEW SECTION. **Sec. 28.** Sections 1 through 20, 26, and 27 of this
21 act are necessary for the immediate preservation of the public peace,
22 health, or safety, or support of the state government and its existing
23 public institutions, and shall take effect immediately.

24 NEW SECTION. **Sec. 29.** Sections 21 through 25 of this act shall
25 take effect July 1, 1997.

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