

2 **ESSB 6204** - H COMM AMD **ADOPTED 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 body of
20 five members appointed by the governor that includes one beef producer,
21 one cattle feeder, one dairy producer, one livestock market owner, and
22 one horse producer.

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

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

32 ~~(2) The purpose of the board is to provide advice to the director~~
33 ~~regarding livestock identification programs administered under this~~
34 ~~chapter and regarding brand inspection fees and related licensing fees.~~
35 ~~The director shall consult the board before adopting, amending, or~~
36 ~~repealing a rule under this chapter or altering a fee under RCW~~
37 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director~~
38 ~~publishes in the state register a proposed rule to be adopted under the~~

1 authority of this chapter or a proposed rule setting a fee under RCW
2 16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not
3 received the approval of the advisory board, the director shall file
4 with the board a written statement setting forth the director's reasons
5 for proposing the rule without the board's approval.

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

27 (2) The board shall be responsible for the administration of the
28 livestock identification program which includes the review of recording
29 and registration of brands, approval of all expenditures from the
30 livestock identification account, administration of this chapter and
31 chapters 16.58 and 16.65 RCW, administration of the inspection,
32 enforcement, and licensing activities, fee setting, and holding
33 hearings and adopting rules for the administration of the livestock
34 identification program. Authorities and responsibilities other than
35 rule making that are granted to the board by this chapter and chapters
36 16.58 and 16.65 RCW may be delegated by the board to duly authorized
37 representatives of the board. The board shall adopt rules regarding
38 such authorities and responsibilities in accordance with chapter 34.05
39 RCW.

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

16 (4) Members of the board shall receive compensation as provided by
17 RCW 43.03.240 and travel expenses to meetings or in otherwise carrying
18 out the duties of the board as provided under RCW 43.03.050 and
19 43.03.060. The board shall meet at least quarterly in each calendar
20 year. The board shall hire staff as necessary to carry out its duties.

21 (5) The board may select the area of the state in which to locate
22 its principal office, which may include an area that is, by and large,
23 near the geographic center of the state. The department shall examine
24 the rental and other costs of locating the principal office from which
25 it administers any contract it has with the board in an area that is,
26 by and large, near the geographic center of the state. The department
27 shall compare these costs with those of maintaining the principal
28 office in its current location. The department shall report its
29 findings to the board and shall consider moving its principal office
30 for such administration to such an area if it would be more
31 cost-effective to do so.

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

34 There is established a Washington state livestock identification
35 account in the agricultural local fund created under RCW 43.23.230 into
36 which all moneys collected or received from registration, recording,
37 inspection, or enforcement under this chapter and moneys collected or
38 received by the board under chapters 16.58 and 16.65 RCW shall be

1 deposited. These moneys shall be used solely for the Washington state
2 livestock identification program. Only the board may authorize
3 expenditures from this account. The account is subject to allotment
4 procedures under chapter 43.88 RCW, but an appropriation is not
5 required for expenditures.

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

8 (1) The ((director)) board shall be the recorder of livestock
9 brands and such brands shall not be recorded elsewhere in this state.
10 Any person desiring to register a livestock brand shall apply on a form
11 prescribed by the ((director)) board. Such application shall be
12 accompanied by a facsimile of the brand applied for and a ((thirty-
13 five)) seventy-dollar recording fee. The ((director)) board shall,
14 upon ((his or her)) their satisfaction that the application and brand
15 facsimile meet the requirements of this chapter and/or rules adopted
16 hereunder, record such brand.

17 (2) As provided in RCW 16.57.015, the director of agriculture may
18 be designated by the board as the recorder of livestock brands. If the
19 director is so designated, the recording fee shall be deposited by the
20 director in the Washington state livestock identification account and
21 shall be used solely for livestock identification program purposes as
22 provided in this chapter and only as authorized by the board.

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

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

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

31 The ((director)) board may provide for the use of production record
32 brands. Numbers for such brands shall be issued at the discretion of
33 the ((director)) board and shall be placed on livestock immediately
34 below the registered ownership brand or any other location prescribed
35 by the ((director)) board.

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

3 The ~~((director))~~ board shall determine conflicting claims between
4 applicants to a brand, and in so doing shall consider the priority of
5 applicants.

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

8 ~~((The director shall establish by rule a schedule for the renewal
9 of registered brands.))~~ (1) Except as provided in subsection (2) of
10 this section, the fee for the renewal of ((the)) a brand((s))
11 registration shall be ((no less than twenty five)) seventy dollars for
12 each two-year period of brand ownership((, except that)). However, the
13 ((director)) board may((, in adopting a renewal schedule,)) provide for
14 the collection of renewal fees on a prorated basis ((and may by rule
15 increase the registration and renewal fee for brands by no more than
16 fifty percent subsequent to a hearing under chapter 34.05 RCW and in
17 conformance with RCW 16.57.015)). At least sixty days before the
18 expiration of a registered brand, the ((director)) board shall notify
19 by letter the owner of record of the brand that on the payment of the
20 requisite application fee and application of renewal the ((director))
21 board shall issue the proof of payment allowing the brand owner
22 exclusive ownership and use of the brand for the subsequent
23 registration period. The failure of the registered owner to pay the
24 renewal fee by the date required by rule shall cause such owner's brand
25 to revert to the ((department)) board. The ((director)) board may for
26 a period of one year following such reversion, reissue such brand only
27 to the prior registered owner upon payment of the registration fee and
28 a late filing fee ((to be prescribed by the director by rule subsequent
29 to a hearing under chapter 34.05 RCW and in conformance with RCW
30 16.57.015,)) of twenty dollars for renewal subsequent to the regular
31 renewal period. The ((director)) board may at the ((director's))
32 board's discretion, if such brand is not reissued within one year to
33 the prior registered owner, issue such brand to any other applicant.

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

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

3 A brand is the personal property of the owner of record. Any
4 instrument affecting the title of such brand shall be acknowledged in
5 the presence of the recorded owner and a notary public. The
6 ((~~director~~)) board shall record such instrument upon presentation and
7 payment of a recording fee not to exceed fifteen dollars to be
8 prescribed by the ((~~director~~)) board by rule subsequent to a hearing
9 under chapter 34.05 RCW and in conformance with RCW 16.57.015. Such
10 recording shall be constructive notice to all the world of the
11 existence and conditions affecting the title to such brand. A copy of
12 all records concerning the brand, certified by the ((~~director~~)) board,
13 shall be received in evidence to all intent and purposes as the
14 original instrument. The ((~~director~~)) board shall not be personally
15 liable for failure of the ((~~director's~~)) board's agents to properly
16 record such instrument.

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

19 The right to use a brand shall be evidenced by the original
20 certificate issued by the ((~~director~~)) board showing that the brand is
21 of present record or a certified copy of the record of such brand
22 showing that it is of present record. A healed brand of record on
23 livestock shall be prima facie evidence that the recorded owner of such
24 brand has legal title to such livestock and is entitled to its
25 possession: PROVIDED, That the ((~~director~~)) board may require
26 additional proof of ownership of any animal showing more than one
27 healed brand.

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

30 Any person having a brand recorded with the ((~~department~~)) board
31 shall have a preemptory right to use such brand and its design under
32 any newly approved method of branding adopted by the ((~~director~~))
33 board.

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

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

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

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

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

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

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

20 The owner of a brand of record may procure from the ((director))
21 board a certified copy of the record of the owner's brand upon payment
22 of a fee not to exceed seven dollars and fifty cents to be prescribed
23 by the ((director)) board by rule subsequent to a hearing under chapter
24 34.05 RCW and in conformance with RCW 16.57.015.

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

27 The ((director)) board shall publish a book to be known as the
28 "Washington State Brand Book", showing all the brands of record. Such
29 book shall contain the name and address of the owners of brands of
30 record and a copy of the brand laws and regulations. Supplements to
31 such brand book showing newly recorded brands, amendments or newly
32 adopted regulations, shall be published biennially, or prior thereto at
33 the discretion of the ((director)) board: PROVIDED, That whenever ((he
34 deems it)) necessary, the ((director)) board may issue a new brand
35 book.

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

3 (1) Except as provided in subsection (3) of this section, the
4 ((director)) board may ((by)) adopt rules ((adopted subsequent to a
5 public hearing designate)): Designating any point for mandatory
6 ((brand)) livestock inspection of cattle or horses or the furnishing of
7 proof that cattle passing or being transported through such points have
8 been ((brand)) livestock inspected and are lawfully being moved;
9 providing for self-inspection of cattle and horses; and providing for
10 issuance of individual horse and cattle identification certificates or
11 other means of horse and cattle identification.

12 ~~((Further,))~~ (2) The ((director)) board or any peace officer may
13 stop vehicles carrying cattle or horses to determine if ((such)) the
14 cattle or horses are identified, branded, or accompanied by ((the form
15 prescribed by the director under RCW 16.57.240 or a brand certificate
16 issued by the department)) a certificate of permit, inspection
17 certificate, self-inspection certificate, or other satisfactory proof
18 of ownership, as determined by the board.

19 (3) Inspection shall not be required for:

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

22 (b) A sale by the owner of a dairy farm licensed under chapter
23 15.36 RCW of a male calf or male calves from the farm that are not
24 more than thirty days old, as long as the license number for the dairy
25 is listed on the bill of sale or its equivalent.

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

28 The ~~((director))~~ board may, in order to reduce the cost of
29 ((brand)) livestock inspection to livestock owners, enter into
30 agreements with any qualified county, municipal, or other local law
31 enforcement agency, or qualified individuals for the purpose of
32 performing ((brand)) livestock inspection in areas where ((department
33 brand)) livestock inspection by the department may not readily be
34 available.

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

1 The ((~~director~~)) board may enter at any reasonable time any
2 slaughterhouse or public livestock market to make an examination of the
3 brands on livestock or hides, and may enter at any reasonable time an
4 establishment where hides are held to examine them for brands. The
5 ((~~director~~)) board may enter any of these premises at any reasonable
6 time to examine all books and records required by law in matters
7 relating to ((~~brand~~)) livestock inspection or other methods of
8 livestock identification.

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

11 Should the ((~~director~~)) board be denied access to any premises or
12 establishment where such access was sought for the purposes set forth
13 in RCW 16.57.170, ((~~he~~)) the board may apply to any court of competent
14 jurisdiction for a search warrant authorizing access to such premises
15 or establishment for said purposes. The court may upon such
16 application, issue the search warrant for the purposes requested.

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

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

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

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

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

33 (1) The ((~~director~~)) livestock identification board shall cause a
34 charge to be made for all ((~~brand~~)) livestock inspection of cattle and
35 horses required under this chapter and rules adopted hereunder. Such

1 charges shall be paid to the ((department)) board by the owner or
2 person in possession unless requested by the purchaser and then such
3 ((brand)) livestock inspection shall be paid by the purchaser
4 requesting such ((brand)) livestock inspection. Except as provided by
5 rule, such inspection charges shall be due and payable at the time
6 ((brand)) livestock inspection is performed and shall be paid upon
7 billing by the ((department)) board and if not shall constitute a prior
8 lien on the cattle or cattle hides or horses or horse hides ((brand))
9 livestock inspected until such charge is paid. The ((director)) board
10 in order to best utilize the services of the ((department)) livestock
11 inspector in performing ((brand)) livestock inspection may establish
12 schedules by days and hours when a ((brand)) livestock inspector will
13 be on duty to perform ((brand)) livestock inspection at established
14 inspection points. Except as provided in rules adopted under
15 subsection (2) of this section, the fees for ((brand)) livestock
16 inspection performed at inspection points according to schedules
17 established by the ((director)) board shall be seventy-five cents per
18 head for cattle and ((not more than)) three dollars per head for horses
19 ((as prescribed by the director subsequent to a hearing under chapter
20 34.05 RCW and in conformance with RCW 16.57.015)). Fees for ((brand))
21 livestock inspection of cattle and horses at points other than those
22 designated by the ((director)) board or not in accord with the
23 schedules established by the ((director)) board shall be based on a fee
24 schedule not to exceed actual net cost to the ((department)) board of
25 performing the ((brand)) livestock inspection service. For the purpose
26 of this section, actual costs shall mean fifteen dollars per hour and
27 the current mileage rate set by the office of financial management.

28 (2) The board may by rule prescribe a fee for the inspection of
29 cattle performed at inspection points that is not less than seventy-
30 five cents per head and not more than one dollar per head and may by
31 rule prescribe a fee for the inspection of horses performed at
32 inspection points that is not less than three dollars per head and not
33 more than five dollars per head. However, a rule prescribing such a
34 fee may be proposed and adopted by the board only by a unanimous vote
35 of the members of the board entitled to vote under RCW 16.57.015. This
36 subsection constitutes prior legislative approval for the initial fee
37 prescribed by rule of the board for the inspection of cattle and the
38 initial fee prescribed by rule of the board for the inspection of
39 horses to result in an increase of the fee established under subsection

1 (1) of this section for the inspection that is in excess of the fiscal
2 growth factor under chapter 43.135 RCW.

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

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

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

10 ~~((Any person purchasing, selling, holding for sale, trading,~~
11 ~~bartering, transferring title, slaughtering, handling, or transporting~~
12 ~~cattle shall keep a record on forms prescribed by the director. Such~~
13 ~~forms)) (1) Certificates of permit, inspection certificates, and self-~~
14 inspection certificates shall show the owner, number, ((specie)) breed,
15 sex, brand or other method of identification of ((such)) the cattle or
16 horses and any other necessary information required by the ((director))
17 board. ((The original shall be kept for a period of three years or
18 shall be furnished to the director upon demand or as prescribed by
19 rule, one copy shall accompany the cattle to their destination and
20 shall be subject to inspection at any time by the director or any peace
21 officer or member of the state patrol: PROVIDED, That in the following
22 instances only, cattle may be moved or transported within this state
23 without being accompanied by an official certificate of permit, brand
24 inspection certificate, bill of sale, or self-inspection slip:

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

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

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

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

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

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

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

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

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

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

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

22 It shall be unlawful for any person moving or transporting
23 livestock in this state to refuse to assist the (~~director~~) board or
24 any peace officer in establishing the identity of such livestock being
25 moved or transported.

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

28 Any cattle carcass, or primal part thereof, of any breed or age
29 being transported in this state from other than a state or federal
30 licensed and inspected slaughterhouse or common carrier hauling for
31 such slaughterhouse, shall be accompanied by a certificate of permit
32 signed by the owner of such carcass or primal part thereof and, if such
33 carcass or primal part is delivered to a facility custom handling such
34 carcasses or primal part thereof, such certificate of permit shall be
35 deposited with the owner or manager of such custom handling facility
36 and such certificate of permit shall be retained for a period of one

1 year and be made available to the ((department)) livestock
2 identification board for inspection during reasonable business hours.
3 ((The owner of such carcass or primal part thereof shall mail a copy of
4 the said certificate of permit to the department within ten days of
5 said transportation.))

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

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

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

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

14 (3) Such livestock is accompanied by a ((brand)) livestock
15 inspection certificate; or

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

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

19 A violation of this section constitutes a gross misdemeanor
20 punishable to the same extent as a gross misdemeanor that is punishable
21 under RCW 9A.20.021.

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

24 All unbranded cattle and horses and those bearing brands not
25 recorded, in the current edition of this state's brand book, which are
26 not accompanied by a certificate of permit, and those bearing brands
27 recorded, in the current edition of this state's brand book, which are
28 not accompanied by a certificate of permit signed by the owner of the
29 brand when presented for inspection by the ((director)) board, shall be
30 sold by the ((director)) board or the ((director's)) board's
31 representative, unless other satisfactory proof of ownership is
32 presented showing the person presenting them to be lawfully in
33 possession. Upon the sale of such cattle or horses, the ((director))
34 board or the ((director's)) board's representative shall give the
35 purchasers a bill of sale therefor, or, if theft is suspected, the
36 cattle or horses may be impounded by the ((director)) board or the
37 ((director's)) board's representative.

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

3 The proceeds from the sale of cattle and horses as provided for
4 under RCW 16.57.290, after paying the cost thereof, shall be paid to
5 the ~~((director))~~ board, who shall make a record showing the brand or
6 marks or other method of identification of the animals and the amount
7 realized from the sale thereof. However, the proceeds from a sale of
8 such cattle or horses at a licensed public livestock market shall be
9 held by the licensee for a reasonable period not to exceed thirty days
10 to permit the consignor to establish ownership or the right to sell
11 such cattle or horses. If such consignor fails to establish legal
12 ownership or the right to sell such cattle or horses, such proceeds
13 shall be paid to the ~~((director))~~ board to be disposed of as any other
14 stray proceeds.

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

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

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

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

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

35 If, after the expiration of one year from the date of sale, no
36 claim is made, the money shall be credited to the ~~((department of~~

1 agriculture)) board to be expended in carrying out the provisions of
2 this chapter.

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

5 The ((~~director~~)) board shall have the authority to enter into
6 reciprocal agreements with any or all states to prevent the theft,
7 misappropriation or loss of identification of livestock. The
8 ((~~director~~)) board may declare any livestock which is shipped or moved
9 into this state from such states estrays if such livestock is not
10 accompanied by the proper official brand certificate or other such
11 certificates required by the law of the state of origin of such
12 livestock. The ((~~director~~)) board may hold such livestock subject to
13 all costs of holding or sell such livestock and send the funds, after
14 the deduction of the cost of such sale, to the proper authority in the
15 state of origin of such livestock.

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

18 The ((~~director~~)) board may adopt such rules as are necessary to
19 carry out the purposes of this chapter. It shall be the duty of the
20 ((~~director~~)) board to enforce and carry out the provisions of this
21 chapter and/or rules adopted hereunder. No person shall interfere with
22 the ((~~director~~)) board when ((~~he or she~~)) the board is performing or
23 carrying out duties imposed on ((~~him or her~~)) it by this chapter and/or
24 rules adopted hereunder.

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

27 The ((~~department~~)) board is authorized to issue notices of and
28 enforce civil infractions in the manner prescribed under chapter 7.80
29 RCW.

30 The violation of any provision of this chapter and/or rules and
31 regulations adopted hereunder shall constitute a class I civil
32 infraction as provided under chapter 7.80 RCW unless otherwise
33 specified herein.

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

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

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

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

12 Horses and cattle identified pursuant to the provisions of this
13 section and the rules ((and regulations)) adopted hereunder shall not
14 be subject to ((brand)) livestock inspection except when sold at points
15 provided for in RCW ((16.57.380)) 16.57.160. The ((director)) board
16 shall charge a fee for the certificates or other means of
17 identification authorized pursuant to this section and no
18 identification shall be issued until the ((director)) board has
19 received the fee. The schedule of fees shall be established in
20 accordance with the provisions of chapter 34.05 RCW.

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

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

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

28 (1) No person may act as a registering agency without a permit
29 issued by the ((department)) board. The ((director)) board may issue
30 a permit to any person or organization to act as a registering agency
31 for the purpose of issuing permanent identification symbols for horses
32 in a manner prescribed by the ((director)) board. Application for such
33 permit, or the renewal thereof by January 1 of each year, shall be on
34 a form prescribed by the ((director)) board, and accompanied by the
35 proof of registration to be issued, any other documents required by the
36 ((director)) board, and a fee of one hundred dollars.

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

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

12 (4) The ~~((director))~~ board shall adopt such rules as are necessary
13 for the effective administration of this section pursuant to chapter
14 34.05 RCW.

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

17 The ~~((department))~~ livestock identification board may, in
18 consultation with representatives of the ratite industry, develop by
19 rule a system that provides for the identification of individual
20 ratites through the use of microchipping. The ~~((department))~~ board may
21 establish fees for the issuance or reissuance of microchipping numbers
22 sufficient to cover the expenses of the ~~((department))~~ board.

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

25 For the purpose of this chapter:

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

28 (2) "Certified feed lot" means any place, establishment, or
29 facility commonly known as a commercial feed lot, cattle feed lot, or
30 the like, which complies with all of the requirements of this chapter,
31 and any ~~((regulations))~~ rules adopted pursuant to the provisions of
32 this chapter and which holds a valid license from the ~~((director))~~
33 board as hereinafter provided.

34 ~~((2)) "Department" means the department of agriculture of the state
35 of Washington.~~

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

1 ~~(4))~~ (3) "Licensee" means any persons licensed under the
2 provisions of this chapter.

3 ~~((5))~~ (4) "Person" means a natural person, individual, firm,
4 partnership, corporation, company, society, and association, and every
5 officer, agent or employee thereof. This term shall import either the
6 singular or the plural as the case may be.

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

9 The ~~((director))~~ board may adopt such rules ~~((and regulations))~~ as
10 are necessary to carry out the purpose of this chapter. The adoption
11 of such rules shall be subject to the provisions of this chapter and
12 rules ~~((and regulations))~~ adopted hereunder. No person shall interfere
13 with the ~~((director when he))~~ board when it is performing or carrying
14 out any duties imposed ~~((upon him))~~ by this chapter or rules ~~((and~~
15 ~~regulations))~~ adopted hereunder.

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

18 On or after August 9, 1971, any person desiring to engage in the
19 business of operating one or more certified feed lots shall obtain an
20 annual license from the ~~((director))~~ board for such purpose. The
21 application for a license shall be on a form prescribed by the
22 ~~((director))~~ board and shall include the following:

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

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

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

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

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

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

1 The application for an annual license to engage in the business of
2 operating one or more certified feed lots shall be accompanied by a
3 license fee of seven hundred fifty dollars. Upon approval of the
4 application by the ~~((director))~~ livestock identification board and
5 compliance with the provisions of this chapter and rules adopted
6 hereunder, the applicant shall be issued a license or a renewal
7 thereof. The board shall conduct an inspection of all cattle and their
8 corresponding ownership documents prior to issuing an original license.
9 The inspection fee shall be the higher of the current inspection fee
10 per head of cattle or time and mileage as set forth in RCW 16.57.220.

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

13 The ~~((director))~~ board shall establish by rule an expiration date
14 or dates for all certified feed lot licenses. License fees shall be
15 prorated where necessary to accommodate staggering of expiration dates
16 of a license or licenses. If an application for renewal of a certified
17 feed lot license is not received by the ~~((department))~~ board per the
18 date required by rule or should a person fail, refuse, or neglect to
19 apply for renewal of a preexisting license on or before the date of
20 expiration, that person shall be assessed an additional twenty-five
21 dollars which shall be added to the regular license fee and shall be
22 paid before the ~~((director))~~ board may issue a license to the
23 applicant.

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

26 The ~~((director))~~ livestock identification board is authorized to
27 deny, suspend, or revoke a license in accord with the provisions of
28 chapter 34.05 RCW if ~~((he))~~ it finds that there has been a failure to
29 comply with any requirement of this chapter or rules ~~((and~~
30 ~~regulations))~~ adopted hereunder. Hearings for the revocation,
31 suspension, or denial of a license shall be subject to the provisions
32 of chapter 34.05 RCW concerning adjudicative proceedings.

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

35 Every certified feed lot shall be equipped with a facility or a
36 livestock pen, approved by the ~~((director))~~ livestock identification

1 board as to location and construction within the ((~~said~~)) feed lot so
2 that necessary ((~~brand~~)) livestock inspection can be carried on in a
3 proper, expeditious and safe manner. Each licensee shall furnish the
4 ((~~director~~)) board with sufficient help necessary to carry out
5 ((~~brand~~)) livestock inspection in the manner set forth above.

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

8 All cattle entering or reentering a certified feed lot must be
9 inspected for brands upon entry, unless they are accompanied by a
10 ((~~brand~~)) livestock inspection certificate issued by the ((~~director~~))
11 livestock identification board, or any other agency authorized in any
12 state or Canadian province by law to issue such a certificate.
13 Licensees shall report a discrepancy between cattle entering or
14 reentering a certified feed lot and the ((~~brand~~)) livestock inspection
15 certificate accompanying the cattle to the nearest ((~~brand~~)) livestock
16 inspector immediately. A discrepancy may require an inspection of all
17 the cattle entering or reentering the lot, except as may otherwise be
18 provided by rule.

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

21 The ((~~director~~)) livestock identification board shall each year
22 conduct audits of the cattle received, fed, handled, and shipped by the
23 licensee at each certified feed lot. Such audits shall be for the
24 purpose of determining if such cattle correlate with the ((~~brand~~))
25 livestock inspection certificates issued in their behalf and that the
26 certificate of assurance furnished the ((~~director~~)) board by the
27 licensee correlates with his or her assurance that ((~~brand~~)) livestock
28 inspected cattle were not commingled with uninspected cattle.

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

31 All certified feed lots shall furnish the ((~~director~~)) livestock
32 identification board with records as requested by ((~~him~~)) it from time
33 to time on all cattle entering or on feed in ((~~said~~)) certified feed
34 lots and dispersed therefrom. All such records shall be subject to
35 examination by the ((~~director~~)) board for the purpose of maintaining
36 the integrity of the identity of all such cattle. The ((~~director~~))

1 board may make the examinations only during regular business hours
2 except in an emergency to protect the interest of the owners of such
3 cattle.

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

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

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

11 Each licensee shall pay to the ((~~director~~)) livestock
12 identification board a fee of twelve cents for each head of cattle
13 handled through the licensee's feed lot. Payment of such fee shall be
14 made by the licensee on a monthly basis. Failure to pay as required
15 shall be grounds for suspension or revocation of a certified feed lot
16 license. Further, the ((~~director~~)) board shall not renew a certified
17 feed lot license if a licensee has failed to make prompt and timely
18 payments.

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

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

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

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

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

33 The ((~~director~~)) board may, when a certified feed lot's conditions
34 become such that the integrity of reports or records of the cattle

1 therein becomes doubtful, suspend such certified feed lot's license
2 until such time as the (~~(director)~~) board can conduct an investigation
3 to carry out the purpose of this chapter.

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

6 For the purposes of this chapter:

7 (1) The term "public livestock market" means any place,
8 establishment or facility commonly known as a "public livestock
9 market", "livestock auction market", "livestock sales ring", yards
10 selling on commission, or the like, conducted or operated for
11 compensation or profit as a public livestock market, consisting of pens
12 or other enclosures, and their appurtenances in which livestock is
13 received, held, sold, kept for sale or shipment. The term does not
14 include the operation of a person licensed under this chapter to
15 operate a special open consignment horse sale.

16 (~~(2) ("Department" means the department of agriculture of the state
17 of Washington.~~

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

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

22 (~~(5)~~) (3) "Livestock" includes horses, mules, burros, cattle,
23 sheep, swine, and goats.

24 (~~(6)~~) (4) "Livestock identification board" or "board" means the
25 board created in RCW 16.57.015.

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

30 (~~(7)~~) (6) "Stockyard" means any place, establishment, or facility
31 commonly known as a stockyard consisting of pens or other enclosures
32 and their appurtenances in which livestock services such as feeding,
33 watering, weighing, sorting, receiving and shipping are offered to the
34 public: PROVIDED, That stockyard shall not include any facilities
35 where livestock is offered for sale at public auction, feed lots, or
36 quarantined registered feed lots.

1 ~~((+8))~~ (7) "Packer" means any person engaged in the business of
2 slaughtering, manufacturing, preparing meat or meat products for sale,
3 marketing meat, meat food products or livestock products.

4 ~~((+9))~~ (8) "Deputy state veterinarian" means a graduate
5 veterinarian authorized to practice in the state of Washington and
6 appointed or deputized by the director of agriculture as his or her
7 duly authorized representative.

8 ~~((+10))~~ (9) "Special open consignment horse sale" means a sale
9 conducted by a person other than the operator of a public livestock
10 market which is limited to the consignment of horses and donkeys only
11 for sale on an occasional and seasonal basis.

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

14 This chapter does not apply to:

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

17 (2) A farmers' cooperative association or an association of
18 livestock breeders when any class of their own livestock is assembled
19 and offered for sale at a special sale on an occasional and seasonal
20 basis under the association's management and responsibility, and the
21 special sale has been approved by the ~~((director))~~ board in writing.
22 However, the special sale shall be subject to brand and health
23 inspection requirements as provided in this chapter for sales at public
24 livestock markets.

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

27 Public livestock markets and special open consignment horse sales
28 shall be under the direction and supervision of the ~~((director))~~
29 livestock identification board, and the ~~((director))~~ board, but not
30 ~~((his))~~ its duly authorized representative, may adopt such rules ~~((and~~
31 ~~regulations))~~ as are necessary to carry out the purpose of this
32 chapter. It shall be the duty of the ~~((director))~~ board to enforce and
33 carry out the provisions of this chapter and rules ~~((and regulations))~~
34 adopted hereunder. No person shall interfere with the ~~((director))~~
35 board when ~~((he))~~ it is performing or carrying out any duties imposed
36 upon ~~((him))~~ it by this chapter or rules ~~((and regulations))~~ adopted
37 hereunder.

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

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

8 (a) A nonrefundable original license application fee of fifteen
9 hundred dollars.

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

12 (c) A complete description and blueprints or plans of the public
13 livestock market physical plant, yards, pens, and all facilities the
14 applicant proposes to use in the operation of such public livestock
15 market.

16 (d) (~~A detailed statement showing all the assets and liabilities
17 of the applicant which must reflect a sufficient net worth to construct
18 or operate a public livestock market.~~) A financial statement, compiled
19 or audited by a certified or licensed public accountant, to determine
20 whether or not the applicant meets the minimum net worth requirements,
21 established by the director by rule, to construct and/or operate a
22 public livestock market. If the applicant is a subsidiary of a larger
23 company, corporation, society, or cooperative association, both the
24 parent company and the subsidiary company must submit a financial
25 statement to determine whether or not the applicant meets the minimum
26 net worth requirements. All financial statement information required
27 by this subsection is confidential information and not subject to
28 public disclosure.

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

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

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

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

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

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

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

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

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

16 (3) ~~Applications for renewal under RCW 16.65.040 shall include all~~
17 ~~information under subsection (1) of this section, except subsection~~
18 ~~(1)(a) of this section.)~~ If the board determines that the applicant
19 meets all the requirements of subsection (1) of this section, the board
20 shall conduct a public hearing as provided by chapter 34.05 RCW, and
21 shall grant or deny an application for original license for a public
22 livestock market after considering evidence and testimony relating to
23 the requirements of this section and giving reasonable consideration
24 to:

25 ((a) Benefits to the livestock industry to be derived from the
26 establishment and operation of the public livestock market proposed in
27 the application;

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

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

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

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

34 ((f) Any other conditions affecting the orderly marketing of
35 livestock.

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

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

- 1 (b) Provide evidence of a custodial account, as required under RCW
2 16.65.140, for the consignor's proceeds;
3 (c) Pay the appropriate license fee; and
4 (d) Provide other information required under this chapter and rules
5 adopted under this chapter.

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

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

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

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

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

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

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

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

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

32 All public livestock market licenses provided for in this chapter
33 shall expire on March 1st subsequent to the date of issue. Any person
34 who fails, refuses, or neglects to apply for a renewal of a preexisting
35 license on or before the date of expiration, shall pay a penalty of
36 twenty-five dollars, which shall be added to the regular license fee,

1 before such license may be renewed by the ((director)) livestock
2 identification board.

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

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

8 (a) A detailed statement showing all of the assets and liabilities
9 of the applicant;

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

13 (c) The specific date and exact location of the proposed sale;

14 (d) Projected quantity and approximate value of horses to be
15 handled; and

16 (e) Such other information as the ((director)) board may reasonably
17 require.

18 (2) The application shall be accompanied by a license fee of one
19 hundred dollars. Upon the approval of the application by the
20 ((director)) board and compliance with this chapter, the applicant
21 shall be issued a license. A special open consignment horse sale
22 license is valid only for the specific date or dates and exact location
23 for which the license was issued.

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

26 All fees ((~~provided for~~)) collected or received by the board under
27 this chapter shall be ((~~retained by the director~~)) deposited by the
28 board in the livestock identification account created in section 3 of
29 this act. Moneys collected under this chapter may be expended by the
30 board without appropriation for the purpose of enforcing this chapter.

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

33 (1) The ((director)) livestock identification board is authorized
34 to deny, suspend, or revoke a license in the manner prescribed herein,
35 when there are findings by the ((director)) board that any licensee (a)
36 has been guilty of fraud or misrepresentation as to titles, charges,

1 numbers, brands, weights, proceeds of sale, or ownership of livestock;
2 (b) has attempted payment to a consignor by a check the licensee knows
3 not to be backed by sufficient funds to cover such check; (c) has
4 violated any of the provisions of this chapter or rules (~~and~~
5 ~~regulations~~) adopted hereunder; (d) has violated any laws of the state
6 that require health or (~~brand~~) livestock inspection of livestock; (e)
7 has violated any condition of the bond, as provided in this chapter.
8 However, the (~~director~~) board may deny a license if the applicant
9 refuses to accept the sales day or days allocated to (~~him~~) it under
10 the provisions of this chapter.

11 (2) In all proceedings for revocation, suspension, or denial of a
12 license the licensee or applicant shall be given an opportunity to be
13 heard in regard to such revocation, suspension or denial of a license.
14 The (~~director~~) board shall give the licensee or applicant twenty
15 days' notice in writing and such notice shall specify the charges or
16 reasons for such revocation, suspension or denial. The notice shall
17 also state the date, time and place where such hearing is to be held.
18 Such hearings shall be held in the city where the licensee has his or
19 her principal place of business, or where the applicant resides, unless
20 some other place be agreed upon by the parties, and the defendant may
21 be represented by counsel.

22 (3) The (~~director~~) board may issue subpoenas to compel the
23 attendance of witnesses, and/or the production of books or documents
24 anywhere in the state. The applicant or licensee shall have
25 opportunity to be heard, and may have such subpoenas issued as he or
26 she desires. Subpoenas shall be served in the same manner as in civil
27 cases in the superior court. Witnesses shall testify under oath which
28 may be administered by the (~~director~~) board. Testimony shall be
29 recorded, and may be taken by deposition under such rules as the
30 (~~director~~) board may prescribe.

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

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

37 The (~~director~~) livestock identification board shall provide for
38 (~~brand~~) livestock inspection. When such (~~brand~~) livestock

1 inspection is required the licensee shall collect from the consignor
2 and pay to the ((~~department~~)) board, as provided by law, a fee for
3 ((~~brand~~)) livestock inspection for each animal consigned to the public
4 livestock market or special open consignment horse sale. However, if
5 in any one sale day the total fees collected for ((~~brand~~)) livestock
6 inspection do not exceed ninety dollars, then such licensee shall pay
7 ninety dollars for such ((~~brand~~)) livestock inspection or as much
8 thereof as the ((~~director~~)) board may prescribe.

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

11 The licensee of each public livestock market or special open
12 consignment horse sale shall collect from any purchaser of livestock
13 requesting ((~~brand~~)) livestock inspection a fee as provided by law for
14 each animal inspected. Such fee shall be in addition to the fee
15 charged to the consignor for ((~~brand~~)) livestock inspection and shall
16 not apply to the minimum fee chargeable to the licensee.

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

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

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

3 No person shall hereafter operate a public livestock market or
4 special open consignment horse sale unless such person has filed a
5 schedule with the application for license to operate such public
6 livestock market or special open consignment horse sale. Such schedule
7 shall show all rates and charges for stockyard services to be furnished
8 by such person at such public livestock market or special open
9 consignment horse sale.

10 (1) Schedules shall be posted conspicuously at the public livestock
11 market or special open consignment horse sale, and shall plainly state
12 all such rates and charges in such detail as the ~~((director))~~ livestock
13 identification board may require, and shall state any rules ~~((and~~
14 ~~regulations))~~ which in any manner change, affect, or determine any part
15 of the aggregate of such rates or charges, or the value of the
16 stockyard services furnished. The ~~((director))~~ board may determine and
17 prescribe the form and manner in which such schedule shall be prepared,
18 arranged and posted.

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

24 (3) No licensee shall charge, demand or collect a greater or a
25 lesser or a different compensation for such service than the rates and
26 charges specified in the schedule filed with the ~~((director))~~ board and
27 in effect at the time; nor shall a licensee refund or remit in any
28 manner any portion of the rates or charges so specified (but this shall
29 not prohibit a cooperative association of producers from properly
30 returning to its members, on a patronage basis, its excess earnings on
31 their livestock); nor shall a licensee extend to any person at such
32 public livestock market or special open consignment horse sale any
33 stockyard services except such as are specified in such schedule.

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

36 Before the license is issued to operate a public livestock market
37 or special open consignment horse sale, the applicant shall execute and
38 deliver to the ~~((director))~~ livestock identification board a surety

1 bond in a sum as herein provided for, executed by the applicant as
2 principal and by a surety company qualified and authorized to do
3 business in this state as surety. ((Said)) The bond shall be a
4 standard form and approved by the ((director)) board as to terms and
5 conditions. ((Said)) The bond shall be conditioned that the principal
6 will not commit any fraudulent act and will comply with the provisions
7 of this chapter and the rules ((and/or regulations)) adopted hereunder.
8 ((Said)) The bond shall be to the state in favor of every consignor
9 and/or vendor creditor whose livestock was handled or sold through or
10 at the licensee's public livestock market or special open consignment
11 horse sale: PROVIDED, That if such applicant is bonded as a market
12 agency under the provisions of the packers and stockyards act, (7
13 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater
14 than the sum required under the provisions of this chapter, and such
15 applicant furnishes the ((director)) board with a bond approved by the
16 United States secretary of agriculture ((naming the department as
17 trustee)), the ((director)) board may accept such bond and its method
18 of termination in lieu of the bond provided for herein and issue a
19 license if such applicant meets all the other requirements of this
20 chapter.

21 The total and aggregate liability of the surety for all claims upon
22 the bond shall be limited to the face of such bond. Every bond filed
23 with and approved by the ((director)) board shall, without the
24 necessity of periodic renewal, remain in force and effect until such
25 time as the license of the licensee is revoked for cause or otherwise
26 canceled. The surety on a bond, as provided herein, shall be released
27 and discharged from all liability to the state accruing on such bond
28 upon compliance with the provisions of RCW 19.72.110 concerning notice
29 and proof of service, as enacted or hereafter amended, but this shall
30 not operate to relieve, release or discharge the surety from any
31 liability already accrued or which shall accrue (due and to become due
32 hereunder) before the expiration period provided for in RCW 19.72.110
33 concerning notice and proof of service as enacted or hereafter amended,
34 and unless the principal shall before the expiration of such period,
35 file a new bond, the ((director)) board shall forthwith cancel the
36 principal's license.

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

1 If the application for a license to operate a public livestock
2 market is from a new public livestock market which has not operated in
3 the past twelve-month period, the ~~((director))~~ livestock identification
4 board shall determine a bond, in a reasonable sum, that the applicant
5 shall execute in favor of the state, which shall not be less than ten
6 thousand dollars nor greater than twenty-five thousand dollars:
7 PROVIDED, That the ~~((director))~~ board may at any time, upon written
8 notice, review the licensee's operations and determine whether, because
9 of increased or decreased sales, the amount of the bond should be
10 altered.

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

13 In lieu of the surety bond required under the provisions of this
14 chapter, an applicant or licensee may file with the ~~((director))~~
15 livestock identification board a deposit consisting of cash or other
16 security acceptable to the ~~((director))~~ board. The ~~((director))~~ board
17 may adopt rules ~~((and regulations))~~ necessary for the administration of
18 such security.

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

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

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

28 In case of failure by a licensee to pay amounts due a vendor or
29 consignor creditor whose livestock was handled or sold through or at
30 the licensee's public livestock market or special open consignment
31 horse sale, as evidenced by a verified complaint filed with the
32 ~~((director))~~ livestock identification board, the ~~((director))~~ board may
33 proceed forthwith to ascertain the names and addresses of all vendor or
34 consignor creditors of such licensee, together with the amounts due and
35 owing to them and each of them by such licensee, and shall request all
36 such vendor and consignor creditors to file a verified statement of

1 their respective claims with the ((director)) board. Such request
2 shall be addressed to each known vendor or consignor creditor at his or
3 her last known address.

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

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

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

14 Where by reason of the absence of records, or other circumstances
15 making it impossible or unreasonable for the ((director)) livestock
16 identification board to ascertain the names and addresses of all
17 ((said)) the vendor and consignor creditors, the ((director)) board,
18 after exerting due diligence and making reasonable inquiry to secure
19 ((said)) the information from all reasonable and available sources, may
20 make demand on ((said)) the bond on the basis of information then in
21 ((his)) its possession, and thereafter shall not be liable or
22 responsible for claims or the handling of claims which may subsequently
23 appear or be discovered.

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

26 Upon ascertaining all claims and statements in the manner herein
27 set forth, the ((director)) livestock identification board may then
28 make demand upon the bond on behalf of those claimants whose statements
29 have been filed, and shall have the power to settle or compromise
30 ((said)) the claims with the surety company on the bond, and is
31 empowered in such cases to execute and deliver a release and discharge
32 of the bond involved.

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

1 Upon the refusal of the surety company to pay the demand, the
2 ((~~director~~)) livestock identification board may thereupon bring an
3 action on the bond in behalf of ((~~said~~)) the vendor and consignor
4 creditors. Upon any action being commenced on ((~~said~~)) the bond, the
5 ((~~director~~)) board may require the filing of a new bond. Immediately
6 upon the recovery in any action on such bond such licensee shall file
7 a new bond. Upon failure to file the same within ten days, in either
8 case, such failure shall constitute grounds for the suspension or
9 revocation of his or her license.

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

12 In any settlement or compromise by the ((~~director~~)) livestock
13 identification board with a surety company as provided in RCW
14 16.65.290, where there are two or more consignor and/or vendor
15 creditors that have filed claims, either fixed or contingent, against
16 a licensee's bond, such creditors shall share pro rata in the proceeds
17 of the bond to the extent of their actual damage: PROVIDED, That the
18 claims of the state and the ((~~department~~)) board which may accrue from
19 the conduct of the licensee's public livestock market shall have
20 priority over all other claims.

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

23 For the purpose of enforcing the provisions of this chapter, the
24 ((~~director~~)) livestock identification board on the ((~~director's~~))
25 board's own motion or upon the verified complaint of any vendor or
26 consignor against any licensee, or agent, or any person assuming or
27 attempting to act as such, shall have full authority to make any and
28 all necessary investigations. The ((~~director~~)) board is empowered to
29 administer oaths of verification of such complaints.

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

32 For the purpose of making investigations as provided for in RCW
33 16.65.320, the ((~~director~~)) livestock identification board may enter a
34 public livestock market and examine any records required under the
35 provisions of this chapter. The ((~~director~~)) board shall have full
36 authority to issue subpoenas requiring the attendance of witnesses

1 before ((him)) it, together with all books, memorandums, papers, and
2 other documents relative to the matters under investigation, and to
3 administer oaths and take testimony thereunder.

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

6 The ((director)) livestock identification board shall, when
7 livestock is sold, traded, exchanged or handled at or through a public
8 livestock market, require such testing, treating, identifying,
9 examining and record keeping of such livestock by a ((deputy)) state
10 licensed and accredited veterinarian employed by the market as in the
11 ((director's)) board's judgment may be necessary to prevent the spread
12 of brucellosis, tuberculosis, paratuberculosis, ((hog—cholera))
13 pseudorabies, or any other infectious, contagious or communicable
14 disease among the livestock of this state. The state veterinarian or
15 his or her authorized representative may conduct additional testing and
16 examinations for the same purpose.

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

19 ((1)) The director of the department of agriculture shall
20 ((perform all tests and make all examinations required under the
21 provisions of this chapter and rules and regulations adopted hereunder:
22 PROVIDED, That veterinary inspectors of the United States department of
23 agriculture may be appointed by the director to make such examinations
24 and tests as are provided for in this chapter without bond or
25 compensation, and shall have the same authority and power in this state
26 as a deputy state veterinarian.

27 ((2)) The director shall have the responsibility for the direction
28 and control of)) adopt rules regarding sanitary practices and health
29 practices and standards and for the examination of animals at public
30 livestock markets. ((The deputy state veterinarian at any such public
31 livestock market shall notify the licensee or his managing agent, in
32 writing, of insanitary practices or conditions. — Such deputy state
33 veterinarian shall notify the director if the improper sanitary
34 practices or conditions are not corrected within the time specified.
35 The director shall investigate and upon finding such report correct
36 shall take appropriate action to hold a hearing on the suspension or
37 revocation of the licensee's license.))

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

3 Licensees shall provide facilities and sanitation for the
4 prevention of livestock diseases at their public livestock markets, as
5 follows:

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

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

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

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

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

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

32 (7) Sufficient quarantine pens of adequate capacity shall be
33 provided. Such pens shall be used to hold only cattle reacting to
34 brucellosis and tuberculosis or to quarantine livestock with other
35 contagious or communicable diseases and shall be:

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

38 (b) provided with separate watering facilities;

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

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

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

7 To prevent the spread of communicable diseases among livestock, the
8 director of agriculture shall have the authority to cause the cleaning
9 and disinfecting of any area or all areas of a public livestock market
10 and equipment or vehicles with a complete coverage of disinfectants
11 approved by the director.

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

14 (1) Any application for sales days or days for a new salesyard, and
15 any application for a change of sales day or days or additional sales
16 day or days for an existing yard shall be subject to approval by the
17 (~~director~~) livestock identification board, subsequent to a hearing as
18 provided for in this chapter and the (~~director~~) board is hereby
19 authorized to allocate these dates and type and class of livestock
20 which may be sold on these dates. In considering the allocation of
21 such sales days, the (~~director~~) board shall give appropriate
22 consideration, among other relevant factors, to the following:

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

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

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

28 (d) Buyers available to such market;

29 (e) Any other conditions affecting the orderly marketing of
30 livestock.

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

35 (3) In any case that a licensee fails to conduct sales on the sales
36 days allocated to the licensee, the (~~director~~) board shall,
37 subsequent to a hearing, be authorized to revoke an allocation for

1 nonuse. The rate of usage required to maintain an allocation shall be
2 established by rule.

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

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

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

14 The ((~~director~~)) livestock identification board shall have the
15 authority to issue a public livestock market license pursuant to the
16 provisions of this chapter limited to the sale of horses and/or mules
17 and to allocate a sales day or days to such licensee. The ((~~director~~))
18 board is hereby authorized and directed to adopt ((~~regulations~~)) rules
19 for facilities and sanitation applicable to such a license. The
20 facility requirements of RCW 16.65.360 shall not be applicable to such
21 licensee's operation as provided for in this section.

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

24 The ((~~director~~)) livestock identification board shall have the
25 authority to grant a licensee an additional sales day or days limited
26 to the sale of horses and/or mules and may if requested grant the
27 licensee, by permit, the authority to have the sale at premises other
28 than at his or her public livestock market if the facilities are
29 approved by the ((~~director~~)) board as being adequate for the protection
30 of the health and safety of such horses and/or mules. For the purpose
31 of such limited sale the facility requirements of RCW 16.65.360 shall
32 not be applicable.

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

1 The (~~director~~) livestock identification board shall hold public
2 hearings upon a proposal to promulgate any new or amended
3 (~~regulations~~) rules and all hearings for the denial, revocation, or
4 suspension of a license issued under this chapter or in any other
5 adjudicative proceeding, and shall comply in all respects with chapter
6 34.05 RCW, the Administrative Procedure Act.

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

9 Any licensee or applicant who feels aggrieved by an order of the
10 (~~director~~) livestock identification board may appeal to the superior
11 court of the county in the state of Washington of the residence of the
12 licensee or applicant where the trial on such appeal shall be held de
13 novo.

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

16 If the owner or the person having in charge or possession such
17 animals is unknown to the person sustaining the damage, the person
18 retaining such animals shall, within twenty-four hours, notify the
19 county sheriff or the nearest state brand inspector as to the number,
20 description, and location of the animals. The county sheriff or brand
21 inspector shall examine the animals by brand, tattoo, or other
22 identifying characteristics and attempt to ascertain ownership. If the
23 animal is marked with a brand or tattoo which is registered with the
24 (~~director of agriculture~~) livestock identification board, the brand
25 inspector or county sheriff shall furnish this information and other
26 pertinent information to the person holding the animals who in turn
27 shall send the notice required in RCW 16.04.020 to the animals' owner
28 of record by certified mail.

29 If the county sheriff or the brand inspector determines that there
30 is no apparent damage to the property of the person retaining the
31 animals, or if the person sustaining the damage contacts the county
32 sheriff or brand inspector to have the animals removed from his or her
33 property, such animals shall be removed in accordance with chapter
34 16.24 RCW. Such removal shall not prejudice the property owner's
35 ability to recover damages through civil suit.

1 **Sec. 93.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
2 1996 c 186 s 109 are each reenacted and amended to read as follows:

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

4 (a) The members of the legislature or to any employee of, or
5 position in, the legislative branch of the state government including
6 members, officers, and employees of the legislative council, joint
7 legislative audit and review committee, statute law committee, and any
8 interim committee of the legislature;

9 (b) The justices of the supreme court, judges of the court of
10 appeals, judges of the superior courts or of the inferior courts, or to
11 any employee of, or position in the judicial branch of state
12 government;

13 (c) Officers, academic personnel, and employees of technical
14 colleges;

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

16 (e) Elective officers of the state;

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

18 (g) In the departments of employment security and social and health
19 services, the director and the director's confidential secretary; in
20 all other departments, the executive head of which is an individual
21 appointed by the governor, the director, his or her confidential
22 secretary, and his or her statutory assistant directors;

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

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

27 (ii) If the members of the board, commission, or committee serve on
28 a part-time basis and there is a statutory executive officer: The
29 secretary of the board, commission, or committee; the chief executive
30 officer of the board, commission, or committee; and the confidential
31 secretary of the chief executive officer of the board, commission, or
32 committee;

33 (iii) If the members of the board, commission, or committee serve
34 on a full-time basis: The chief executive officer or administrative
35 officer as designated by the board, commission, or committee; and a
36 confidential secretary to the chair of the board, commission, or
37 committee;

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

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

6 (j) Assistant attorneys general;

7 (k) Commissioned and enlisted personnel in the military service of
8 the state;

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

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

14 (n) Officers and employees of the Washington state fruit
15 commission;

16 (o) Officers and employees of the Washington state apple
17 advertising commission;

18 (p) Officers and employees of the Washington state dairy products
19 commission;

20 (q) Officers and employees of the Washington tree fruit research
21 commission;

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

23 (s) Officers and employees of any commission formed under chapter
24 15.66 RCW;

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

27 (u) Officers and employees of agricultural commissions formed under
28 chapter 15.65 RCW;

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

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

37 (x) In each agency with fifty or more employees: Deputy agency
38 heads, assistant directors or division directors, and not more than

1 three principal policy assistants who report directly to the agency
2 head or deputy agency heads;

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

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

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

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

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

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

19 (a) Members of the governing board of each institution of higher
20 education and related boards, all presidents, vice-presidents, and
21 their confidential secretaries, administrative, and personal
22 assistants; deans, directors, and chairs; academic personnel; and
23 executive heads of major administrative or academic divisions employed
24 by institutions of higher education; principal assistants to executive
25 heads of major administrative or academic divisions; other managerial
26 or professional employees in an institution or related board having
27 substantial responsibility for directing or controlling program
28 operations and accountable for allocation of resources and program
29 results, or for the formulation of institutional policy, or for
30 carrying out personnel administration or labor relations functions,
31 legislative relations, public information, development, senior computer
32 systems and network programming, or internal audits and investigations;
33 and any employee of a community college district whose place of work is
34 one which is physically located outside the state of Washington and who
35 is employed pursuant to RCW 28B.50.092 and assigned to an educational
36 program operating outside of the state of Washington;

37 (b) Student, part-time, or temporary employees, and part-time
38 professional consultants, as defined by the Washington personnel

1 resources board, employed by institutions of higher education and
2 related boards;

3 (c) The governing board of each institution, and related boards,
4 may also exempt from this chapter classifications involving research
5 activities, counseling of students, extension or continuing education
6 activities, graphic arts or publications activities requiring
7 prescribed academic preparation or special training as determined by
8 the board: PROVIDED, That no nonacademic employee engaged in office,
9 clerical, maintenance, or food and trade services may be exempted by
10 the board under this provision;

11 (d) Printing craft employees in the department of printing at the
12 University of Washington.

13 (3) In addition to the exemptions specifically provided by this
14 chapter, the Washington personnel resources board may provide for
15 further exemptions pursuant to the following procedures. The governor
16 or other appropriate elected official may submit requests for exemption
17 to the Washington personnel resources board stating the reasons for
18 requesting such exemptions. The Washington personnel resources board
19 shall hold a public hearing, after proper notice, on requests submitted
20 pursuant to this subsection. If the board determines that the position
21 for which exemption is requested is one involving substantial
22 responsibility for the formulation of basic agency or executive policy
23 or one involving directing and controlling program operations of an
24 agency or a major administrative division thereof, the Washington
25 personnel resources board shall grant the request and such
26 determination shall be final as to any decision made before July 1,
27 1993. The total number of additional exemptions permitted under this
28 subsection shall not exceed one percent of the number of employees in
29 the classified service not including employees of institutions of
30 higher education and related boards for those agencies not directly
31 under the authority of any elected public official other than the
32 governor, and shall not exceed a total of twenty-five for all agencies
33 under the authority of elected public officials other than the
34 governor. The Washington personnel resources board shall report to
35 each regular session of the legislature during an odd-numbered year all
36 exemptions granted under subsections (1)(w) and (x) and (2) of this
37 section, together with the reasons for such exemptions.

38 The salary and fringe benefits of all positions presently or
39 hereafter exempted except for the chief executive officer of each

1 agency, full-time members of boards and commissions, administrative
2 assistants and confidential secretaries in the immediate office of an
3 elected state official, and the personnel listed in subsections (1)(j)
4 through (v), (y), (z), and (2) of this section, shall be determined by
5 the Washington personnel resources board. However, beginning with
6 changes proposed for the 1997-99 fiscal biennium, changes to the
7 classification plan affecting exempt salaries must meet the same
8 provisions for classified salary increases resulting from adjustments
9 to the classification plan as outlined in RCW 41.06.152.

10 Any person holding a classified position subject to the provisions
11 of this chapter shall, when and if such position is subsequently
12 exempted from the application of this chapter, be afforded the
13 following rights: If such person previously held permanent status in
14 another classified position, such person shall have a right of
15 reversion to the highest class of position previously held, or to a
16 position of similar nature and salary.

17 Any classified employee having civil service status in a classified
18 position who accepts an appointment in an exempt position shall have
19 the right of reversion to the highest class of position previously
20 held, or to a position of similar nature and salary.

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

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

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

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

30 The agricultural local fund is hereby established in the custody of
31 the state treasurer. The fund shall consist of such money as is
32 directed by law for deposit in the fund, and such other money not
33 subject to appropriation that the department authorizes to be deposited
34 in the fund. Any money deposited in the fund, the use of which has
35 been restricted by law, may only be expended in accordance with those
36 restrictions. Except as provided in section 3 of this act, the

1 department may make disbursements from the fund. The fund is not
2 subject to legislative appropriation.

3 NEW SECTION. **Sec. 96.** (1) On the effective date of this section,
4 all powers, duties, and functions of the department of agriculture
5 under chapters 16.57, 16.58, and 16.65 RCW except those identified as
6 remaining with the department in RCW 16.65.350 and 16.65.360 are
7 transferred to the livestock identification board. The authority to
8 adopt rules regarding those powers, duties, and functions is
9 transferred to the livestock identification board and the
10 administration of those powers, duties, and functions is transferred to
11 the board.

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

16 (b) At any time after June 30, 2004, and at the conclusion of a
17 contract under which the department of agriculture conducts by contract
18 activities for the livestock identification board, the board may
19 request the transfer and the department shall, upon such a request,
20 transfer to the custody of the board all reports, documents, surveys,
21 books, records, files, papers, or written material in the possession of
22 the department of agriculture pertaining to the functions performed by
23 contract by the department for the board and all cabinets, furniture,
24 office equipment, motor vehicles, and other tangible property employed
25 by the department to perform such duties on behalf of the board.

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

32 (3) All rules of the department of agriculture adopted under
33 chapter 16.57 RCW in effect on the effective date of this section, all
34 rules adopted by the department under chapter 16.58 RCW in effect on
35 the effective date of this section, and all rules adopted by the
36 department under chapter 16.65 RCW, except for those adopted under the
37 authorities retained by the department under RCW 16.65.350 and
38 16.65.360, in effect on the effective date of this section are, on the

1 effective date of this section, rules of the livestock identification
2 board. All proposed rules and all pending business before the
3 department of agriculture pertaining to the powers, functions, and
4 duties transferred shall be continued and acted upon by the board. All
5 existing contracts and obligations shall remain in full force and shall
6 be performed by the board. All registrations made with the department
7 under chapter 16.57 RCW, all licenses issued by the department under
8 chapter 16.58 RCW, and all licenses issued by the department under
9 chapter 16.65 RCW before the effective date of this section shall be
10 considered to be registrations with and licenses issued by the board.

11 (4) The transfer of the powers, duties, and functions of the
12 department of agriculture shall not affect the validity of any act
13 performed before the effective date of this section. The board shall
14 take action to enforce against violations of chapters 16.57, 16.58,
15 and 16.65 RCW and rules adopted thereunder regarding authorities
16 transferred to the board by this act which occurred before the
17 effective date of this section and for which enforcement is not taken
18 by the department before the effective date of this section with the
19 same force and effect as it may take actions to enforce chapters 16.57
20 and 16.58 RCW and rules adopted thereunder after the effective date of
21 this section. Any enforcement action taken by the department of
22 agriculture under chapter 16.57, 16.58, or 16.65 RCW regarding
23 authorities transferred to the board by this act, or the rules adopted
24 thereunder and not concluded before the effective date of this section,
25 shall be continued in the name of the board.

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

28 NEW SECTION. **Sec. 97.** The following acts or parts of acts are
29 each repealed:

30 (1) 1997 c 356 s 3;

31 (2) 1997 c 356 s 5;

32 (3) 1997 c 356 s 9;

33 (4) 1997 c 356 s 11;

34 (5) RCW 16.57.380 and 1991 c 110 s 8, 1981 c 296 s 22, & 1974 ex.s.
35 c 38 s 1; and

36 (6) RCW 16.65.110 and 1959 c 107 s 11.

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

5 Correct the title.

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