

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5443

53rd Legislature
1993 Regular Session

Passed by the Senate April 19, 1993
YEAS 44 NAYS 3

President of the Senate

Passed by the House April 6, 1993
YEAS 91 NAYS 7

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5443** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5443

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Agriculture (originally sponsored by Senators M. Rasmussen, Barr and Loveland; by request of Department of Agriculture)

Read first time 02/19/93.

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,
4 16.57.400, and 16.57.410; adding a new section to chapter 16.57 RCW;
5 and repealing RCW 16.57.390.

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

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.

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.

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

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

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

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

15 The director shall provide for brand inspection. When such brand
16 inspection is required the licensee shall collect from the consignor
17 and pay to the department, as provided by law, a fee for brand
18 inspection for each animal consigned to the public livestock market or
19 special open consignment horse sale(~~(: PROVIDED, That if in any one~~
20 ~~sale day the total fees collected for brand inspection do not exceed~~
21 ~~sixty dollars, then such licensee shall pay sixty dollars for such~~
22 ~~brand inspection or as much thereof as the director may prescribe)).~~
23 The director shall set by rule, adopted after a hearing under chapter
24 34.05 RCW and in conformance with section 10 of this act, a minimum
25 daily inspection fee that shall be paid to the department by the
26 licensee. Such a fee shall be not less than sixty dollars and not more
27 than ninety dollars.

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

30 The application for an annual license to engage in the business of
31 operating one or more certified feed lots shall be accompanied by a
32 license fee of no less than five hundred dollars or no more than seven
33 hundred fifty dollars. The actual license fee for a certified feed lot
34 license shall be prescribed by the director by rule subsequent to a
35 hearing under chapter 34.05 RCW and in conformance with 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. The fee shall be set by the director
8 by rule after a hearing under chapter 34.05 RCW and in conformance with
9 section 10 of this act. Payment of such fee shall be made by the
10 licensee on a monthly basis. Failure to pay as required shall be
11 grounds for suspension or revocation of a certified feed lot license.
12 Further, the director shall not renew a certified feed lot license if
13 a licensee has failed to make prompt and timely payments.

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

16 The director shall establish by rule a schedule for the renewal of
17 registered brands. The fee for renewal of the brands shall be no less
18 than twenty-five dollars for each two-year period of brand ownership,
19 except that the director may, in adopting a renewal schedule, provide
20 for the collection of renewal fees on a prorated basis and may by rule
21 increase the registration and renewal fee for brands by no more than
22 fifty percent subsequent to a hearing under chapter 34.05 RCW and in
23 conformance with section 10 of this act. At least one hundred twenty
24 days before the expiration of a registered brand, the director shall
25 notify by letter the owner of record of the brand that on the payment
26 of the requisite application fee and application of renewal the
27 director shall issue the proof of payment allowing the brand owner
28 exclusive ownership and use of the brand for the subsequent
29 registration period. The failure of the registered owner to pay the
30 renewal fee by the date required by rule shall cause such owner's brand
31 to revert to the department. The director may for a period of one year
32 following such reversion, reissue such brand only to the prior
33 registered owner upon payment of ~~((twenty-five dollars and an~~
34 ~~additional fee of ten dollars))~~ the registration fee and a late filing
35 fee to be prescribed by the director by rule subsequent to a hearing
36 under chapter 34.05 RCW and in conformance with 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 by rule subsequent to a hearing under chapter 34.05 RCW
12 and in conformance with section 10 of this act. Such recording shall
13 be constructive notice to all the world of the existence and conditions
14 affecting the title to such brand. A copy of all records concerning
15 the brand, certified by the director, shall be received in evidence to
16 all intent and purposes as the original instrument. The director shall
17 not be personally liable for failure of ((his)) the director's agents
18 to properly record such instrument.

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

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

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

28 The director shall cause a charge to be made for all brand
29 inspection of cattle and horses required under this chapter and rules
30 ((and regulations)) adopted hereunder. Such charges shall be paid to
31 the department by the owner or person in possession unless requested by
32 the purchaser and then such brand inspection shall be paid by the
33 purchaser requesting such brand inspection. Such inspection charges
34 shall be due and payable at the time brand inspection is performed and
35 shall be paid upon billing by the department and if not shall
36 constitute a prior lien on the cattle or cattle hides or horses or

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

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

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

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

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

3 (1) The director shall establish a livestock identification
4 advisory board. The board shall be composed of six members appointed
5 by the director. One member shall represent each of the following
6 groups: Beef producers, public livestock market operators, horse
7 owners, dairy farmers, cattle feeders, and meat processors. In making
8 appointments, the director shall solicit nominations from organizations
9 representing these groups state-wide.

10 (2) The purpose of the board is to provide advice to the director
11 regarding livestock identification programs administered under this
12 chapter and regarding brand inspection fees and related licensing fees.
13 The director shall consult the board before adopting, amending, or
14 repealing a rule under this chapter or altering a fee under RCW
15 16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director
16 publishes in the state register a proposed rule to be adopted under the
17 authority of this chapter or a proposed rule setting a fee under RCW
18 16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not
19 received the approval of the advisory board, the director shall file
20 with the board a written statement setting forth the director's reasons
21 for proposing the rule without the board's approval.

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

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

32 (1) No person may act as a registering agency without a permit
33 issued by the department. The director may issue a permit to any
34 person or organization to act as a registering agency for the purpose
35 of issuing permanent identification symbols for horses in a manner
36 prescribed by the director. Application for such permit, or the
37 renewal thereof by January 1 of each year, shall be on a form
38 prescribed by the director, and accompanied by the proof of

1 registration to be issued, any other documents required by the
2 director, and a fee of one hundred dollars.

3 (2) Each registering agency shall maintain a permanent record for
4 each individual identification symbol. The record shall include, but
5 need not be limited to, the name, address, and phone number of the
6 horse owner and a general description of the horse. A copy of each
7 permanent record shall be forwarded to the director, if requested by
8 the director.

9 (3) Individual identification symbols shall be inspected as
10 required for brands under RCW 16.57.220 and 16.57.380 ((and
11 ~~16.57.390~~)). Any horse presented for inspection and bearing such a
12 symbol, but not accompanied by proof of registration and certificate of
13 permit, shall be sold as provided under RCW 16.57.290 through
14 16.57.330.

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

17 NEW SECTION. **Sec. 12.** RCW 16.57.390 and 1974 ex.s. c 38 s 2 are
18 each repealed.

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