

2 **ESSB 6204** - H COMM AMD **ADOPTED AS AMENDED 3/4/98**
3 By Committee on Agriculture & Ecology

4

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

7 "**Sec. 1.** RCW 16.57.010 and 1996 c 105 s 1 are each amended to read
8 as follows:

9 For the purpose of this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

8 (13) "Microchipping" means the implantation of an identification
9 microchip or similar electronic identification device to establish the
10 identity of an individual animal:

11 (a) In the pipping muscle of a chick ratite or the implantation of
12 a microchip in the tail muscle of an otherwise unidentified adult
13 ratite;

14 (b) In the nuchal ligament of a horse unless otherwise specified by
15 rule of the ~~((director))~~ board; and

16 (c) In locations of other livestock species as specified by rule of
17 the ~~((director))~~ board when requested by an association of producers of
18 that species of livestock.

19 (14) "Livestock identification board" or "board" means the board
20 established under RCW 16.57.015.

21 (15) "Certificate of permit" means a form prescribed by and
22 obtained from the board that is completed by the owner or a person
23 authorized to act on behalf of the owner to show the ownership of
24 livestock. It does not evidence inspection of livestock.

25 (16) "Inspection certificate" means a certificate issued by the
26 board documenting the ownership of livestock based on an inspection of
27 livestock by the board. It includes an individual identification
28 certificate issued by the board.

29 (17) "Self-inspection certificate" means a form prescribed by and
30 obtained from the board that is used for self-inspection of cattle or
31 horses and is signed by the buyer and seller of the cattle or horses.

32 **Sec. 2.** RCW 16.57.015 and 1993 c 354 s 10 are each amended to read
33 as follows:

34 (1) ~~((The director shall establish a livestock identification~~
35 ~~advisory board. The board shall be composed of six members appointed~~
36 ~~by the director. One member shall represent each of the following~~
37 ~~groups: Beef producers, public livestock market operators, horse~~
38 ~~owners, dairy farmers, cattle feeders, and meat processors. In making~~

1 appointments, the director shall solicit nominations from organizations
2 representing these groups state-wide.

3 (2) The purpose of the board is to provide advice to the director
4 regarding livestock identification programs administered under this
5 chapter and regarding brand inspection fees and related licensing fees.
6 The director shall consult the board before adopting, amending, or
7 repealing a rule under this chapter or altering a fee under RCW
8 16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director
9 publishes in the state register a proposed rule to be adopted under the
10 authority of this chapter or a proposed rule setting a fee under RCW
11 16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not
12 received the approval of the advisory board, the director shall file
13 with the board a written statement setting forth the director's reasons
14 for proposing the rule without the board's approval.

15 (3) The members of the advisory board serve three year terms.
16 However, the director shall by rule provide shorter initial terms for
17 some of the members of the board to stagger the expiration of the
18 initial terms. The members serve without compensation. The director
19 may authorize the expenses of a member to be reimbursed if the member
20 is selected to attend a regional or national conference or meeting
21 regarding livestock identification. Any such reimbursement shall be in
22 accordance with RCW 43.03.050 and 43.03.060.)) There is established a
23 Washington state livestock identification board. The board is composed
24 of the director, who shall be a nonvoting member, and six voting
25 members appointed by the governor as follows: One beef producer, one
26 cattle feeder, one dairy producer, one livestock market owner, one meat
27 packer, and one horse producer. Organizations representing the groups
28 represented on the board may submit nominations for these appointments
29 to the governor for the governor's consideration. Three members of the
30 initial board shall be appointed for two years and three members shall
31 be appointed for three years, thereafter gubernatorially appointed
32 members shall be appointed for a three-year term. Members may succeed
33 themselves. As used in this subsection, "meat packer" means a person
34 licensed to operate a slaughtering establishment under chapter 16.49A
35 RCW.

36 (2) The board shall be responsible for the administration of the
37 livestock identification program which includes the review of recording
38 and registration of brands, approval of all expenditures from the
39 livestock identification account, administration of this chapter and

1 chapters 16.58 and 16.65 RCW, administration of the inspection,
2 enforcement, and licensing activities, fee setting, and holding
3 hearings and adopting rules for the administration of the livestock
4 identification program. Authorities and responsibilities other than
5 rule making that are granted to the board by this chapter and chapters
6 16.58 and 16.65 RCW may be delegated by the board to duly authorized
7 representatives of the board. The board shall adopt rules regarding
8 such authorities and responsibilities in accordance with chapter 34.05
9 RCW.

10 (3) Until June 30, 2004, the board shall contract with the
11 department for registration and recording and for livestock inspection
12 or investigation work and fix the compensation and terms of the
13 contract. Beginning July 1, 2004, the board may contract with the
14 department or other entities to provide such registration, recording,
15 inspection, or investigation. The board may also enter into agreements
16 with Washington state licensed and accredited veterinarians, or other
17 persons, who have been certified by the board, to perform livestock
18 inspection. Fees for livestock inspection performed by a certified
19 veterinarian shall be collected by the veterinarian and remitted to the
20 board. Veterinarians providing livestock inspection may charge a fee
21 for livestock inspection that is separate from the fees provided in RCW
22 16.57.220. The board may adopt rules necessary to implement livestock
23 inspection performed by veterinarians and may adopt fees to cover the
24 cost associated with certification of veterinarians.

25 (4) Members of the board shall receive compensation as provided by
26 RCW 43.03.240 and travel expenses to meetings or in otherwise carrying
27 out the duties of the board as provided under RCW 43.03.050 and
28 43.03.060. The board shall meet at least quarterly in each calendar
29 year. The board shall hire staff as necessary to carry out its duties.

30 (5) The board may select the area of the state in which to locate
31 its principal office, which may include an area that is, by and large,
32 near the geographic center of the state. The department shall examine
33 the rental and other costs of locating the principal office from which
34 it administers any contract it has with the board in an area that is,
35 by and large, near the geographic center of the state. The department
36 shall compare these costs with those of maintaining the principal
37 office in its current location. The department shall report its
38 findings to the board and shall consider moving its principal office

1 for such administration to such an area if it would be more
2 cost-effective to do so.

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

5 There is established a Washington state livestock identification
6 account in the agricultural local fund created under RCW 43.23.230 into
7 which all moneys collected or received from registration, recording,
8 inspection, or enforcement under this chapter and moneys collected or
9 received by the board under chapters 16.58 and 16.65 RCW shall be
10 deposited. These moneys shall be used solely for the Washington state
11 livestock identification program. Only the board may authorize
12 expenditures from this account. The account is subject to allotment
13 procedures under chapter 43.88 RCW, but an appropriation is not
14 required for expenditures.

15 **Sec. 4.** RCW 16.57.020 and 1994 c 46 s 7 are each amended to read
16 as follows:

17 (1) The ~~((director))~~ board shall be the recorder of livestock
18 brands and such brands shall not be recorded elsewhere in this state.
19 Any person desiring to register a livestock brand shall apply on a form
20 prescribed by the ~~((director))~~ board. Such application shall be
21 accompanied by a facsimile of the brand applied for and a ~~((thirty-~~
22 ~~five))~~ seventy-dollar recording fee. The ~~((director))~~ board shall,
23 upon ~~((his or her))~~ their satisfaction that the application and brand
24 facsimile meet the requirements of this chapter and/or rules adopted
25 hereunder, record such brand.

26 (2) As provided in RCW 16.57.015, the director of agriculture may
27 be designated by the board as the recorder of livestock brands. If the
28 director is so designated, the recording fee shall be deposited by the
29 director in the Washington state livestock identification account and
30 shall be used solely for livestock identification program purposes as
31 provided in this chapter and only as authorized by the board.

32 (3) This section is null and void unless subsections (1) through
33 (5) of section 2 of this act and section 96 of this act become law.

34 **Sec. 5.** RCW 16.57.030 and 1959 c 54 s 3 are each amended to read
35 as follows:

1 The ((director)) board shall not record tattoo brands or marks for
2 any purpose subsequent to the enactment of this chapter. However, all
3 tattoo brands and marks of record on the date of the enactment of this
4 chapter shall be recognized as legal ownership brands or marks.

5 **Sec. 6.** RCW 16.57.040 and 1974 ex.s. c 64 s 1 are each amended to
6 read as follows:

7 The ((director)) board may provide for the use of production record
8 brands. Numbers for such brands shall be issued at the discretion of
9 the ((director)) board and shall be placed on livestock immediately
10 below the registered ownership brand or any other location prescribed
11 by the ((director)) board.

12 **Sec. 7.** RCW 16.57.070 and 1959 c 54 s 7 are each amended to read
13 as follows:

14 The ((director)) board shall determine conflicting claims between
15 applicants to a brand, and in so doing shall consider the priority of
16 applicants.

17 **Sec. 8.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read
18 as follows:

19 ~~((The director shall establish by rule a schedule for the renewal
20 of registered brands.))~~ (1) Except as provided in subsection (2) of
21 this section, the fee for the renewal of ((the)) a brand((s))
22 registration shall be ~~((no less than twenty five))~~ seventy dollars for
23 each two-year period of brand ownership~~((, except that))~~. However, the
24 ((director)) board may~~((, in adopting a renewal schedule,))~~ provide for
25 the collection of renewal fees on a prorated basis ~~((and may by rule
26 increase the registration and renewal fee for brands by no more than
27 fifty percent subsequent to a hearing under chapter 34.05 RCW and in
28 conformance with RCW 16.57.015))~~. At least sixty days before the
29 expiration of a registered brand, the ((director)) board shall notify
30 by letter the owner of record of the brand that on the payment of the
31 requisite application fee and application of renewal the ((director))
32 board shall issue the proof of payment allowing the brand owner
33 exclusive ownership and use of the brand for the subsequent
34 registration period. The failure of the registered owner to pay the
35 renewal fee by the date required by rule shall cause such owner's brand
36 to revert to the ((department)) board. The ((director)) board may for

1 a period of one year following such reversion, reissue such brand only
2 to the prior registered owner upon payment of the registration fee and
3 a late filing fee (~~((to be prescribed by the director by rule subsequent~~
4 ~~to a hearing under chapter 34.05 RCW and in conformance with RCW~~
5 ~~16.57.015,))~~ of twenty dollars for renewal subsequent to the regular
6 renewal period. The ~~((director))~~ board may at the ~~((director's))~~
7 board's discretion, if such brand is not reissued within one year to
8 the prior registered owner, issue such brand to any other applicant.

9 (2) The board may adopt rules establishing criteria and fees for
10 the permanent renewal of brands registered with the department or the
11 board but renewed as livestock heritage brands. Such heritage brands
12 are not intended for use on livestock.

13 (3) This section is null and void unless subsections (1) through
14 (5) of section 2 of this act and section 96 of this act become law.

15 **Sec. 9.** RCW 16.57.090 and 1994 c 46 s 17 are each amended to read
16 as follows:

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

31 **Sec. 10.** RCW 16.57.100 and 1971 ex.s. c 135 s 3 are each amended
32 to read as follows:

33 The right to use a brand shall be evidenced by the original
34 certificate issued by the ~~((director))~~ board showing that the brand is
35 of present record or a certified copy of the record of such brand
36 showing that it is of present record. A healed brand of record on
37 livestock shall be prima facie evidence that the recorded owner of such

1 brand has legal title to such livestock and is entitled to its
2 possession: PROVIDED, That the ((director)) board may require
3 additional proof of ownership of any animal showing more than one
4 healed brand.

5 **Sec. 11.** RCW 16.57.105 and 1967 c 240 s 38 are each amended to
6 read as follows:

7 Any person having a brand recorded with the ((department)) board
8 shall have a preemptory right to use such brand and its design under
9 any newly approved method of branding adopted by the ((director))
10 board.

11 **Sec. 12.** RCW 16.57.110 and 1959 c 54 s 11 are each amended to read
12 as follows:

13 No brand shall be placed on livestock that is not permanent in
14 nature and of a size that is not readily visible. The ((director))
15 board, in order to assure that brands are readily visible, may
16 prescribe the size of branding irons to be used for ownership brands.

17 **Sec. 13.** RCW 16.57.120 and 1991 c 110 s 2 are each amended to read
18 as follows:

19 No person shall remove or alter a brand of record on livestock
20 without first having secured the written permission of the ((director))
21 board. Violation of this section shall be a gross misdemeanor
22 punishable to the same extent as a gross misdemeanor that is punishable
23 under RCW 9A.20.021.

24 **Sec. 14.** RCW 16.57.130 and 1959 c 54 s 13 are each amended to read
25 as follows:

26 The ((director)) board shall not record a brand that is identical
27 to a brand of present record; nor a brand so similar to a brand of
28 present record that it will be difficult to distinguish between such
29 brands when applied to livestock.

30 **Sec. 15.** RCW 16.57.140 and 1994 c 46 s 18 are each amended to read
31 as follows:

32 The owner of a brand of record may procure from the ((director))
33 board a certified copy of the record of the owner's brand upon payment
34 of a fee not to exceed seven dollars and fifty cents to be prescribed

1 by the ~~((director))~~ board by rule subsequent to a hearing under chapter
2 34.05 RCW and in conformance with RCW 16.57.015.

3 **Sec. 16.** RCW 16.57.150 and 1974 ex.s. c 64 s 5 are each amended to
4 read as follows:

5 The ~~((director))~~ board shall publish a book to be known as the
6 "Washington State Brand Book", showing all the brands of record. Such
7 book shall contain the name and address of the owners of brands of
8 record and a copy of the brand laws and regulations. Supplements to
9 such brand book showing newly recorded brands, amendments or newly
10 adopted regulations, shall be published biennially, or prior thereto at
11 the discretion of the ~~((director))~~ board: PROVIDED, That whenever ~~((he~~
12 ~~deems it))~~ necessary, the ~~((director))~~ board may issue a new brand
13 book.

14 **Sec. 17.** RCW 16.57.160 and 1991 c 110 s 3 are each amended to read
15 as follows:

16 (1) Except as provided in subsection (3) of this section, the
17 ~~((director))~~ board may ~~((by))~~ adopt rules ~~((adopted subsequent to a~~
18 ~~public hearing designate))~~: Designating any point for mandatory
19 ~~((brand))~~ livestock inspection of cattle or horses or the furnishing of
20 proof that cattle passing or being transported through such points have
21 been ~~((brand))~~ livestock inspected and are lawfully being moved;
22 providing for self-inspection of cattle and horses; and providing for
23 issuance of individual horse and cattle identification certificates or
24 other means of horse and cattle identification.

25 ~~((Further,))~~ (2) The ~~((director))~~ board or any peace officer may
26 stop vehicles carrying cattle or horses to determine if ~~((such))~~ the
27 cattle or horses are identified, branded, or accompanied by ~~((the form~~
28 prescribed by the director under RCW 16.57.240 or a brand certificate
29 issued by the department)) a certificate of permit, inspection
30 certificate, self-inspection certificate, or other satisfactory proof
31 of ownership, as determined by the board.

32 (3) Inspection shall not be required for:

33 (a) Any individual private sale of any unbranded dairy breed milk
34 production cattle involving fifteen head or less; or

35 (b) A sale by the owner of a dairy farm licensed under chapter
36 15.36 RCW of a male calf or male calves from the farm that are not

1 more than thirty days old, as long as the license number for the dairy
2 is listed on the bill of sale or its equivalent.

3 **Sec. 18.** RCW 16.57.165 and 1971 ex.s. c 135 s 6 are each amended
4 to read as follows:

5 The ((~~director~~)) board may, in order to reduce the cost of
6 ((~~brand~~)) livestock inspection to livestock owners, enter into
7 agreements with any qualified county, municipal, or other local law
8 enforcement agency, or qualified individuals for the purpose of
9 performing ((~~brand~~)) livestock inspection in areas where ((~~department~~
10 ~~brand~~)) livestock inspection by the department may not readily be
11 available.

12 **Sec. 19.** RCW 16.57.170 and 1959 c 54 s 17 are each amended to read
13 as follows:

14 The ((~~director~~)) board may enter at any reasonable time any
15 slaughterhouse or public livestock market to make an examination of the
16 brands on livestock or hides, and may enter at any reasonable time an
17 establishment where hides are held to examine them for brands. The
18 ((~~director~~)) board may enter any of these premises at any reasonable
19 time to examine all books and records required by law in matters
20 relating to ((~~brand~~)) livestock inspection or other methods of
21 livestock identification.

22 **Sec. 20.** RCW 16.57.180 and 1959 c 54 s 18 are each amended to read
23 as follows:

24 Should the ((~~director~~)) board be denied access to any premises or
25 establishment where such access was sought for the purposes set forth
26 in RCW 16.57.170, ((~~he~~)) the board may apply to any court of competent
27 jurisdiction for a search warrant authorizing access to such premises
28 or establishment for said purposes. The court may upon such
29 application, issue the search warrant for the purposes requested.

30 **Sec. 21.** RCW 16.57.200 and 1959 c 54 s 20 are each amended to read
31 as follows:

32 Any owner or ((~~his~~)) an agent shall make the brand or brands on
33 livestock being ((~~brand~~)) livestock inspected readily visible and shall
34 cooperate with the ((~~director~~)) board to carry out such ((~~brand~~))
35 livestock inspection in a safe and expeditious manner.

1 **Sec. 22.** RCW 16.57.210 and 1959 c 54 s 21 are each amended to read
2 as follows:

3 The ~~((director))~~ board shall have authority to arrest any person
4 without warrant anywhere in the state found in the act of, or whom
5 ~~((he))~~ the board has reason to believe is guilty of, driving, holding,
6 selling or slaughtering stolen livestock. Any such person arrested by
7 the ~~((director))~~ board shall be turned over to the sheriff of the
8 county where the arrest was made, as quickly as possible.

9 **Sec. 23.** RCW 16.57.220 and 1997 c 356 s 2 are each amended to read
10 as follows:

11 (1) The ~~((director))~~ livestock identification board shall cause a
12 charge to be made for all ~~((brand))~~ livestock inspection of cattle and
13 horses required under this chapter and rules adopted hereunder. Such
14 charges shall be paid to the ~~((department))~~ board by the owner or
15 person in possession unless requested by the purchaser and then such
16 ~~((brand))~~ livestock inspection shall be paid by the purchaser
17 requesting such ~~((brand))~~ livestock inspection. Except as provided by
18 rule, such inspection charges shall be due and payable at the time
19 ~~((brand))~~ livestock inspection is performed and shall be paid upon
20 billing by the ~~((department))~~ board and if not shall constitute a prior
21 lien on the cattle or cattle hides or horses or horse hides ~~((brand))~~
22 livestock inspected until such charge is paid. The ~~((director))~~ board
23 in order to best utilize the services of the ~~((department))~~ livestock
24 inspector in performing ~~((brand))~~ livestock inspection may establish
25 schedules by days and hours when a ~~((brand))~~ livestock inspector will
26 be on duty to perform ~~((brand))~~ livestock inspection at established
27 inspection points. Except as provided in rules adopted under
28 subsection (2) of this section, the fees for ~~((brand))~~ livestock
29 inspection performed at inspection points according to schedules
30 established by the ~~((director))~~ board shall be seventy-five cents per
31 head for cattle and ~~((not more than))~~ three dollars per head for horses
32 ~~((as prescribed by the director subsequent to a hearing under chapter~~
33 ~~34.05 RCW and in conformance with RCW 16.57.015))~~. Fees for ~~((brand))~~
34 livestock inspection of cattle and horses at points other than those
35 designated by the ~~((director))~~ board or not in accord with the
36 schedules established by the ~~((director))~~ board shall be based on a fee
37 schedule not to exceed actual net cost to the ~~((department))~~ board of
38 performing the ~~((brand))~~ livestock inspection service. For the purpose

1 of this section, actual costs shall mean fifteen dollars per hour and
2 the current mileage rate set by the office of financial management.

3 (2) The board may by rule prescribe a fee for the inspection of
4 cattle performed at inspection points that is not less than seventy-
5 five cents per head and not more than one dollar per head and may by
6 rule prescribe a fee for the inspection of horses performed at
7 inspection points that is not less than three dollars per head and not
8 more than five dollars per head. However, a rule prescribing such a
9 fee may be proposed and adopted by the board only by a unanimous vote
10 of the members of the board entitled to vote under RCW 16.57.015. This
11 subsection constitutes prior legislative approval for the initial fee
12 prescribed by rule of the board for the inspection of cattle and the
13 initial fee prescribed by rule of the board for the inspection of
14 horses to result in an increase of the fee established under subsection
15 (1) of this section for the inspection that is in excess of the fiscal
16 growth factor under chapter 43.135 RCW.

17 **Sec. 24.** RCW 16.57.230 and 1995 c 374 s 50 are each amended to
18 read as follows:

19 No person shall collect or make a charge for ~~((brand))~~ livestock
20 inspection of livestock unless there has been an actual ((brand))
21 livestock inspection of such livestock.

22 **Sec. 25.** RCW 16.57.240 and 1995 c 374 s 51 are each amended to
23 read as follows:

24 ~~((Any person purchasing, selling, holding for sale, trading,~~
25 ~~bartering, transferring title, slaughtering, handling, or transporting~~
26 ~~cattle shall keep a record on forms prescribed by the director. Such~~
27 ~~forms)) (1) Certificates of permit, inspection certificates, and self-~~
28 inspection certificates shall show the owner, number, ((specie)) breed,
29 sex, brand or other method of identification of ((such)) the cattle or
30 horses and any other necessary information required by the ((director))
31 board. ((The original shall be kept for a period of three years or
32 shall be furnished to the director upon demand or as prescribed by
33 rule, one copy shall accompany the cattle to their destination and
34 shall be subject to inspection at any time by the director or any peace
35 officer or member of the state patrol: PROVIDED, That in the following
36 instances only, cattle may be moved or transported within this state

1 without being accompanied by an official certificate of permit, brand
2 inspection certificate, bill of sale, or self-inspection slip:

3 (1) ~~When such cattle are moved or transported upon lands under the
4 exclusive control of the person moving or transporting such cattle;~~

5 (2) ~~When such cattle are being moved or transported for temporary
6 grazing or feeding purposes and have the registered brand of the person
7 having or transporting such cattle.)~~

8 (2) The board may cause certificate of permit forms to be issued to
9 any person on payment of a fee established by rule.

10 (3) Inspection certificates, self-inspection certificates, or other
11 proof of ownership deemed satisfactory by the board shall be kept by
12 the owner and/or person in possession of any cattle or horses and shall
13 be furnished to the board or any peace officer upon demand.

14 (4) Cattle may not be moved or transported within this state
15 without being accompanied by a certificate of permit, inspection
16 certificate, or self-inspection certificate except:

17 (a) When the cattle are moved or transported upon lands under the
18 exclusive control of the person moving or transporting the cattle; or

19 (b) When the cattle are being moved or transported for temporary
20 grazing or feeding purposes and have the recorded brand of the person
21 having or transporting the cattle.

22 (5) Certificates of permit, inspection certificates, or self-
23 inspection certificates accompanying cattle being moved or transported
24 within this state shall be subject to inspection at any time by the
25 board or any peace officer.

26 **Sec. 26.** RCW 16.57.260 and 1981 c 296 s 19 are each amended to
27 read as follows:

28 It shall be unlawful for any person to remove or cause to be
29 removed or accept for removal from this state, any cattle or horses
30 which are not accompanied at all times by an official ((brand))
31 livestock inspection certificate issued by the ((director)) board on
32 such cattle or horses, except as provided in RCW 16.57.160.

33 **Sec. 27.** RCW 16.57.270 and 1959 c 54 s 27 are each amended to read
34 as follows:

35 It shall be unlawful for any person moving or transporting
36 livestock in this state to refuse to assist the ((director)) board or

1 any peace officer in establishing the identity of such livestock being
2 moved or transported.

3 **Sec. 28.** RCW 16.57.275 and 1967 c 240 s 37 are each amended to
4 read as follows:

5 Any cattle carcass, or primal part thereof, of any breed or age
6 being transported in this state from other than a state or federal
7 licensed and inspected slaughterhouse or common carrier hauling for
8 such slaughterhouse, shall be accompanied by a certificate of permit
9 signed by the owner of such carcass or primal part thereof and, if such
10 carcass or primal part is delivered to a facility custom handling such
11 carcasses or primal part thereof, such certificate of permit shall be
12 deposited with the owner or manager of such custom handling facility
13 and such certificate of permit shall be retained for a period of one
14 year and be made available to the ((department)) livestock
15 identification board for inspection during reasonable business hours.
16 (~~The owner of such carcass or primal part thereof shall mail a copy of~~
17 ~~the said certificate of permit to the department within ten days of~~
18 ~~said transportation.~~)

19 **Sec. 29.** RCW 16.57.280 and 1995 c 374 s 52 are each amended to
20 read as follows:

21 No person shall knowingly have unlawful possession of any livestock
22 marked with a recorded brand or tattoo of another person unless:

23 (1) Such livestock lawfully bears the person's own healed recorded
24 brand; or

25 (2) Such livestock is accompanied by a certificate of permit from
26 the owner of the recorded brand or tattoo; or

27 (3) Such livestock is accompanied by a ((brand)) livestock
28 inspection certificate; or

29 (4) Such cattle is accompanied by a self-inspection slip; or

30 (5) Such livestock is accompanied by a bill of sale from the
31 previous owner or other satisfactory proof of ownership.

32 A violation of this section constitutes a gross misdemeanor
33 punishable to the same extent as a gross misdemeanor that is punishable
34 under RCW 9A.20.021.

35 **Sec. 30.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to
36 read as follows:

1 All unbranded cattle and horses and those bearing brands not
2 recorded, in the current edition of this state's brand book, which are
3 not accompanied by a certificate of permit, and those bearing brands
4 recorded, in the current edition of this state's brand book, which are
5 not accompanied by a certificate of permit signed by the owner of the
6 brand when presented for inspection by the ~~((director))~~ board, shall be
7 sold by the ~~((director))~~ board or the ~~((director's))~~ board's
8 representative, unless other satisfactory proof of ownership is
9 presented showing the person presenting them to be lawfully in
10 possession. Upon the sale of such cattle or horses, the ~~((director))~~
11 board or the ~~((director's))~~ board's representative shall give the
12 purchasers a bill of sale therefor, or, if theft is suspected, the
13 cattle or horses may be impounded by the ~~((director))~~ board or the
14 ~~((director's))~~ board's representative.

15 **Sec. 31.** RCW 16.57.300 and 1989 c 286 s 24 are each amended to
16 read as follows:

17 The proceeds from the sale of cattle and horses as provided for
18 under RCW 16.57.290, after paying the cost thereof, shall be paid to
19 the ~~((director))~~ board, who shall make a record showing the brand or
20 marks or other method of identification of the animals and the amount
21 realized from the sale thereof. However, the proceeds from a sale of
22 such cattle or horses at a licensed public livestock market shall be
23 held by the licensee for a reasonable period not to exceed thirty days
24 to permit the consignor to establish ownership or the right to sell
25 such cattle or horses. If such consignor fails to establish legal
26 ownership or the right to sell such cattle or horses, such proceeds
27 shall be paid to the ~~((director))~~ board to be disposed of as any other
28 stray proceeds.

29 **Sec. 32.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read
30 as follows:

31 When a person has been notified by registered mail that animals
32 bearing his or her recorded brand have been sold by the ~~((director))~~
33 board, he or she shall present to the ~~((director))~~ board a claim on the
34 proceeds within ten days from the receipt of the notice or the
35 ~~((director))~~ board may decide that no claim exists.

1 **Sec. 33.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read
2 as follows:

3 If, after the expiration of one year from the date of sale, the
4 person presenting the animals for inspection has not provided the
5 ((~~director~~)) board with satisfactory proof of ownership, the proceeds
6 from the sale shall be paid on the claim of the owner of the recorded
7 brand. However, it shall be a gross misdemeanor for the owner of the
8 recorded brand to knowingly accept such funds after he or she has sold,
9 bartered or traded such animals to the claimant or any other person.
10 A gross misdemeanor under this section is punishable to the same extent
11 as a gross misdemeanor that is punishable under RCW 9A.20.021.

12 **Sec. 34.** RCW 16.57.330 and 1959 c 54 s 33 are each amended to read
13 as follows:

14 If, after the expiration of one year from the date of sale, no
15 claim is made, the money shall be credited to the ((~~department of~~
16 ~~agriculture~~)) board to be expended in carrying out the provisions of
17 this chapter.

18 **Sec. 35.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
19 as follows:

20 The ((~~director~~)) board shall have the authority to enter into
21 reciprocal agreements with any or all states to prevent the theft,
22 misappropriation or loss of identification of livestock. The
23 ((~~director~~)) board may declare any livestock which is shipped or moved
24 into this state from such states estrays if such livestock is not
25 accompanied by the proper official brand certificate or other such
26 certificates required by the law of the state of origin of such
27 livestock. The ((~~director~~)) board may hold such livestock subject to
28 all costs of holding or sell such livestock and send the funds, after
29 the deduction of the cost of such sale, to the proper authority in the
30 state of origin of such livestock.

31 **Sec. 36.** RCW 16.57.350 and 1994 c 46 s 8 are each amended to read
32 as follows:

33 The ((~~director~~)) board may adopt such rules as are necessary to
34 carry out the purposes of this chapter. It shall be the duty of the
35 ((~~director~~)) board to enforce and carry out the provisions of this
36 chapter and/or rules adopted hereunder. No person shall interfere with

1 the ((director)) board when ((he or she)) the board is performing or
2 carrying out duties imposed on ((him or her)) it by this chapter and/or
3 rules adopted hereunder.

4 **Sec. 37.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read
5 as follows:

6 The ((department)) board is authorized to issue notices of and
7 enforce civil infractions in the manner prescribed under chapter 7.80
8 RCW.

9 The violation of any provision of this chapter and/or rules and
10 regulations adopted hereunder shall constitute a class I civil
11 infraction as provided under chapter 7.80 RCW unless otherwise
12 specified herein.

13 **Sec. 38.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read
14 as follows:

15 All fees collected under the provisions of this chapter shall be
16 retained and deposited by the ((director)) board to be used only for
17 the enforcement of this chapter.

18 **Sec. 39.** RCW 16.57.400 and 1994 c 46 s 20 are each amended to read
19 as follows:

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

26 Horses and cattle identified pursuant to the provisions of this
27 section and the rules ((and regulations)) adopted hereunder shall not
28 be subject to ((brand)) livestock inspection except when sold at points
29 provided for in RCW ((16.57.380)) 16.57.160. The ((director)) board
30 shall charge a fee for the certificates or other means of
31 identification authorized pursuant to this section and no
32 identification shall be issued until the ((director)) board has
33 received the fee. The schedule of fees shall be established in
34 accordance with the provisions of chapter 34.05 RCW.

1 **Sec. 40.** RCW 16.57.407 and 1996 c 105 s 3 are each amended to read
2 as follows:

3 The ((~~department~~)) livestock identification board has the authority
4 to conduct an investigation of an incident where scars or other marks
5 indicate that a microchip has been removed from a horse.

6 **Sec. 41.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to
7 read as follows:

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

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

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

28 (4) The ((~~director~~)) board shall adopt such rules as are necessary
29 for the effective administration of this section pursuant to chapter
30 34.05 RCW.

31 **Sec. 42.** RCW 16.57.420 and 1993 c 105 s 3 are each amended to read
32 as follows:

33 The ((~~department~~)) livestock identification board may, in
34 consultation with representatives of the ratite industry, develop by
35 rule a system that provides for the identification of individual
36 ratites through the use of microchipping. The ((~~department~~)) board may

1 establish fees for the issuance or reissuance of microchipping numbers
2 sufficient to cover the expenses of the ~~((department))~~ board.

3 **Sec. 43.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended
4 to read as follows:

5 For the purpose of this chapter:

6 (1) "Livestock identification board" or "board" means the livestock
7 identification board defined under RCW 16.57.010.

8 (2) "Certified feed lot" means any place, establishment, or
9 facility commonly known as a commercial feed lot, cattle feed lot, or
10 the like, which complies with all of the requirements of this chapter,
11 and any ~~((regulations))~~ rules adopted pursuant to the provisions of
12 this chapter and which holds a valid license from the ~~((director))~~
13 board as hereinafter provided.

14 ~~((2)) "Department" means the department of agriculture of the state~~
15 ~~of Washington.~~

16 ~~(3) "Director" means the director of the department or his duly~~
17 ~~authorized representative.~~

18 ~~(4))~~ (3) "Licensee" means any persons licensed under the
19 provisions of this chapter.

20 ~~((5))~~ (4) "Person" means a natural person, individual, firm,
21 partnership, corporation, company, society, and association, and every
22 officer, agent or employee thereof. This term shall import either the
23 singular or the plural as the case may be.

24 **Sec. 44.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended
25 to read as follows:

26 The ~~((director))~~ board may adopt such rules ~~((and regulations))~~ as
27 are necessary to carry out the purpose of this chapter. The adoption
28 of such rules shall be subject to the provisions of this chapter and
29 rules ~~((and regulations))~~ adopted hereunder. No person shall interfere
30 with the ~~((director when he))~~ board when it is performing or carrying
31 out any duties imposed ~~((upon him))~~ by this chapter or rules ~~((and~~
32 ~~regulations))~~ adopted hereunder.

33 **Sec. 45.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended
34 to read as follows:

35 On or after August 9, 1971, any person desiring to engage in the
36 business of operating one or more certified feed lots shall obtain an

1 annual license from the ((~~director~~)) board for such purpose. The
2 application for a license shall be on a form prescribed by the
3 ((~~director~~)) board and shall include the following:

4 (1) The number of certified feed lots the applicant intends to
5 operate and their exact location and mailing address;

6 (2) The legal description of the land on which the certified feed
7 lot will be situated;

8 (3) A complete description of the facilities used for feeding and
9 handling of cattle at each certified feed lot;

10 (4) The estimated number of cattle which can be handled for feeding
11 purposes at each such certified feed lot; and

12 (5) Any other information necessary to carry out the purpose and
13 provisions of this chapter and rules ((~~or regulations~~)) adopted
14 hereunder.

15 **Sec. 46.** RCW 16.58.050 and 1997 c 356 s 4 are each amended to read
16 as follows:

17 The application for an annual license to engage in the business of
18 operating one or more certified feed lots shall be accompanied by a
19 license fee of seven hundred fifty dollars. Upon approval of the
20 application by the ((~~director~~)) livestock identification board and
21 compliance with the provisions of this chapter and rules adopted
22 hereunder, the applicant shall be issued a license or a renewal
23 thereof. The board shall conduct an inspection of all cattle and their
24 corresponding ownership documents prior to issuing an original license.
25 The inspection fee shall be the higher of the current inspection fee
26 per head of cattle or time and mileage as set forth in RCW 16.57.220.

27 **Sec. 47.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to
28 read as follows:

29 The ((~~director~~)) board shall establish by rule an expiration date
30 or dates for all certified feed lot licenses. License fees shall be
31 prorated where necessary to accommodate staggering of expiration dates
32 of a license or licenses. If an application for renewal of a certified
33 feed lot license is not received by the ((~~department~~)) board per the
34 date required by rule or should a person fail, refuse, or neglect to
35 apply for renewal of a preexisting license on or before the date of
36 expiration, that person shall be assessed an additional twenty-five
37 dollars which shall be added to the regular license fee and shall be

1 paid before the ((director)) board may issue a license to the
2 applicant.

3 **Sec. 48.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to
4 read as follows:

5 The ((director)) livestock identification board is authorized to
6 deny, suspend, or revoke a license in accord with the provisions of
7 chapter 34.05 RCW if ((he)) it finds that there has been a failure to
8 comply with any requirement of this chapter or rules ((and
9 regulations)) adopted hereunder. Hearings for the revocation,
10 suspension, or denial of a license shall be subject to the provisions
11 of chapter 34.05 RCW concerning adjudicative proceedings.

12 **Sec. 49.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended
13 to read as follows:

14 Every certified feed lot shall be equipped with a facility or a
15 livestock pen, approved by the ((director)) livestock identification
16 board as to location and construction within the ((said)) feed lot so
17 that necessary ((brand)) livestock inspection can be carried on in a
18 proper, expeditious and safe manner. Each licensee shall furnish the
19 ((director)) board with sufficient help necessary to carry out
20 ((brand)) livestock inspection in the manner set forth above.

21 **Sec. 50.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to
22 read as follows:

23 All cattle entering or reentering a certified feed lot must be
24 inspected for brands upon entry, unless they are accompanied by a
25 ((brand)) livestock inspection certificate issued by the ((director))
26 livestock identification board, or any other agency authorized in any
27 state or Canadian province by law to issue such a certificate.
28 Licensees shall report a discrepancy between cattle entering or
29 reentering a certified feed lot and the ((brand)) livestock inspection
30 certificate accompanying the cattle to the nearest ((brand)) livestock
31 inspector immediately. A discrepancy may require an inspection of all
32 the cattle entering or reentering the lot, except as may otherwise be
33 provided by rule.

34 **Sec. 51.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read
35 as follows:

1 The ((director)) livestock identification board shall each year
2 conduct audits of the cattle received, fed, handled, and shipped by the
3 licensee at each certified feed lot. Such audits shall be for the
4 purpose of determining if such cattle correlate with the ((brand))
5 livestock inspection certificates issued in their behalf and that the
6 certificate of assurance furnished the ((director)) board by the
7 licensee correlates with his or her assurance that ((brand)) livestock
8 inspected cattle were not commingled with uninspected cattle.

9 **Sec. 52.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to
10 read as follows:

11 All certified feed lots shall furnish the ((director)) livestock
12 identification board with records as requested by ((him)) it from time
13 to time on all cattle entering or on feed in ((said)) certified feed
14 lots and dispersed therefrom. All such records shall be subject to
15 examination by the ((director)) board for the purpose of maintaining
16 the integrity of the identity of all such cattle. The ((director))
17 board may make the examinations only during regular business hours
18 except in an emergency to protect the interest of the owners of such
19 cattle.

20 **Sec. 53.** RCW 16.58.120 and 1991 c 109 s 13 are each amended to
21 read as follows:

22 The licensee shall maintain sufficient records as required by the
23 ((director)) livestock identification board at each certified feed lot,
24 if ((said)) the licensee operates more than one certified feed lot.

25 **Sec. 54.** RCW 16.58.130 and 1997 c 356 s 7 are each amended to read
26 as follows:

27 (1) Each licensee shall pay to the ((director)) livestock
28 identification board a fee of ((twelve)) fifteen cents for each head of
29 cattle handled through the licensee's feed lot unless a fee has been
30 adopted under subsection (2) of this section, in which case the
31 licensee shall pay the fee adopted under subsection (2) of this
32 section. Payment of such fee shall be made by the licensee on a
33 monthly basis. Failure to pay as required shall be grounds for
34 suspension or revocation of a certified feed lot license. Further, the
35 ((director)) board shall not renew a certified feed lot license if a
36 licensee has failed to make prompt and timely payments.

1 (2) The board may by rule alter the fee prescribed in subsection
2 (1) of this section for each head of cattle handled through a
3 licensee's feed lot. This authority of the board includes, but is not
4 limited to, prescribing a fee for each head of cattle owned by the
5 licensee handled through the licensee's feed lot and prescribing a
6 different fee for each head of cattle owned by a person other than the
7 licensee handled through the licensee's feed lot.

8 **Sec. 55.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read
9 as follows:

10 All fees provided for in this chapter shall be retained by the
11 ~~((director))~~ board for the purpose of enforcing and carrying out the
12 purpose and provisions of this chapter or chapter 16.57 RCW.

13 **Sec. 56.** RCW 16.58.150 and 1971 ex.s. c 181 s 15 are each amended
14 to read as follows:

15 No ~~((brand))~~ livestock inspection shall be required when cattle are
16 moved or transferred from one certified feed lot to another or the
17 transfer of cattle from a certified feed lot to a point within this
18 state, or out of state where this state maintains ~~((brand))~~ livestock
19 inspection, for the purpose of immediate slaughter.

20 **Sec. 57.** RCW 16.58.160 and 1991 c 109 s 15 are each amended to
21 read as follows:

22 The ~~((director))~~ board may, when a certified feed lot's conditions
23 become such that the integrity of reports or records of the cattle
24 therein becomes doubtful, suspend such certified feed lot's license
25 until such time as the ~~((director))~~ board can conduct an investigation
26 to carry out the purpose of this chapter.

27 **Sec. 58.** RCW 16.65.010 and 1983 c 298 s 1 are each amended to read
28 as follows:

29 For the purposes of this chapter:

30 (1) The term "public livestock market" means any place,
31 establishment or facility commonly known as a "public livestock
32 market", "livestock auction market", "livestock sales ring", yards
33 selling on commission, or the like, conducted or operated for
34 compensation or profit as a public livestock market, consisting of pens
35 or other enclosures, and their appurtenances in which livestock is

1 received, held, sold, kept for sale or shipment. The term does not
2 include the operation of a person licensed under this chapter to
3 operate a special open consignment horse sale.

4 ~~(2) ("Department" means the department of agriculture of the state~~
5 ~~of Washington.~~

6 ~~(3) "Director" means the director of the department or his duly~~
7 ~~authorized representative.~~

8 ~~(4))~~ "Licensee" means any person licensed under the provisions of
9 this chapter.

10 ~~((+5))~~ (3) "Livestock" includes horses, mules, burros, cattle,
11 sheep, swine, and goats.

12 ~~((+6))~~ (4) "Livestock identification board" or "board" means the
13 board created in RCW 16.57.015.

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

18 ~~((+7))~~ (6) "Stockyard" means any place, establishment, or facility
19 commonly known as a stockyard consisting of pens or other enclosures
20 and their appurtenances in which livestock services such as feeding,
21 watering, weighing, sorting, receiving and shipping are offered to the
22 public: PROVIDED, That stockyard shall not include any facilities
23 where livestock is offered for sale at public auction, feed lots, or
24 quarantined registered feed lots.

25 ~~((+8))~~ (7) "Packer" means any person engaged in the business of
26 slaughtering, manufacturing, preparing meat or meat products for sale,
27 marketing meat, meat food products or livestock products.

28 ~~((+9))~~ (8) "Deputy state veterinarian" means a graduate
29 veterinarian authorized to practice in the state of Washington and
30 appointed or deputized by the director of agriculture as his or her
31 duly authorized representative.

32 ~~((+10))~~ (9) "Special open consignment horse sale" means a sale
33 conducted by a person other than the operator of a public livestock
34 market which is limited to the consignment of horses and donkeys only
35 for sale on an occasional and seasonal basis.

36 **Sec. 59.** RCW 16.65.015 and 1983 c 298 s 2 are each amended to read
37 as follows:

38 This chapter does not apply to:

1 (1) A farmer selling his or her own livestock on the farmer's own
2 premises by auction or any other method.

3 (2) A farmers' cooperative association or an association of
4 livestock breeders when any class of their own livestock is assembled
5 and offered for sale at a special sale on an occasional and seasonal
6 basis under the association's management and responsibility, and the
7 special sale has been approved by the ~~((director))~~ board in writing.
8 However, the special sale shall be subject to brand and health
9 inspection requirements as provided in this chapter for sales at public
10 livestock markets.

11 **Sec. 60.** RCW 16.65.020 and 1983 c 298 s 5 are each amended to read
12 as follows:

13 Public livestock markets and special open consignment horse sales
14 shall be under the direction and supervision of the ~~((director))~~
15 livestock identification board, and the ~~((director))~~ board, but not
16 ~~((his))~~ its duly authorized representative, may adopt such rules ~~((and~~
17 ~~regulations))~~ as are necessary to carry out the purpose of this
18 chapter. It shall be the duty of the ~~((director))~~ board to enforce and
19 carry out the provisions of this chapter and rules ~~((and regulations))~~
20 adopted hereunder. No person shall interfere with the ~~((director))~~
21 board when ~~((he))~~ it is performing or carrying out any duties imposed
22 upon ~~((him))~~ it by this chapter or rules ~~((and regulations))~~ adopted
23 hereunder.

24 **Sec. 61.** RCW 16.65.030 and 1995 c 374 s 54 are each amended to
25 read as follows:

26 (1) ~~((On and after June 10, 1959,))~~ No person shall operate a
27 public livestock market without first having obtained a license from
28 the ~~((director))~~ livestock identification board. Application for
29 ~~((such))~~ a license shall be in writing on forms prescribed by the
30 ~~((director))~~ board, and shall include the following:

31 (a) A nonrefundable original license application fee of fifteen
32 hundred dollars.

33 (b) A legal description of the property upon which the public
34 livestock market shall be located.

35 (c) A complete description and blueprints or plans of the public
36 livestock market physical plant, yards, pens, and all facilities the

1 applicant proposes to use in the operation of such public livestock
2 market.

3 ~~((A detailed statement showing all the assets and liabilities~~
4 ~~of the applicant which must reflect a sufficient net worth to construct~~
5 ~~or operate a public livestock market.))~~ A financial statement, compiled
6 or audited by a certified or licensed public accountant, to determine
7 whether or not the applicant meets the minimum net worth requirements,
8 established by the director by rule, to construct and/or operate a
9 public livestock market. If the applicant is a subsidiary of a larger
10 company, corporation, society, or cooperative association, both the
11 parent company and the subsidiary company must submit a financial
12 statement to determine whether or not the applicant meets the minimum
13 net worth requirements. All financial statement information required
14 by this subsection is confidential information and not subject to
15 public disclosure.

16 (e) The schedule of rates and charges the applicant proposes to
17 impose on the owners of livestock for services rendered in the
18 operation of such livestock market.

19 (f) The weekly or monthly sales day or days on which the applicant
20 proposes to operate his or her public livestock market sales and the
21 class of livestock that may be sold on these days.

22 (g) Projected source and quantity of livestock ~~((, by county,))~~
23 anticipated to be handled.

24 (h) Projected ~~((income and expense statements for))~~ gross dollar
25 volume of business to be carried on, at, or through the public
26 livestock market during the first year's operation.

27 (i) Facts upon which ~~((are))~~ is based the conclusion that the trade
28 area and the livestock industry will benefit because of the proposed
29 market.

30 (j) ~~((Such))~~ Other information as the ~~((director))~~ board may
31 ~~((reasonably))~~ require by rule.

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

37 ~~(a) Benefits to the livestock industry to be derived from the~~
38 ~~establishment and operation of the public livestock market proposed in~~
39 ~~the application; and~~

1 ~~(b) The present market services elsewhere available to the trade~~
2 ~~area proposed to be served.~~

3 ~~(3) Applications for renewal under RCW 16.65.040 shall include all~~
4 ~~information under subsection (1) of this section, except subsection~~
5 ~~(1)(a) of this section.)~~ If the board determines that the applicant
6 meets all the requirements of subsection (1) of this section, the board
7 shall conduct a public hearing as provided by chapter 34.05 RCW, and
8 shall grant or deny an application for original license for a public
9 livestock market after considering evidence and testimony relating to
10 the requirements of this section and giving reasonable consideration
11 to:

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

15 (b) The geographical area that will be affected;

16 (c) The conflict, if any, with sales days already allocated in the
17 area;

18 (d) The amount and class of livestock available for marketing in
19 the area;

20 (e) Buyers available to the proposed market; and

21 (f) Any other conditions affecting the orderly marketing of
22 livestock.

23 (3) Before a license is issued to operate a public livestock
24 market, the applicant must:

25 (a) Execute and deliver to the board a surety bond as required
26 under RCW 16.65.200;

27 (b) Provide evidence of a custodial account, as required under RCW
28 16.65.140, for the consignor's proceeds;

29 (c) Pay the appropriate license fee; and

30 (d) Provide other information required under this chapter and rules
31 adopted under this chapter.

32 **Sec. 62.** RCW 16.65.037 and 1997 c 356 s 8 are each amended to read
33 as follows:

34 (1) Upon the approval of the application by the ~~((director))~~
35 livestock identification board and compliance with the provisions of
36 this chapter, the applicant shall be issued a license or renewal
37 thereof. Any license issued under the provisions of this chapter shall

1 only be valid at location and for the sales day or days for which the
2 license was issued.

3 (2) The license fee shall be based on the average gross sales
4 volume per official sales day of that market:

5 (a) Markets with an average gross sales volume up to and including
6 ten thousand dollars, a one hundred fifty dollar fee;

7 (b) Markets with an average gross sales volume over ten thousand
8 dollars and up to and including fifty thousand dollars, a three hundred
9 fifty dollar fee; and

10 (c) Markets with an average gross sales volume over fifty thousand
11 dollars, a four hundred fifty dollar fee.

12 The fees for public market licenses shall be set by the
13 ((~~director~~)) board by rule subsequent to a hearing under chapter 34.05
14 RCW and in conformance with RCW 16.57.015.

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

19 **Sec. 63.** RCW 16.65.040 and 1983 c 298 s 6 are each amended to read
20 as follows:

21 All public livestock market licenses provided for in this chapter
22 shall expire on March 1st subsequent to the date of issue. Any person
23 who fails, refuses, or neglects to apply for a renewal of a preexisting
24 license on or before the date of expiration, shall pay a penalty of
25 twenty-five dollars, which shall be added to the regular license fee,
26 before such license may be renewed by the ((~~director~~)) livestock
27 identification board.

28 **Sec. 64.** RCW 16.65.042 and 1983 c 298 s 3 are each amended to read
29 as follows:

30 (1) A person shall not operate a special open consignment horse
31 sale without first obtaining a license from the ((~~director~~)) livestock
32 identification board. The application for the license shall include:

33 (a) A detailed statement showing all of the assets and liabilities
34 of the applicant;

35 (b) The schedule of rates and charges the applicant proposes to
36 impose on the owners of horses for services rendered in the operation
37 of the horse sale;

1 (c) The specific date and exact location of the proposed sale;
2 (d) Projected quantity and approximate value of horses to be
3 handled; and
4 (e) Such other information as the ((~~director~~)) board may reasonably
5 require.

6 (2) The application shall be accompanied by a license fee of one
7 hundred dollars. Upon the approval of the application by the
8 ((~~director~~)) board and compliance with this chapter, the applicant
9 shall be issued a license. A special open consignment horse sale
10 license is valid only for the specific date or dates and exact location
11 for which the license was issued.

12 **Sec. 65.** RCW 16.65.050 and 1959 c 107 s 5 are each amended to read
13 as follows:

14 All fees ((~~provided for~~)) collected or received by the board under
15 this chapter shall be ((~~retained by the director~~)) deposited by the
16 board in the livestock identification account created in section 3 of
17 this act. Moneys collected under this chapter may be expended by the
18 board without appropriation for the purpose of enforcing this chapter.

19 **Sec. 66.** RCW 16.65.080 and 1985 c 415 s 9 are each amended to read
20 as follows:

21 (1) The ((~~director~~)) livestock identification board is authorized
22 to deny, suspend, or revoke a license in the manner prescribed herein,
23 when there are findings by the ((~~director~~)) board that any licensee (a)
24 has been guilty of fraud or misrepresentation as to titles, charges,
25 numbers, brands, weights, proceeds of sale, or ownership of livestock;
26 (b) has attempted payment to a consignor by a check the licensee knows
27 not to be backed by sufficient funds to cover such check; (c) has
28 violated any of the provisions of this chapter or rules ((~~and~~
29 ~~regulations~~)) adopted hereunder; (d) has violated any laws of the state
30 that require health or ((~~brand~~)) livestock inspection of livestock; (e)
31 has violated any condition of the bond, as provided in this chapter.
32 However, the ((~~director~~)) board may deny a license if the applicant
33 refuses to accept the sales day or days allocated to ((~~him~~)) it under
34 the provisions of this chapter.

35 (2) In all proceedings for revocation, suspension, or denial of a
36 license the licensee or applicant shall be given an opportunity to be
37 heard in regard to such revocation, suspension or denial of a license.

1 The ((~~director~~)) board shall give the licensee or applicant twenty
2 days' notice in writing and such notice shall specify the charges or
3 reasons for such revocation, suspension or denial. The notice shall
4 also state the date, time and place where such hearing is to be held.
5 Such hearings shall be held in the city where the licensee has his or
6 her principal place of business, or where the applicant resides, unless
7 some other place be agreed upon by the parties, and the defendant may
8 be represented by counsel.

9 (3) The ((~~director~~)) board may issue subpoenas to compel the
10 attendance of witnesses, and/or the production of books or documents
11 anywhere in the state. The applicant or licensee shall have
12 opportunity to be heard, and may have such subpoenas issued as he or
13 she desires. Subpoenas shall be served in the same manner as in civil
14 cases in the superior court. Witnesses shall testify under oath which
15 may be administered by the ((~~director~~)) board. Testimony shall be
16 recorded, and may be taken by deposition under such rules as the
17 ((~~director~~)) board may prescribe.

18 (4) The ((~~director~~)) board shall hear and determine the charges,
19 make findings and conclusions upon the evidence produced, and file them
20 in ((~~his~~)) its office, together with a record of all of the evidence,
21 and serve upon the accused a copy of such findings and conclusions.

22 **Sec. 67.** RCW 16.65.090 and 1997 c 356 s 10 are each amended to
23 read as follows:

24 The ((~~director~~)) livestock identification board shall provide for
25 ((~~brand~~)) livestock inspection. When such ((~~brand~~)) livestock
26 inspection is required the licensee shall collect from the consignor
27 and pay to the ((~~department~~)) board, as provided by law, a fee for
28 ((~~brand~~)) livestock inspection for each animal consigned to the public
29 livestock market or special open consignment horse sale. However, if
30 in any one sale day the total fees collected for ((~~brand~~)) livestock
31 inspection do not exceed ninety dollars, then such licensee shall pay
32 ninety dollars for such ((~~brand~~)) livestock inspection or as much
33 thereof as the ((~~director~~)) board may prescribe.

34 **Sec. 68.** RCW 16.65.100 and 1983 c 298 s 9 are each amended to read
35 as follows:

36 The licensee of each public livestock market or special open
37 consignment horse sale shall collect from any purchaser of livestock

1 requesting (~~(brand)~~) livestock inspection a fee as provided by law for
2 each animal inspected. Such fee shall be in addition to the fee
3 charged to the consignor for (~~(brand)~~) livestock inspection and shall
4 not apply to the minimum fee chargeable to the licensee.

5 **Sec. 69.** RCW 16.65.140 and 1971 ex.s. c 192 s 4 are each amended
6 to read as follows:

7 Each licensee shall establish a custodial account for consignor's
8 proceeds. All funds derived from the sale of livestock handled on a
9 commission or agency basis shall be deposited in that account. Such
10 account shall be drawn on only for the payment of net proceeds to the
11 consignor, or such other person or persons of whom such licensee has
12 knowledge is entitled to such proceeds, and to obtain from such
13 proceeds only the sums due the licensee as compensation for his or her
14 services as are set out in his or her tariffs, and for such sums as are
15 necessary to pay all legal charges against the consignment of livestock
16 which the licensee in his or her capacity as agent is required to pay
17 for on behalf of the consignor or shipper. The licensee in each case
18 shall keep such accounts and records that will at all times disclose
19 the names of the consignors and the amount due and payable to each from
20 the funds in the custodial account for consignor's proceeds. The
21 licensee shall maintain the custodial account for consignor's proceeds
22 in a manner that will expedite examination by the (~~(director)~~)
23 livestock identification board and reflect compliance with the
24 requirements of this section.

25 **Sec. 70.** RCW 16.65.190 and 1983 c 298 s 12 are each amended to
26 read as follows:

27 No person shall hereafter operate a public livestock market or
28 special open consignment horse sale unless such person has filed a
29 schedule with the application for license to operate such public
30 livestock market or special open consignment horse sale. Such schedule
31 shall show all rates and charges for stockyard services to be furnished
32 by such person at such public livestock market or special open
33 consignment horse sale.

34 (1) Schedules shall be posted conspicuously at the public livestock
35 market or special open consignment horse sale, and shall plainly state
36 all such rates and charges in such detail as the (~~(director)~~) livestock
37 identification board may require, and shall state any rules (~~(and~~

1 ~~regulations~~) which in any manner change, affect, or determine any part
2 of the aggregate of such rates or charges, or the value of the
3 stockyard services furnished. The (~~director~~) board may determine and
4 prescribe the form and manner in which such schedule shall be prepared,
5 arranged and posted.

6 (2) No changes shall be made in rates or charges so filed and
7 published except after thirty days' notice to the (~~director~~) board
8 and to the public filed and posted as aforesaid, which shall plainly
9 state the changes proposed to be made and the time such changes will go
10 into effect.

11 (3) No licensee shall charge, demand or collect a greater or a
12 lesser or a different compensation for such service than the rates and
13 charges specified in the schedule filed with the (~~director~~) board and
14 in effect at the time; nor shall a licensee refund or remit in any
15 manner any portion of the rates or charges so specified (but this shall
16 not prohibit a cooperative association of producers from properly
17 returning to its members, on a patronage basis, its excess earnings on
18 their livestock); nor shall a licensee extend to any person at such
19 public livestock market or special open consignment horse sale any
20 stockyard services except such as are specified in such schedule.

21 **Sec. 71.** RCW 16.65.200 and 1983 c 298 s 13 are each amended to
22 read as follows:

23 Before the license is issued to operate a public livestock market
24 or special open consignment horse sale, the applicant shall execute and
25 deliver to the (~~director~~) livestock identification board a surety
26 bond in a sum as herein provided for, executed by the applicant as
27 principal and by a surety company qualified and authorized to do
28 business in this state as surety. (~~Said~~) The bond shall be a
29 standard form and approved by the (~~director~~) board as to terms and
30 conditions. (~~Said~~) The bond shall be conditioned that the principal
31 will not commit any fraudulent act and will comply with the provisions
32 of this chapter and the rules (~~and/or regulations~~) adopted hereunder.
33 (~~Said~~) The bond shall be to the state in favor of every consignor
34 and/or vendor creditor whose livestock was handled or sold through or
35 at the licensee's public livestock market or special open consignment
36 horse sale: PROVIDED, That if such applicant is bonded as a market
37 agency under the provisions of the packers and stockyards act, (7
38 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater

1 than the sum required under the provisions of this chapter, and such
2 applicant furnishes the ((director)) board with a bond approved by the
3 United States secretary of agriculture ((naming the department as
4 trustee)), the ((director)) board may accept such bond and its method
5 of termination in lieu of the bond provided for herein and issue a
6 license if such applicant meets all the other requirements of this
7 chapter.

8 The total and aggregate liability of the surety for all claims upon
9 the bond shall be limited to the face of such bond. Every bond filed
10 with and approved by the ((director)) board shall, without the
11 necessity of periodic renewal, remain in force and effect until such
12 time as the license of the licensee is revoked for cause or otherwise
13 canceled. The surety on a bond, as provided herein, shall be released
14 and discharged from all liability to the state accruing on such bond
15 upon compliance with the provisions of RCW 19.72.110 concerning notice
16 and proof of service, as enacted or hereafter amended, but this shall
17 not operate to relieve, release or discharge the surety from any
18 liability already accrued or which shall accrue (due and to become due
19 hereunder) before the expiration period provided for in RCW 19.72.110
20 concerning notice and proof of service as enacted or hereafter amended,
21 and unless the principal shall before the expiration of such period,
22 file a new bond, the ((director)) board shall forthwith cancel the
23 principal's license.

24 **Sec. 72.** RCW 16.65.220 and 1971 ex.s. c 192 s 7 are each amended
25 to read as follows:

26 If the application for a license to operate a public livestock
27 market is from a new public livestock market which has not operated in
28 the past twelve-month period, the ((director)) livestock identification
29 board shall determine a bond, in a reasonable sum, that the applicant
30 shall execute in favor of the state, which shall not be less than ten
31 thousand dollars nor greater than twenty-five thousand dollars:
32 PROVIDED, That the ((director)) board may at any time, upon written
33 notice, review the licensee's operations and determine whether, because
34 of increased or decreased sales, the amount of the bond should be
35 altered.

36 **Sec. 73.** RCW 16.65.235 and 1973 c 142 s 3 are each amended to read
37 as follows:

1 In lieu of the surety bond required under the provisions of this
2 chapter, an applicant or licensee may file with the ~~((director))~~
3 livestock identification board a deposit consisting of cash or other
4 security acceptable to the ~~((director))~~ board. The ~~((director))~~ board
5 may adopt rules ~~((and regulations))~~ necessary for the administration of
6 such security.

7 **Sec. 74.** RCW 16.65.250 and 1959 c 107 s 25 are each amended to
8 read as follows:

9 The ~~((director))~~ livestock identification board or any vendor or
10 consignor creditor may also bring action upon ~~((said))~~ the bond against
11 both principal and surety in any court of competent jurisdiction to
12 recover the damages caused by any failure to comply with the provisions
13 of this chapter and the rules ~~((and/or regulations))~~ adopted hereunder.

14 **Sec. 75.** RCW 16.65.260 and 1983 c 298 s 14 are each amended to
15 read as follows:

16 In case of failure by a licensee to pay amounts due a vendor or
17 consignor creditor whose livestock was handled or sold through or at
18 the licensee's public livestock market or special open consignment
19 horse sale, as evidenced by a verified complaint filed with the
20 ~~((director))~~ livestock identification board, the ~~((director))~~ board may
21 proceed forthwith to ascertain the names and addresses of all vendor or
22 consignor creditors of such licensee, together with the amounts due and
23 owing to them and each of them by such licensee, and shall request all
24 such vendor and consignor creditors to file a verified statement of
25 their respective claims with the ~~((director))~~ board. Such request
26 shall be addressed to each known vendor or consignor creditor at his or
27 her last known address.

28 **Sec. 76.** RCW 16.65.270 and 1959 c 107 s 27 are each amended to
29 read as follows:

30 If a vendor or consignor creditor so addressed fails, refuses or
31 neglects to file in the office of the ~~((director—his))~~ livestock
32 identification board a verified claim as requested by the ~~((director))~~
33 board within sixty days from the date of such request, the ~~((director))~~
34 board shall thereupon be relieved of further duty or action hereunder
35 on behalf of ~~((said))~~ the producer or consignor creditor.

1 **Sec. 77.** RCW 16.65.280 and 1959 c 107 s 28 are each amended to
2 read as follows:

3 Where by reason of the absence of records, or other circumstances
4 making it impossible or unreasonable for the ~~((director))~~ livestock
5 identification board to ascertain the names and addresses of all
6 ~~((said))~~ the vendor and consignor creditors, the ~~((director))~~ board,
7 after exerting due diligence and making reasonable inquiry to secure
8 ~~((said))~~ the information from all reasonable and available sources, may
9 make demand on ~~((said))~~ the bond on the basis of information then in
10 ~~((his))~~ its possession, and thereafter shall not be liable or
11 responsible for claims or the handling of claims which may subsequently
12 appear or be discovered.

13 **Sec. 78.** RCW 16.65.290 and 1959 c 107 s 29 are each amended to
14 read as follows:

15 Upon ascertaining all claims and statements in the manner herein
16 set forth, the ~~((director))~~ livestock identification board may then
17 make demand upon the bond on behalf of those claimants whose statements
18 have been filed, and shall have the power to settle or compromise
19 ~~((said))~~ the claims with the surety company on the bond, and is
20 empowered in such cases to execute and deliver a release and discharge
21 of the bond involved.

22 **Sec. 79.** RCW 16.65.300 and 1959 c 107 s 30 are each amended to
23 read as follows:

24 Upon the refusal of the surety company to pay the demand, the
25 ~~((director))~~ livestock identification board may thereupon bring an
26 action on the bond in behalf of ~~((said))~~ the vendor and consignor
27 creditors. Upon any action being commenced on ~~((said))~~ the bond, the
28 ~~((director))~~ board may require the filing of a new bond. Immediately
29 upon the recovery in any action on such bond such licensee shall file
30 a new bond. Upon failure to file the same within ten days, in either
31 case, such failure shall constitute grounds for the suspension or
32 revocation of his or her license.

33 **Sec. 80.** RCW 16.65.310 and 1959 c 107 s 31 are each amended to
34 read as follows:

35 In any settlement or compromise by the ~~((director))~~ livestock
36 identification board with a surety company as provided in RCW

1 16.65.290, where there are two or more consignor and/or vendor
2 creditors that have filed claims, either fixed or contingent, against
3 a licensee's bond, such creditors shall share pro rata in the proceeds
4 of the bond to the extent of their actual damage: PROVIDED, That the
5 claims of the state and the ((department)) board which may accrue from
6 the conduct of the licensee's public livestock market shall have
7 priority over all other claims.

8 **Sec. 81.** RCW 16.65.320 and 1985 c 415 s 10 are each amended to
9 read as follows:

10 For the purpose of enforcing the provisions of this chapter, the
11 ((director)) livestock identification board on the ((director's))
12 board's own motion or upon the verified complaint of any vendor or
13 consignor against any licensee, or agent, or any person assuming or
14 attempting to act as such, shall have full authority to make any and
15 all necessary investigations. The ((director)) board is empowered to
16 administer oaths of verification of such complaints.

17 **Sec. 82.** RCW 16.65.330 and 1959 c 107 s 33 are each amended to
18 read as follows:

19 For the purpose of making investigations as provided for in RCW
20 16.65.320, the ((director)) livestock identification board may enter a
21 public livestock market and examine any records required under the
22 provisions of this chapter. The ((director)) board shall have full
23 authority to issue subpoenas requiring the attendance of witnesses
24 before ((him)) it, together with all books, memorandums, papers, and
25 other documents relative to the matters under investigation, and to
26 administer oaths and take testimony thereunder.

27 **Sec. 83.** RCW 16.65.340 and 1967 c 192 s 2 are each amended to read
28 as follows:

29 The ((director)) livestock identification board shall, when
30 livestock is sold, traded, exchanged or handled at or through a public
31 livestock market, require such testing, treating, identifying,
32 examining and record keeping of such livestock by a ((deputy)) state
33 licensed and accredited veterinarian employed by the market as in the
34 ((director's)) board's judgment may be necessary to prevent the spread
35 of brucellosis, tuberculosis, paratuberculosis, ((hog—cholera))
36 pseudorabies, or any other infectious, contagious or communicable

1 disease among the livestock of this state. The state veterinarian or
2 his or her authorized representative may conduct additional testing and
3 examinations for the same purpose.

4 **Sec. 84.** RCW 16.65.350 and 1959 c 107 s 35 are each amended to
5 read as follows:

6 ~~((1))~~ The director of the department of agriculture shall
7 ~~((perform all tests and make all examinations required under the~~
8 ~~provisions of this chapter and rules and regulations adopted hereunder:~~
9 ~~PROVIDED, That veterinary inspectors of the United States department of~~
10 ~~agriculture may be appointed by the director to make such examinations~~
11 ~~and tests as are provided for in this chapter without bond or~~
12 ~~compensation, and shall have the same authority and power in this state~~
13 ~~as a deputy state veterinarian.~~

14 ~~(2) The director shall have the responsibility for the direction~~
15 ~~and control of))~~ adopt rules regarding sanitary practices and health
16 practices and standards and for the examination of animals at public
17 livestock markets. ~~((The deputy state veterinarian at any such public~~
18 ~~livestock market shall notify the licensee or his managing agent, in~~
19 ~~writing, of insanitary practices or conditions. Such deputy state~~
20 ~~veterinarian shall notify the director if the improper sanitary~~
21 ~~practices or conditions are not corrected within the time specified.~~
22 ~~The director shall investigate and upon finding such report correct~~
23 ~~shall take appropriate action to hold a hearing on the suspension or~~
24 ~~revocation of the licensee's license.))~~

25 **Sec. 85.** RCW 16.65.360 and 1959 c 107 s 36 are each amended to
26 read as follows:

27 Licensees shall provide facilities and sanitation for the
28 prevention of livestock diseases at their public livestock markets, as
29 follows:

30 (1) The floors of all pens and alleys that are part of a public
31 livestock market shall be constructed of concrete or similar impervious
32 material and kept in good repair, with a slope of not less than one-
33 fourth inch per foot to adequate drains leading to an approved sewage
34 system: PROVIDED, That the ~~((director))~~ livestock identification board
35 may designate certain pens within such public livestock markets as
36 feeding and holding pens and the floors and alleys of such pens shall
37 not be subject to the aforementioned surfacing requirements.

1 (2) Feeding and holding pens maintained in an area adjacent to a
2 public livestock market shall be constructed and separated from such
3 public livestock market, in a manner prescribed by the director of
4 agriculture, in order to prevent the spread of communicable diseases to
5 the livestock sold or held for sale in such public livestock market.

6 (3) All yards, chutes and pens used in handling livestock shall be
7 constructed of such materials which will render them easily cleaned and
8 disinfected, and such yards, pens and chutes shall be kept clean,
9 sanitary and in good repair at all times, as required by the director
10 of agriculture.

11 (4) Sufficient calf pens of adequate size to prevent overcrowding
12 shall be provided, and such pens, when used, shall be cleaned and
13 disinfected no later than the day subsequent to each sale.

14 (5) All swine pens, when used, shall be cleaned and disinfected no
15 later than the day subsequent to each sale.

16 (6) A water system carrying a pressure of forty pounds and
17 supplying sufficient water to thoroughly wash all pens, floors, alleys
18 and equipment shall be provided.

19 (7) Sufficient quarantine pens of adequate capacity shall be
20 provided. Such pens shall be used to hold only cattle reacting to
21 brucellosis and tuberculosis or to quarantine livestock with other
22 contagious or communicable diseases and shall be:

23 (a) hard surfaced with concrete or similar impervious material and
24 shall be kept in good repair;

25 (b) provided with separate watering facilities;

26 (c) painted white with the word "quarantine" painted in red letters
27 not less than four inches high on such quarantine pen's gate;

28 (d) provided with a tight board fence not less than five and one-
29 half feet high;

30 (e) cleaned and disinfected not later than one day subsequent to
31 the date of sale.

32 To prevent the spread of communicable diseases among livestock, the
33 director of agriculture shall have the authority to cause the cleaning
34 and disinfecting of any area or all areas of a public livestock market
35 and equipment or vehicles with a complete coverage of disinfectants
36 approved by the director.

37 **Sec. 86.** RCW 16.65.420 and 1991 c 17 s 3 are each amended to read
38 as follows:

1 (1) Any application for sales days or days for a new salesyard, and
2 any application for a change of sales day or days or additional sales
3 day or days for an existing yard shall be subject to approval by the
4 ((~~director~~)) livestock identification board, subsequent to a hearing as
5 provided for in this chapter and the ((~~director~~)) board is hereby
6 authorized to allocate these dates and type and class of livestock
7 which may be sold on these dates. In considering the allocation of
8 such sales days, the ((~~director~~)) board shall give appropriate
9 consideration, among other relevant factors, to the following:

10 (a) The geographical area which will be affected;

11 (b) The conflict, if any, with sales days already allocated in the
12 area;

13 (c) The amount and class of livestock available for marketing in
14 the area;

15 (d) Buyers available to such market;

16 (e) Any other conditions affecting the orderly marketing of
17 livestock.

18 (2) No special sales shall be conducted by the licensee unless the
19 licensee has applied to the ((~~director~~)) board in writing fifteen days
20 prior to such proposed sale and such sale date shall be approved at the
21 discretion of the ((~~director~~)) board.

22 (3) In any case that a licensee fails to conduct sales on the sales
23 days allocated to the licensee, the ((~~director~~)) board shall,
24 subsequent to a hearing, be authorized to revoke an allocation for
25 nonuse. The rate of usage required to maintain an allocation shall be
26 established by rule.

27 **Sec. 87.** RCW 16.65.422 and 1963 c 232 s 17 are each amended to
28 read as follows:

29 A producer of purebred livestock may, upon obtaining a permit from
30 the ((~~director~~)) livestock identification board, conduct a public sale
31 of the purebred livestock on an occasional or seasonal basis on
32 premises other than his or her own farm. Application for such special
33 sale shall be in writing to the ((~~director~~)) board for ((~~his~~)) its
34 approval at least fifteen days before the proposed public sale is
35 scheduled to be held by such producer.

36 **Sec. 88.** RCW 16.65.423 and 1983 c 298 s 16 are each amended to
37 read as follows:

1 The ((~~director~~)) livestock identification board shall have the
2 authority to issue a public livestock market license pursuant to the
3 provisions of this chapter limited to the sale of horses and/or mules
4 and to allocate a sales day or days to such licensee. The ((~~director~~))
5 board is hereby authorized and directed to adopt ((~~regulations~~)) rules
6 for facilities and sanitation applicable to such a license. The
7 facility requirements of RCW 16.65.360 shall not be applicable to such
8 licensee's operation as provided for in this section.

9 **Sec. 89.** RCW 16.65.424 and 1963 c 232 s 19 are each amended to
10 read as follows:

11 The ((~~director~~)) livestock identification board shall have the
12 authority to grant a licensee an additional sales day or days limited
13 to the sale of horses and/or mules and may if requested grant the
14 licensee, by permit, the authority to have the sale at premises other
15 than at his or her public livestock market if the facilities are
16 approved by the ((~~director~~)) board as being adequate for the protection
17 of the health and safety of such horses and/or mules. For the purpose
18 of such limited sale the facility requirements of RCW 16.65.360 shall
19 not be applicable.

20 **Sec. 90.** RCW 16.65.445 and 1989 c 175 s 55 are each amended to
21 read as follows:

22 The ((~~director~~)) livestock identification board shall hold public
23 hearings upon a proposal to promulgate any new or amended
24 ((~~regulations~~)) rules and all hearings for the denial, revocation, or
25 suspension of a license issued under this chapter or in any other
26 adjudicative proceeding, and shall comply in all respects with chapter
27 34.05 RCW, the Administrative Procedure Act.

28 **Sec. 91.** RCW 16.65.450 and 1991 c 17 s 4 are each amended to read
29 as follows:

30 Any licensee or applicant who feels aggrieved by an order of the
31 ((~~director~~)) livestock identification board may appeal to the superior
32 court of the county in the state of Washington of the residence of the
33 licensee or applicant where the trial on such appeal shall be held de
34 novo.

1 **Sec. 92.** RCW 16.04.025 and 1989 c 286 s 21 are each amended to
2 read as follows:

3 If the owner or the person having in charge or possession such
4 animals is unknown to the person sustaining the damage, the person
5 retaining such animals shall, within twenty-four hours, notify the
6 county sheriff or the nearest state brand inspector as to the number,
7 description, and location of the animals. The county sheriff or brand
8 inspector shall examine the animals by brand, tattoo, or other
9 identifying characteristics and attempt to ascertain ownership. If the
10 animal is marked with a brand or tattoo which is registered with the
11 (~~director of agriculture~~) livestock identification board, the brand
12 inspector or county sheriff shall furnish this information and other
13 pertinent information to the person holding the animals who in turn
14 shall send the notice required in RCW 16.04.020 to the animals' owner
15 of record by certified mail.

16 If the county sheriff or the brand inspector determines that there
17 is no apparent damage to the property of the person retaining the
18 animals, or if the person sustaining the damage contacts the county
19 sheriff or brand inspector to have the animals removed from his or her
20 property, such animals shall be removed in accordance with chapter
21 16.24 RCW. Such removal shall not prejudice the property owner's
22 ability to recover damages through civil suit.

23 **Sec. 93.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
24 1996 c 186 s 109 are each reenacted and amended to read as follows:

25 (1) The provisions of this chapter do not apply to:

26 (a) The members of the legislature or to any employee of, or
27 position in, the legislative branch of the state government including
28 members, officers, and employees of the legislative council, joint
29 legislative audit and review committee, statute law committee, and any
30 interim committee of the legislature;

31 (b) The justices of the supreme court, judges of the court of
32 appeals, judges of the superior courts or of the inferior courts, or to
33 any employee of, or position in the judicial branch of state
34 government;

35 (c) Officers, academic personnel, and employees of technical
36 colleges;

37 (d) The officers of the Washington state patrol;

38 (e) Elective officers of the state;

1 (f) The chief executive officer of each agency;

2 (g) In the departments of employment security and social and health
3 services, the director and the director's confidential secretary; in
4 all other departments, the executive head of which is an individual
5 appointed by the governor, the director, his or her confidential
6 secretary, and his or her statutory assistant directors;

7 (h) In the case of a multimember board, commission, or committee,
8 whether the members thereof are elected, appointed by the governor or
9 other authority, serve ex officio, or are otherwise chosen:

10 (i) All members of such boards, commissions, or committees;

11 (ii) If the members of the board, commission, or committee serve on
12 a part-time basis and there is a statutory executive officer: The
13 secretary of the board, commission, or committee; the chief executive
14 officer of the board, commission, or committee; and the confidential
15 secretary of the chief executive officer of the board, commission, or
16 committee;

17 (iii) If the members of the board, commission, or committee serve
18 on a full-time basis: The chief executive officer or administrative
19 officer as designated by the board, commission, or committee; and a
20 confidential secretary to the chair of the board, commission, or
21 committee;

22 (iv) If all members of the board, commission, or committee serve ex
23 officio: The chief executive officer; and the confidential secretary
24 of such chief executive officer;

25 (i) The confidential secretaries and administrative assistants in
26 the immediate offices of the elective officers of the state;

27 (j) Assistant attorneys general;

28 (k) Commissioned and enlisted personnel in the military service of
29 the state;

30 (l) Inmate, student, part-time, or temporary employees, and part-
31 time professional consultants, as defined by the Washington personnel
32 resources board;

33 (m) The public printer or to any employees of or positions in the
34 state printing plant;

35 (n) Officers and employees of the Washington state fruit
36 commission;

37 (o) Officers and employees of the Washington state apple
38 advertising commission;

1 (p) Officers and employees of the Washington state dairy products
2 commission;

3 (q) Officers and employees of the Washington tree fruit research
4 commission;

5 (r) Officers and employees of the Washington state beef commission;

6 (s) Officers and employees of any commission formed under chapter
7 15.66 RCW;

8 (t) Officers and employees of the state wheat commission formed
9 under chapter 15.63 RCW;

10 (u) Officers and employees of agricultural commissions formed under
11 chapter 15.65 RCW;

12 (v) Officers and employees of the nonprofit corporation formed
13 under chapter 67.40 RCW;

14 (w) Executive assistants for personnel administration and labor
15 relations in all state agencies employing such executive assistants
16 including but not limited to all departments, offices, commissions,
17 committees, boards, or other bodies subject to the provisions of this
18 chapter and this subsection shall prevail over any provision of law
19 inconsistent herewith unless specific exception is made in such law;

20 (x) In each agency with fifty or more employees: Deputy agency
21 heads, assistant directors or division directors, and not more than
22 three principal policy assistants who report directly to the agency
23 head or deputy agency heads;

24 (y) All employees of the marine employees' commission;

25 (z) Up to a total of five senior staff positions of the western
26 library network under chapter 27.26 RCW responsible for formulating
27 policy or for directing program management of a major administrative
28 unit. This subsection (1)(z) shall expire on June 30, 1997;

29 (aa) Staff employed by the department of community, trade, and
30 economic development to administer energy policy functions and manage
31 energy site evaluation council activities under RCW 43.21F.045(2)(m);

32 (bb) Staff employed by Washington State University to administer
33 energy education, applied research, and technology transfer programs
34 under RCW 43.21F.045 as provided in RCW 28B.30.900(5);

35 (cc) Officers and employees of the livestock identification board
36 created under RCW 16.57.015.

37 (2) The following classifications, positions, and employees of
38 institutions of higher education and related boards are hereby exempted
39 from coverage of this chapter:

1 (a) Members of the governing board of each institution of higher
2 education and related boards, all presidents, vice-presidents, and
3 their confidential secretaries, administrative, and personal
4 assistants; deans, directors, and chairs; academic personnel; and
5 executive heads of major administrative or academic divisions employed
6 by institutions of higher education; principal assistants to executive
7 heads of major administrative or academic divisions; other managerial
8 or professional employees in an institution or related board having
9 substantial responsibility for directing or controlling program
10 operations and accountable for allocation of resources and program
11 results, or for the formulation of institutional policy, or for
12 carrying out personnel administration or labor relations functions,
13 legislative relations, public information, development, senior computer
14 systems and network programming, or internal audits and investigations;
15 and any employee of a community college district whose place of work is
16 one which is physically located outside the state of Washington and who
17 is employed pursuant to RCW 28B.50.092 and assigned to an educational
18 program operating outside of the state of Washington;

19 (b) Student, part-time, or temporary employees, and part-time
20 professional consultants, as defined by the Washington personnel
21 resources board, employed by institutions of higher education and
22 related boards;

23 (c) The governing board of each institution, and related boards,
24 may also exempt from this chapter classifications involving research
25 activities, counseling of students, extension or continuing education
26 activities, graphic arts or publications activities requiring
27 prescribed academic preparation or special training as determined by
28 the board: PROVIDED, That no nonacademic employee engaged in office,
29 clerical, maintenance, or food and trade services may be exempted by
30 the board under this provision;

31 (d) Printing craft employees in the department of printing at the
32 University of Washington.

33 (3) In addition to the exemptions specifically provided by this
34 chapter, the Washington personnel resources board may provide for
35 further exemptions pursuant to the following procedures. The governor
36 or other appropriate elected official may submit requests for exemption
37 to the Washington personnel resources board stating the reasons for
38 requesting such exemptions. The Washington personnel resources board
39 shall hold a public hearing, after proper notice, on requests submitted

1 pursuant to this subsection. If the board determines that the position
2 for which exemption is requested is one involving substantial
3 responsibility for the formulation of basic agency or executive policy
4 or one involving directing and controlling program operations of an
5 agency or a major administrative division thereof, the Washington
6 personnel resources board shall grant the request and such
7 determination shall be final as to any decision made before July 1,
8 1993. The total number of additional exemptions permitted under this
9 subsection shall not exceed one percent of the number of employees in
10 the classified service not including employees of institutions of
11 higher education and related boards for those agencies not directly
12 under the authority of any elected public official other than the
13 governor, and shall not exceed a total of twenty-five for all agencies
14 under the authority of elected public officials other than the
15 governor. The Washington personnel resources board shall report to
16 each regular session of the legislature during an odd-numbered year all
17 exemptions granted under subsections (1)(w) and (x) and (2) of this
18 section, together with the reasons for such exemptions.

19 The salary and fringe benefits of all positions presently or
20 hereafter exempted except for the chief executive officer of each
21 agency, full-time members of boards and commissions, administrative
22 assistants and confidential secretaries in the immediate office of an
23 elected state official, and the personnel listed in subsections (1)(j)
24 through (v), (y), (z), and (2) of this section, shall be determined by
25 the Washington personnel resources board. However, beginning with
26 changes proposed for the 1997-99 fiscal biennium, changes to the
27 classification plan affecting exempt salaries must meet the same
28 provisions for classified salary increases resulting from adjustments
29 to the classification plan as outlined in RCW 41.06.152.

30 Any person holding a classified position subject to the provisions
31 of this chapter shall, when and if such position is subsequently
32 exempted from the application of this chapter, be afforded the
33 following rights: If such person previously held permanent status in
34 another classified position, such person shall have a right of
35 reversion to the highest class of position previously held, or to a
36 position of similar nature and salary.

37 Any classified employee having civil service status in a classified
38 position who accepts an appointment in an exempt position shall have

1 the right of reversion to the highest class of position previously
2 held, or to a position of similar nature and salary.

3 A person occupying an exempt position who is terminated from the
4 position for gross misconduct or malfeasance does not have the right of
5 reversion to a classified position as provided for in this section.

6 NEW SECTION. **Sec. 94.** A new section is added to chapter 42.17 RCW
7 to read as follows:

8 Financial statements provided under RCW 16.65.030(1)(d) are exempt
9 from disclosure under this chapter.

10 **Sec. 95.** RCW 43.23.230 and 1988 c 254 s 1 are each amended to read
11 as follows:

12 The agricultural local fund is hereby established in the custody of
13 the state treasurer. The fund shall consist of such money as is
14 directed by law for deposit in the fund, and such other money not
15 subject to appropriation that the department authorizes to be deposited
16 in the fund. Any money deposited in the fund, the use of which has
17 been restricted by law, may only be expended in accordance with those
18 restrictions. Except as provided in section 3 of this act, the
19 department may make disbursements from the fund. The fund is not
20 subject to legislative appropriation.

21 NEW SECTION. **Sec. 96.** (1) On the effective date of this section,
22 all powers, duties, and functions of the department of agriculture
23 under chapters 16.57, 16.58, and 16.65 RCW except those identified as
24 remaining with the department in RCW 16.65.350 and 16.65.360 are
25 transferred to the livestock identification board. The authority to
26 adopt rules regarding those powers, duties, and functions is
27 transferred to the livestock identification board and the
28 administration of those powers, duties, and functions is transferred to
29 the board.

30 (2)(a) All funds, credits, or other assets, including but not
31 limited to those in the agricultural local fund, held by the department
32 of agriculture in connection with the powers, functions, and duties
33 transferred shall be assigned to the board.

34 (b) At any time after June 30, 2004, and at the conclusion of a
35 contract under which the department of agriculture conducts by contract
36 activities for the livestock identification board, the board may

1 request the transfer and the department shall, upon such a request,
2 transfer to the custody of the board all reports, documents, surveys,
3 books, records, files, papers, or written material in the possession of
4 the department of agriculture pertaining to the functions performed by
5 contract by the department for the board and all cabinets, furniture,
6 office equipment, motor vehicles, and other tangible property employed
7 by the department to perform such duties on behalf of the board.

8 (c) Whenever any question arises as to the transfer of any funds,
9 books, documents, records, papers, files, equipment, or other tangible
10 property used or held in the exercise of the powers and the performance
11 of the duties and functions transferred, the director of financial
12 management shall make a determination as to the proper allocation and
13 certify the same to the state agencies concerned.

14 (3) All rules of the department of agriculture adopted under
15 chapter 16.57 RCW in effect on the effective date of this section, all
16 rules adopted by the department under chapter 16.58 RCW in effect on
17 the effective date of this section, and all rules adopted by the
18 department under chapter 16.65 RCW, except for those adopted under the
19 authorities retained by the department under RCW 16.65.350 and
20 16.65.360, in effect on the effective date of this section are, on the
21 effective date of this section, rules of the livestock identification
22 board. All proposed rules and all pending business before the
23 department of agriculture pertaining to the powers, functions, and
24 duties transferred shall be continued and acted upon by the board. All
25 existing contracts and obligations shall remain in full force and shall
26 be performed by the board. All registrations made with the department
27 under chapter 16.57 RCW, all licenses issued by the department under
28 chapter 16.58 RCW, and all licenses issued by the department under
29 chapter 16.65 RCW before the effective date of this section shall be
30 considered to be registrations with and licenses issued by the board.

31 (4) The transfer of the powers, duties, and functions of the
32 department of agriculture shall not affect the validity of any act
33 performed before the effective date of this section. The board shall
34 take action to enforce against violations of chapters 16.57, 16.58,
35 and 16.65 RCW and rules adopted thereunder regarding authorities
36 transferred to the board by this act which occurred before the
37 effective date of this section and for which enforcement is not taken
38 by the department before the effective date of this section with the
39 same force and effect as it may take actions to enforce chapters 16.57

1 and 16.58 RCW and rules adopted thereunder after the effective date of
2 this section. Any enforcement action taken by the department of
3 agriculture under chapter 16.57, 16.58, or 16.65 RCW regarding
4 authorities transferred to the board by this act, or the rules adopted
5 thereunder and not concluded before the effective date of this section,
6 shall be continued in the name of the board.

7 (5) As used in this section "livestock identification board" and
8 "board" means the board created under RCW 16.57.015.

9 NEW SECTION. **Sec. 97.** (1) The following acts or parts of acts are
10 each repealed:

11 (a) 1997 c 356 s 3;

12 (b) 1997 c 356 s 5;

13 (c) 1997 c 356 s 9;

14 (d) 1997 c 356 s 11;

15 (e) RCW 16.57.380 and 1991 c 110 s 8, 1981 c 296 s 22, & 1974 ex.s.
16 c 38 s 1; and

17 (f) RCW 16.65.110 and 1959 c 107 s 11.

18 (2) This section is null and void unless subsections (1) through
19 (5) of section 2 of this act and section 96 of this act become law.

20 NEW SECTION. **Sec. 98.** This act takes effect July 1, 1998, except
21 that appointments may be made by the governor and proposed contracts
22 may be developed under RCW 16.57.015 prior to July 1, 1998, to provide
23 for an orderly transition of authority under this act.

24 NEW SECTION. **Sec. 99.** If specific funding for the purposes of
25 this act, referencing this act by bill or chapter number, is not
26 provided by June 30, 1998, in the omnibus appropriations act, this act
27 is null and void."

28 Correct the title.

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