

2 SSB 6204 - S AMD - 779  
3 By Senator Morton

4 ADOPTED 2/17/98

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,  
15 partnership, corporation, company, society, and association, and every  
16 officer, agent or employee thereof. This term shall import either the  
17 singular or the plural as the case may be.

18 (~~((4))~~) (3) "Livestock" includes, but is not limited to, horses,  
19 mules, cattle, sheep, swine, goats, poultry and rabbits.

20 (~~((5))~~) (4) "Brand" means a permanent fire brand or any artificial  
21 mark, 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))~~) (5) "Production record brand" means a number brand which  
24 shall be used for production identification purposes only.

25 (~~((7))~~) (6) "~~((Brand))~~ Livestock inspection" means the examination  
26 of 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))~~) (7) "Individual identification symbol" means a permanent  
31 mark placed on (~~(a horse)~~) livestock for the purpose of individually  
32 identifying and registering the (~~(horse)~~) livestock and which has been  
33 approved for use as such by the (~~(director)~~) board.

34 (~~((9))~~) (8) "Registering agency" means any person issuing an  
35 individual identification symbol for the purpose of individually  
36 identifying and registering (~~(a horse)~~) livestock.

1       (~~(10)~~) (9) "Poultry" means chickens, turkeys, ratites, and other  
2 domesticated fowl.

3       (~~(11)~~) (10) "Ratite" means, but is not limited to, ostrich, emu,  
4 rhea, or other flightless bird used for human consumption, whether live  
5 or slaughtered.

6       (~~(12)~~) (11) "Ratite farming" means breeding, raising, and rearing  
7 of an ostrich, emu, or rhea in captivity or an enclosure.

8       (~~(13)~~) (12) "Microchipping" means the implantation of an  
9 identification microchip or similar electronic identification device to  
10 establish the 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       (13) "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       (14) "Certificate of permit" means a form prescribed by and  
24 obtained from the board that is completed by the owner or a person  
25 authorized to act on behalf of the owner to show the ownership of  
26 livestock. It does not evidence inspection of livestock.

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

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

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

36       (1) (~~The director shall establish a livestock identification~~  
37 ~~advisory board. The board shall be composed of six members appointed~~  
38 ~~by the director. One member shall represent each of the following~~

1 groups:— Beef producers, public livestock market operators, horse  
2 owners, dairy farmers, cattle feeders, and meat processors. In making  
3 appointments, the director shall solicit nominations from organizations  
4 representing these groups state wide.

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

17 (3) The members of the advisory board serve three year terms.  
18 However, the director shall by rule provide shorter initial terms for  
19 some of the members of the board to stagger the expiration of the  
20 initial terms. The members serve without compensation. The director  
21 may authorize the expenses of a member to be reimbursed if the member  
22 is selected to attend a regional or national conference or meeting  
23 regarding livestock identification. Any such reimbursement shall be in  
24 accordance with RCW 43.03.050 and 43.03.060.)) There is established a  
25 Washington state livestock identification board. The board is composed  
26 of five members appointed by the governor and includes one beef  
27 producer, one cattle feeder, one dairy producer, one livestock market  
28 owner, and one horse producer. Organizations representing these groups  
29 may submit nominations for these appointments to the governor for the  
30 governor's consideration. Three members of the initial board shall be  
31 appointed for two years and two members shall be appointed for three  
32 years, thereafter members shall be appointed for a three-year term.  
33 Members may succeed themselves.

34 (2) The board shall be responsible for the administration of the  
35 livestock identification program which includes the review and  
36 registration of brands, approval of all expenditures from the livestock  
37 identification account, administration of the inspection and  
38 enforcement activities including the employment of personnel, fee

1 setting, and holding hearings and adopting rules for the administration  
2 of the livestock identification program.

3 (3) The board may contract with the department for registration and  
4 for livestock inspection or investigation work and fix the compensation  
5 and terms of the contract. The board may also enter into agreements  
6 with Washington state licensed and accredited veterinarians, or other  
7 persons, who have been certified by the board, to perform livestock  
8 inspection. The board may adopt rules necessary to implement livestock  
9 inspection performed on a contract basis and may adopt fees to cover  
10 the cost associated with such certification.

11 (4) The board may contract with county sheriffs to provide for  
12 additional livestock identification investigators.

13 (5) The board shall provide for a centralized location that is  
14 equally accessible from all parts of the state.

15 (6) The board may receive gifts, grants, endowments, or free or  
16 low-cost office space from public or private sources that are made from  
17 time to time, in trust or otherwise, for the use and benefit of the  
18 purposes of chapter . . . , Laws of 1998 (this act), and spend gifts,  
19 grants, endowments, income, or free or low-cost office space from the  
20 public or private sources according to their terms, unless the receipt  
21 of the gifts, grants, endowments, or free or low-cost office space  
22 violates RCW 42.17.710.

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

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

30 It is the duty of the state patrol to check for a valid inspection  
31 certificate or other appropriate proof of ownership for all nonresident  
32 livestock at established ports of entry between this state and any  
33 other state or country.

34 The sheriff of each county of this state shall make the  
35 investigation and enforcement of livestock theft a high priority and  
36 investigate all complaints of these crimes as soon as practicable.

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

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

13        **Sec. 5.**    RCW 16.57.020 and 1994 c 46 s 7 are each amended to read  
14 as follows:

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

25        The director of agriculture may be designated by the board as the  
26 registrar of livestock brands. The registration fee shall be deposited  
27 by the director in the Washington state livestock identification  
28 account and shall be used solely for livestock identification program  
29 purposes as provided in this chapter and only as authorized by the  
30 board.

31        **Sec. 6.**    RCW 16.57.030 and 1959 c 54 s 3 are each amended to read  
32 as follows:

33        The ~~((director))~~ board shall not ~~((record))~~ register tattoo brands  
34 or marks for any purpose subsequent to the enactment of this chapter.  
35 However, all tattoo brands and marks of record on the date of the  
36 enactment of this chapter shall be recognized as legal ownership brands  
37 or marks.

1       **Sec. 7.** RCW 16.57.040 and 1974 ex.s. c 64 s 1 are each amended to  
2 read as follows:

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

8       **Sec. 8.** RCW 16.57.070 and 1959 c 54 s 7 are each amended to read  
9 as follows:

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

13       **Sec. 9.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read  
14 as follows:

15       ~~((The director shall establish by rule a schedule for the renewal  
16 of registered brands.))~~ The initial issuance of a registered brand  
17 shall be accompanied by a notice indicating the term of the brand  
18 registration. The board may register a brand for less than five years  
19 in order to stagger the number of renewals in any one year to provide  
20 for an orderly and manageable workload. The fee for a brand  
21 registration issued for a term of less than five years shall be  
22 prorated accordingly. The fee for renewal of ((the)) a registered  
23 brand((s shall be no less than twenty-five dollars for each two-year  
24 period of brand ownership, except that the director may, in adopting a  
25 renewal schedule, provide for the collection of renewal fees on a  
26 prorated basis and may by rule increase the registration and renewal  
27 fee for brands by no more than fifty percent subsequent to a hearing  
28 under chapter 34.05 RCW and in conformance with RCW 16.57.015)) is  
29 seventy dollars. At least sixty days before the expiration of a  
30 registered brand, the ((director)) board shall notify by letter the  
31 owner of record of the brand that on the payment of the requisite  
32 application fee and application of renewal the ((director)) board shall  
33 issue the proof of payment allowing the brand owner exclusive ownership  
34 and use of the brand for the subsequent registration period. The  
35 failure of the registered owner to pay the renewal fee by the date  
36 required by rule shall cause such owner's brand to revert to the  
37 ((department)) board. The ((director)) board may for a period of one

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

9 NEW SECTION. **Sec. 10.** A one-time brand registration fee of  
10 seventy dollars is due from all owners of registered brands not due for  
11 renewal in 1998.

12 **Sec. 11.** RCW 16.57.090 and 1994 c 46 s 17 are each amended to read  
13 as follows:

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

28 **Sec. 12.** RCW 16.57.100 and 1971 ex.s. c 135 s 3 are each amended  
29 to read as follows:

30 The right to use a brand shall be evidenced by the original  
31 certificate issued by the (~~director~~) board showing that the brand is  
32 of present (~~record~~) registration or a certified copy of the  
33 (~~record~~) registration of such brand showing that it is of present  
34 (~~record~~) registration. A healed registered brand (~~of record~~) on  
35 livestock shall be prima facie evidence that the recorded owner of such  
36 brand has legal title to such livestock and is entitled to its

1 possession: PROVIDED, That the ((director)) board may require  
2 additional proof of ownership of any animal showing more than one  
3 healed brand.

4 **Sec. 13.** RCW 16.57.105 and 1967 c 240 s 38 are each amended to  
5 read as follows:

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

10 **Sec. 14.** RCW 16.57.110 and 1959 c 54 s 11 are each amended to read  
11 as follows:

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

16 **Sec. 15.** RCW 16.57.120 and 1991 c 110 s 2 are each amended to read  
17 as follows:

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

23 **Sec. 16.** RCW 16.57.130 and 1959 c 54 s 13 are each amended to read  
24 as follows:

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

29 **Sec. 17.** RCW 16.57.140 and 1994 c 46 s 18 are each amended to read  
30 as follows:

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



1 subsequent to a hearing under chapter 34.05 RCW and in conformance with  
2 RCW 16.57.015.

3 **Sec. 18.** RCW 16.57.150 and 1974 ex.s. c 64 s 5 are each amended to  
4 read as follows:

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

16 **Sec. 19.** RCW 16.57.160 and 1991 c 110 s 3 are each amended to read  
17 as follows:

18 (1) Except as provided in subsection (2) of this section, the  
19 ~~((director))~~ board may by rule adopted subsequent to a public hearing  
20 designate any point for mandatory ~~((brand))~~ livestock inspection of  
21 cattle or the furnishing of proof that cattle passing or being  
22 transported through such points have been ~~((brand))~~ livestock inspected  
23 and are lawfully being moved. Further, the ~~((director))~~ board may stop  
24 vehicles carrying cattle to determine if such cattle are identified,  
25 branded, or accompanied by the form prescribed by the ~~((director))~~  
26 board under ~~((RCW 16.57.240))~~ section 28 of this act or a brand  
27 certificate issued by the ~~((department))~~ board.

28 (2) Inspection shall not be required for any individual private  
29 sale of any unbranded dairy breed milk production cattle involving  
30 fifteen head or less.

31 **Sec. 20.** RCW 16.57.165 and 1971 ex.s. c 135 s 6 are each amended  
32 to read as follows:

33 The ~~((director))~~ board may, in order to reduce the cost of  
34 ~~((brand))~~ livestock inspection to livestock owners, enter into  
35 agreements with any qualified county, municipal, or other local law  
36 enforcement agency, or qualified individuals for the purpose of

1 performing ((brand)) livestock inspection in areas where ((department  
2 brand)) livestock inspection by the department may not readily be  
3 available.

4 **Sec. 21.** RCW 16.57.170 and 1959 c 54 s 17 are each amended to read  
5 as follows:

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

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

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

22 **Sec. 23.** RCW 16.57.200 and 1959 c 54 s 20 are each amended to read  
23 as follows:

24 Any owner or ((his)) an agent shall make the brand or brands on  
25 livestock being ((brand)) inspected readily visible and shall cooperate  
26 with the ((director)) board to carry out such ((brand)) livestock  
27 inspection in a safe and expeditious manner.

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

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

1       **Sec. 25.** RCW 16.57.220 and 1997 c 356 s 2 are each amended to read  
2 as follows:

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

32       **Sec. 26.** RCW 16.57.230 and 1995 c 374 s 50 are each amended to  
33 read as follows:

34       No person shall collect or make a charge for ~~((brand))~~ livestock  
35 inspection of livestock unless there has been an actual ~~((brand))~~  
36 livestock inspection of such livestock by the board.

1       **Sec. 27.** RCW 16.57.240 and 1995 c 374 s 51 are each amended to  
2 read as follows:

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

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

20       ~~(2) ((When such cattle are being moved or transported for temporary~~  
21 ~~grazing or feeding purposes and have the registered brand of the person~~  
22 ~~having or transporting such cattle.))~~ The board may issue certificate  
23 of permit forms to any person on payment of a fee established by rule.

24       (3) Inspection certificates, self-inspection certificates, or other  
25 satisfactory proof of ownership shall be kept by either the owner, or  
26 the person in possession of any cattle or horses, or both, and shall be  
27 furnished to the board or any peace officer upon demand.

28       **NEW SECTION. Sec. 28.** A new section is added to chapter 16.57 RCW  
29 to read as follows:

30       Cattle may not be moved or transported within this state without  
31 being accompanied by a certificate of permit, inspection certificate,  
32 or self-inspection certificate except:

33       (1) When the cattle are moved or transported upon lands under the  
34 exclusive control of the person moving or transporting the cattle; or

35       (2) When the cattle are being moved or transported for temporary  
36 grazing or feeding purposes and have the recorded brand of the person  
37 having or transporting the cattle.

1 Certificates of permit, inspection certificates, or self-inspection  
2 certificates accompanying cattle being moved or transported within this  
3 state shall be subject to inspection at any time by the board or any  
4 peace officer.

5 **Sec. 29.** RCW 16.57.260 and 1981 c 296 s 19 are each amended to  
6 read as follows:

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

12 **Sec. 30.** RCW 16.57.270 and 1959 c 54 s 27 are each amended to read  
13 as follows:

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

18 **Sec. 31.** RCW 16.57.275 and 1967 c 240 s 37 are each amended to  
19 read as follows:

20 Any cattle carcass, or primal part thereof, of any breed or age  
21 being transported in this state from other than a state or federal  
22 licensed and inspected slaughterhouse or common carrier hauling for  
23 such slaughterhouse, shall be accompanied by a certificate of permit  
24 signed by the owner of such carcass or primal part thereof and, if such  
25 carcass or primal part is delivered to a facility custom handling such  
26 carcasses or primal part thereof, such certificate of permit shall be  
27 deposited with the owner or manager of such custom handling facility  
28 and such certificate of permit shall be retained for a period of one  
29 year and be made available to the (~~(department)~~) livestock  
30 identification board for inspection during reasonable business hours.  
31 The owner of such carcass or primal part thereof shall mail a copy of  
32 the (~~(said)~~) certificate of permit to the (~~(department)~~) board within  
33 ten days of (~~(said)~~) transportation.

34 **Sec. 32.** RCW 16.57.280 and 1995 c 374 s 52 are each amended to  
35 read as follows:

1 No person shall knowingly have unlawful possession of any livestock  
2 marked with a ~~((recorded))~~ registered brand or tattoo of another person  
3 unless:

4 (1) Such livestock lawfully bears the person's own healed  
5 ~~((recorded))~~ registered brand; or

6 (2) Such livestock is accompanied by a certificate of permit from  
7 the owner of the ~~((recorded))~~ registered brand or tattoo; or

8 (3) Such livestock is accompanied by a ~~((brand))~~ livestock  
9 inspection certificate; or

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

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

13 A violation of this section constitutes a gross misdemeanor  
14 punishable to the same extent as a gross misdemeanor that is punishable  
15 under RCW 9A.20.021.

16 **Sec. 33.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to  
17 read as follows:

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

35 **Sec. 34.** RCW 16.57.300 and 1989 c 286 s 24 are each amended to  
36 read as follows:

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

13       **Sec. 35.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read  
14 as follows:

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

20       **Sec. 36.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read  
21 as follows:

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

32       **Sec. 37.** RCW 16.57.330 and 1959 c 54 s 33 are each amended to read  
33 as follows:

34       If, after the expiration of one year from the date of sale, no  
35 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. 38.** 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. 39.** 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. 40.** 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. 41.** 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. 42.** RCW 16.57.380 and 1991 c 110 s 8 are each amended to read  
5 as follows:

6 The ~~((director))~~ board may by rule adopted subsequent to a public  
7 hearing designate any point for mandatory ~~((brand))~~ livestock  
8 inspection of horses or the furnishing of proof that horses passing or  
9 being transported through such points have been ~~((brand))~~ livestock  
10 inspected and are lawfully being moved. Further, the ~~((director))~~  
11 board may stop vehicles carrying horses to determine if such horses are  
12 identified or branded.

13 **Sec. 43.** RCW 16.57.400 and 1994 c 46 s 20 are each amended to read  
14 as follows:

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

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

31 **Sec. 44.** RCW 16.57.407 and 1996 c 105 s 3 are each amended to read  
32 as follows:

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

1       **Sec. 45.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to  
2 read as follows:

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

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

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

25       (4) The ~~((director))~~ board shall adopt such rules as are necessary  
26 for the effective administration of this section pursuant to chapter  
27 34.05 RCW.

28       **Sec. 46.** RCW 16.57.420 and 1993 c 105 s 3 are each amended to read  
29 as follows:

30       The ~~((department))~~ livestock identification board may, in  
31 consultation with representatives of the ratite industry, develop by  
32 rule a system that provides for the identification of individual  
33 ratites through the use of microchipping. The ~~((department))~~ board may  
34 establish fees for the issuance or reissuance of microchipping numbers  
35 sufficient to cover the expenses of the ~~((department))~~ board.

36       **Sec. 47.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended  
37 to read as follows:

1 For the purpose of this chapter:

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

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

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

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

14 ~~(4))~~ (3) "Licensee" means any persons licensed under the  
15 provisions of this chapter.

16 ~~((5))~~ (4) "Person" means a natural person, individual, firm,  
17 partnership, corporation, company, society, and association, and every  
18 officer, agent or employee thereof. This term shall import either the  
19 singular or the plural as the case may be.

20 **Sec. 48.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended  
21 to read as follows:

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

29 **Sec. 49.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended  
30 to read as follows:

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

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

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

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

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

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

10 **Sec. 50.** RCW 16.58.050 and 1997 c 356 s 4 are each amended to read  
11 as follows:

12 The application for an annual license to engage in the business of  
13 operating one or more certified feed lots shall be accompanied by a  
14 license fee of (~~seven hundred fifty~~) two hundred dollars. Upon  
15 approval of the application by the (~~director~~) livestock  
16 identification board and compliance with the provisions of this chapter  
17 and rules adopted hereunder, the applicant shall be issued a license or  
18 a renewal thereof. The board shall conduct an inspection of all cattle  
19 and their corresponding ownership documents before the board issues an  
20 original license.

21 **Sec. 51.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to  
22 read as follows:

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

34 **Sec. 52.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to  
35 read as follows:

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

8       **Sec. 53.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended  
9 to read as follows:

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

17       **Sec. 54.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to  
18 read as follows:

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

30       **Sec. 55.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read  
31 as follows:

32       The ~~((director shall each year))~~ livestock identification board may  
33 conduct audits of the cattle received, fed, handled, and shipped by the  
34 licensee at each certified feed lot. Such audits shall be for the  
35 purpose of determining if such cattle correlate with the ~~((brand))~~  
36 livestock inspection certificates issued in their behalf and that the

1 certificate of assurance furnished the ((director)) board by the  
2 licensee correlates with his or her assurance that ((brand)) livestock  
3 inspected cattle were not commingled with uninspected cattle.

4 **Sec. 56.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to  
5 read as follows:

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

15 **Sec. 57.** RCW 16.58.120 and 1991 c 109 s 13 are each amended to  
16 read as follows:

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

20 **Sec. 58.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read  
21 as follows:

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

25 **Sec. 59.** RCW 16.58.150 and 1971 ex.s. c 181 s 15 are each amended  
26 to read as follows:

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

32 **Sec. 60.** RCW 16.58.160 and 1991 c 109 s 15 are each amended to  
33 read as follows:

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

6       **Sec. 61.** RCW 16.65.010 and 1983 c 298 s 1 are each amended to read  
7 as follows:

8       For the purposes of this chapter:

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

18       (2) "Department" means the department of agriculture of the state  
19 of Washington.

20       (3) "Director" means the director of the department or his duly  
21 authorized representative.

22       (4) "Licensee" means any person licensed under the provisions of  
23 this chapter.

24       (5) "Livestock" includes horses, mules, burros, cattle, sheep,  
25 swine, and goats.

26       (6) "Livestock identification board" or "board" means the board  
27 created in RCW 16.57.015.

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

32       (~~(+7)~~) (8) "Stockyard" means any place, establishment, or facility  
33 commonly known as a stockyard consisting of pens or other enclosures  
34 and their appurtenances in which livestock services such as feeding,  
35 watering, weighing, sorting, receiving and shipping are offered to the  
36 public: PROVIDED, That stockyard shall not include any facilities  
37 where livestock is offered for sale at public auction, feed lots, or  
38 quarantined registered feed lots.

1        ~~((8))~~ (9) "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))~~ (10) "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))~~ (11) "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. 62.** RCW 16.65.050 and 1959 c 107 s 5 are each amended to read  
13 as follows:

14        All fees provided for under this chapter shall be ~~((retained))~~  
15 deposited by the director in an account in the agricultural local fund  
16 for the purpose of enforcing this chapter, except that fees collected  
17 under RCW 16.65.090 and 16.65.100 shall be deposited in the livestock  
18 identification account created under section 4 of this act.

19        **Sec. 63.** RCW 16.65.090 and 1997 c 356 s 10 are each amended to  
20 read as follows:

21        The ~~((director))~~ livestock identification board shall provide for  
22 ~~((brand))~~ livestock inspection. When such ~~((brand))~~ livestock  
23 inspection is required the licensee shall collect from the consignor  
24 and pay to the ~~((department, as provided by law,))~~ board a fee for  
25 ~~((brand))~~ livestock inspection ~~((for each animal consigned to the~~  
26 ~~public livestock market or special open consignment horse sale.~~  
27 ~~However, if in any one sale day the total fees collected for brand~~  
28 ~~inspection do not exceed ninety dollars, then such licensee shall pay~~  
29 ~~ninety dollars for such brand inspection or as much thereof as the~~  
30 ~~director may prescribe))~~ as provided in RCW 16.57.220.

31        **Sec. 64.** RCW 16.65.100 and 1983 c 298 s 9 are each amended to read  
32 as follows:

33        The licensee of each public livestock market or special open  
34 consignment horse sale shall collect from any purchaser of livestock  
35 requesting ~~((brand))~~ livestock inspection a fee as provided by law for  
36 each animal inspected. Such fee shall be in addition to the fee



1 charged to the consignor for (~~brand~~) livestock inspection and shall  
2 not apply to the minimum fee chargeable to the licensee.

3 **Sec. 65.** RCW 16.65.110 and 1959 c 107 s 11 are each amended to  
4 read as follows:

5 The director of agriculture shall cause a charge to be made for any  
6 examining, testing, treating, or inoculation required by this chapter  
7 and rules (~~and regulations~~) adopted hereunder. Such charge shall be  
8 paid by the licensee to the department of agriculture and such charge  
9 shall include the cost of the required drugs and a fee no larger than  
10 two dollars nor less than fifty cents for administration of such drugs  
11 to each animal and such fee shall be set at the discretion of the  
12 director. However, if the total fees payable to the department for  
13 such examining, testing, treating or inoculation do not exceed the  
14 actual cost to the department for such examining, testing, treating, or  
15 inoculation, or ten dollars (whichever is greater), the director shall  
16 require the licensee to pay the actual cost of such examining, testing,  
17 treating, or inoculation, or ten dollars (whichever is greater), to the  
18 department.

19 **Sec. 66.** RCW 16.04.025 and 1989 c 286 s 21 are each amended to  
20 read as follows:

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

34 If the county sheriff or the brand inspector determines that there  
35 is no apparent damage to the property of the person retaining the  
36 animals, or if the person sustaining the damage contacts the county  
37 sheriff or brand inspector to have the animals removed from his or her

1 property, such animals shall be removed in accordance with chapter  
2 16.24 RCW. Such removal shall not prejudice the property owner's  
3 ability to recover damages through civil suit.

4 **Sec. 67.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and  
5 1996 c 186 s 109 are each reenacted and amended to read as follows:

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

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

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

16 (c) Officers, academic personnel, and employees of technical  
17 colleges;

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

19 (e) Elective officers of the state;

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

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

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

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

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

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

1 confidential secretary to the chair of the board, commission, or  
2 committee;

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

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

8 (j) Assistant attorneys general;

9 (k) Commissioned and enlisted personnel in the military service of  
10 the state;

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

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

16 (n) Officers and employees of the Washington state fruit  
17 commission;

18 (o) Officers and employees of the Washington state apple  
19 advertising commission;

20 (p) Officers and employees of the Washington state dairy products  
21 commission;

22 (q) Officers and employees of the Washington tree fruit research  
23 commission;

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

25 (s) Officers and employees of any commission formed under chapter  
26 15.66 RCW;

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

29 (u) Officers and employees of agricultural commissions formed under  
30 chapter 15.65 RCW;

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

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

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

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

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

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

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

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

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

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

1 (b) Student, part-time, or temporary employees, and part-time  
2 professional consultants, as defined by the Washington personnel  
3 resources board, employed by institutions of higher education and  
4 related boards;

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

13 (d) Printing craft employees in the department of printing at the  
14 University of Washington.

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

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

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

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

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

26 NEW SECTION. **Sec. 68.** (1) On the effective date of this section,  
27 all powers, duties, and functions of the department of agriculture  
28 under chapters 16.57, 16.58, and 16.65 RCW except those identified as  
29 remaining with the department in RCW 16.65.110, 16.65.350, and  
30 16.65.360 are transferred to the livestock identification board. The  
31 authority to adopt rules regarding those powers, duties, and functions  
32 is transferred to the livestock identification board and the  
33 administration of those powers, duties, and functions is transferred to  
34 the board.

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

1 (b) Whenever any question arises as to the transfer of any funds,  
2 books, documents, records, papers, files, equipment, or other tangible  
3 property used or held in the exercise of the powers and the performance  
4 of the duties and functions transferred, the director of financial  
5 management shall make a determination as to the proper allocation and  
6 certify the same to the state agencies concerned.

7 (3) All rules of the department of agriculture adopted under  
8 chapter 16.57 RCW in effect on the effective date of this section, all  
9 rules adopted by the department under chapter 16.58 RCW in effect on  
10 the effective date of this section, and all rules adopted by the  
11 department under chapter 16.65 RCW, except for those adopted under the  
12 authorities retained by the department under RCW 16.65.110, 16.65.350,  
13 and 16.65.360, in effect on the effective date of this section are, on  
14 the effective date of this section, rules of the livestock  
15 identification board. All proposed rules and all pending business  
16 before the department of agriculture pertaining to the powers,  
17 functions, and duties transferred shall be continued and acted upon by  
18 the board. All existing contracts and obligations shall remain in full  
19 force and shall be performed by the board. All registrations made with  
20 the department under chapter 16.57 RCW, all licenses issued by the  
21 department under chapter 16.58 RCW, and all licenses issued by the  
22 department under chapter 16.65 RCW before the effective date of this  
23 section shall be considered to be registrations with and licenses  
24 issued by the board.

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

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

3 NEW SECTION. **Sec. 69.** A new section is added to chapter 16.49 RCW  
4 to read as follows:

5 There shall be a fee of one dollar per head imposed on all cattle  
6 or horses slaughtered by a custom slaughtering establishment, custom  
7 farm slaughterer, or custom meat facility licensed under this chapter.  
8 The fee shall be collected by the slaughterer and provided to the  
9 livestock identification board for deposit into the livestock  
10 identification account created under section 4 of this act.

11 NEW SECTION. **Sec. 70.** A new section is added to chapter 16.65 RCW  
12 to read as follows:

13 There shall be a fee of one dollar per head collected by the  
14 licensee from the seller of any cattle or horses sold to a nonresident  
15 buyer or a buyer taking such livestock out of state for slaughter  
16 within thirty days. The fee shall be provided to the livestock  
17 identification board for deposit into the livestock identification  
18 account created under section 4 of this act.

19 NEW SECTION. **Sec. 71.** A new section is added to chapter 16.49 RCW  
20 to read as follows:

21 There shall be a fee of one dollar per head imposed on all cattle  
22 or horses slaughtered at a slaughter plant where the United States  
23 department of agriculture maintains meat inspection. The fee shall be  
24 remitted by the slaughterer to the livestock identification board for  
25 deposit into the livestock identification account created under section  
26 4 of this act.

27 NEW SECTION. **Sec. 72.** The following acts or parts of acts are  
28 each repealed:

29 (1) 1997 c 356 s 3;

30 (2) 1997 c 356 s 5;

31 (3) 1997 c 356 s 9;

32 (4) 1997 c 356 s 11; and

33 (5) RCW 16.58.130 and 1997 c 356 s 7, 1997 c 356 s 6, 1994 c 46 s  
34 24, 1994 c 46 s 15, 1993 c 354 s 4, 1991 c 109 s 14, 1979 c 81 s 4, &  
35 1971 ex.s. c 181 s 13.



