

2 **SSB 5443 - H COMM AMD ADOPTED 4-6-93**

3 By Committee on Agriculture & Rural Development

4

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

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

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

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

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

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

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

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

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

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

35 (2) The director shall, after public hearing as provided by chapter  
36 34.05 RCW, grant or deny an application for original license for a

1 public livestock market after considering evidence and testimony  
2 relating to all of the requirements of this section and giving  
3 reasonable consideration at the same hearing 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; and

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

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

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

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

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

21 The fees for public livestock market licensees shall be set by the  
22 director by rule subsequent to a hearing under chapter 34.05 RCW and in  
23 conformance with section 10 of this act.

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

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

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

35 The director shall provide for brand inspection. When such brand  
36 inspection is required the licensee shall collect from the consignor  
37 and pay to the department, as provided by law, a fee for brand  
38 inspection for each animal consigned to the public livestock market or

1 special open consignment horse sale(~~(: PROVIDED, That if in any one~~  
2 ~~sale day the total fees collected for brand inspection do not exceed~~  
3 ~~sixty dollars, then such licensee shall pay sixty dollars for such~~  
4 ~~brand inspection or as much thereof as the director may prescribe)).~~  
5 The director shall set by rule, adopted after a hearing under chapter  
6 34.05 RCW and in conformance with section 10 of this act, a minimum  
7 daily inspection fee that shall be paid to the department by the  
8 licensee. Such a fee shall be not less than sixty dollars and not more  
9 than ninety dollars.

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

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

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

24 Each licensee shall pay to the director a fee of no less than ten  
25 cents but no more than fifteen cents for each head of cattle handled  
26 through the licensee's feed lot. The fee shall be set by the director  
27 by rule after a hearing under chapter 34.05 RCW and in conformance with  
28 section 10 of this act. Payment of such fee shall be made by the  
29 licensee on a monthly basis. Failure to pay as required shall be  
30 grounds for suspension or revocation of a certified feed lot license.  
31 Further, the director shall not renew a certified feed lot license if  
32 a licensee has failed to make prompt and timely payments.

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

35 The director shall establish by rule a schedule for the renewal of  
36 registered brands. The fee for renewal of the brands shall be no less

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

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

26 A brand is the personal property of the owner of record. Any  
27 instrument affecting the title of such brand shall be acknowledged in  
28 the presence of the recorded owner and a notary public. The director  
29 shall record such instrument upon presentation and payment of a ~~((ten~~  
30 ~~dollar))~~ recording fee not to exceed fifteen dollars to be prescribed  
31 by the director by rule subsequent to a hearing under chapter 34.05 RCW  
32 and in conformance with section 10 of this act. Such recording shall  
33 be constructive notice to all the world of the existence and conditions  
34 affecting the title to such brand. A copy of all records concerning  
35 the brand, certified by the director, shall be received in evidence to  
36 all intent and purposes as the original instrument. The director shall  
37 not be personally liable for failure of ~~((his))~~ the director's agents  
38 to properly record such instrument.

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

3       The owner of a brand of record may procure from the director a  
4 certified copy of the record of ~~((his))~~ the owner's brand upon payment  
5 of ~~((five dollars))~~ a fee not to exceed seven dollars and fifty cents  
6 to be prescribed by the director by rule subsequent to a hearing under  
7 chapter 34.05 RCW and in conformance with section 10 of this act.

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

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

1       **Sec. 9.** RCW 16.57.400 and 1981 c 296 s 23 are each amended to read  
2 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       NEW SECTION. **Sec. 10.** A new section is added to chapter 16.57 RCW  
18 to read as follows:

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

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

1 (3) The members of the advisory board serve three-year terms.  
2 However, the director shall by rule provide shorter initial terms for  
3 some of the members of the board to stagger the expiration of the  
4 initial terms. The members serve without compensation. The director  
5 may authorize the expenses of a member to be reimbursed if the member  
6 is selected to attend a regional or national conference or meeting  
7 regarding livestock identification. Any such reimbursement shall be in  
8 accordance with RCW 43.03.050 and 43.03.060.

9 **Sec. 11.** RCW 16.57.410 and 1989 c 286 s 25 are each amended to  
10 read as follows:

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

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

26 (3) Individual identification symbols shall be inspected as  
27 required for brands under RCW 16.57.220 and 16.57.380 ((and  
28 ~~16.57.390~~)). Any horse presented for inspection and bearing such a  
29 symbol, but not accompanied by proof of registration and certificate of  
30 permit, shall be sold as provided under RCW 16.57.290 through  
31 16.57.330.

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

34 NEW SECTION. **Sec. 12.** RCW 16.57.390 and 1974 ex.s. c 38 s 2 are  
35 each repealed."

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