
SUBSTITUTE HOUSE BILL 2089

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Honeyford)

Read first time 03/05/97.

1 AN ACT Relating to identification of livestock; amending RCW
2 16.57.010, 16.57.015, 16.57.020, 16.57.030, 16.57.040, 16.57.070,
3 16.57.080, 16.57.090, 16.57.100, 16.57.105, 16.57.110, 16.57.120,
4 16.57.130, 16.57.140, 16.57.150, 16.57.160, 16.57.165, 16.57.170,
5 16.57.180, 16.57.200, 16.57.210, 16.57.220, 16.57.230, 16.57.240,
6 16.57.260, 16.57.270, 16.57.290, 16.57.300, 16.57.310, 16.57.320,
7 16.57.330, 16.57.340, 16.57.350, 16.57.360, 16.57.370, 16.57.380,
8 16.57.400, 16.57.410, 16.58.020, 16.58.030, 16.58.040, 16.58.050,
9 16.58.060, 16.58.070, 16.58.080, 16.58.095, 16.58.100, 16.58.110,
10 16.58.120, 16.58.140, 16.58.160, 16.65.090, and 39.29.040; reenacting
11 and amending RCW 41.06.070; adding new sections to chapter 16.57 RCW;
12 creating a new section; repealing RCW 16.58.130; providing an effective
13 date; and declaring an emergency.

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

15 **Sec. 1.** RCW 16.57.010 and 1996 c 105 s 1 are each amended to read
16 as follows:

17 For the purpose of this chapter:

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

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

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

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

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

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

14 (7) "Brand inspection" means the examination of livestock or
15 livestock hides for brands or any means of identifying livestock or
16 livestock hides and/or the application of any artificial identification
17 such as back tags or ear clips necessary to preserve the identity of
18 the livestock or livestock hides examined.

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

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

26 (10) "Poultry" means chickens, turkeys, ratites, and other
27 domesticated fowl.

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

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

33 (13) "Microchipping" means the implantation of an identification
34 microchip or similar electronic identification device to establish the
35 identity of an individual animal:

36 (a) In the pipping muscle of a chick ratite or the implantation of
37 a microchip in the tail muscle of an otherwise unidentified adult
38 ratite;

1 (b) In the nuchal ligament of a horse unless otherwise specified by
2 rule of the ((director)) board; and

3 (c) In locations of other livestock species as specified by rule of
4 the ((director)) board when requested by an association of producers of
5 that species of livestock.

6 (14) "Livestock identification board" or "board" means the body of
7 five members appointed by the governor that includes one beef producer,
8 one cattle feeder, one dairy producer, one livestock market owner, and
9 one horse producer.

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

12 ~~(1) ((The director shall establish a livestock identification~~
13 ~~advisory board. The board shall be composed of six members appointed~~
14 ~~by the director. One member shall represent each of the following~~
15 ~~groups: Beef producers, public livestock market operators, horse~~
16 ~~owners, dairy farmers, cattle feeders, and meat processors. In making~~
17 ~~appointments, the director shall solicit nominations from organizations~~
18 ~~representing these groups state wide.~~

19 ~~(2) The purpose of the board is to provide advice to the director~~
20 ~~regarding livestock identification programs administered under this~~
21 ~~chapter and regarding brand inspection fees and related licensing fees.~~
22 ~~The director shall consult the board before adopting, amending, or~~
23 ~~repealing a rule under this chapter or altering a fee under RCW~~
24 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director~~
25 ~~publishes in the state register a proposed rule to be adopted under the~~
26 ~~authority of this chapter or a proposed rule setting a fee under RCW~~
27 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not~~
28 ~~received the approval of the advisory board, the director shall file~~
29 ~~with the board a written statement setting forth the director's reasons~~
30 ~~for proposing the rule without the board's approval.~~

31 ~~(3) The members of the advisory board serve three year terms.~~
32 ~~However, the director shall by rule provide shorter initial terms for~~
33 ~~some of the members of the board to stagger the expiration of the~~
34 ~~initial terms. The members serve without compensation. The director~~
35 ~~may authorize the expenses of a member to be reimbursed if the member~~
36 ~~is selected to attend a regional or national conference or meeting~~
37 ~~regarding livestock identification. Any such reimbursement shall be in~~
38 ~~accordance with RCW 43.03.050 and 43.03.060.)) There is established a~~

1 Washington state livestock identification board. The board is composed
2 of five members appointed by the governor and includes one beef
3 producer, one cattle feeder, one dairy producer, one livestock market
4 owner, and one horse producer. The governor shall appoint members to
5 the board from nominees by organizations representing these groups
6 state-wide. Three members of the initial board shall be appointed for
7 two years and two members shall be appointed for three years,
8 thereafter members shall be appointed for a three-year term. Members
9 may succeed themselves.

10 (2) The board shall administer the livestock identification program
11 which includes the review of recording and registration of brands,
12 approval of all expenditures from the livestock identification account,
13 administration of the inspection and enforcement activities including
14 the employment of personnel, fee setting, and holding hearings and
15 adopting rules for the administration of the livestock identification
16 program.

17 (3) The board may contract with another agency or a private or
18 nonprofit corporation or company for registration and recording or for
19 livestock inspection or investigation work and fix the compensation and
20 terms of the contract.

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

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

28 There is established a Washington state livestock identification
29 account in the custody of the state treasurer into which all moneys
30 collected or received from registration, recording, inspection, or
31 enforcement under this chapter, chapter 16.58 RCW, and RCW 16.65.090
32 shall be deposited. These moneys shall be used solely for the
33 Washington state livestock identification program. Only the board may
34 authorize expenditures from this account. The account is subject to
35 allotment procedures under chapter 43.88 RCW, but an appropriation is
36 not required for expenditures.

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

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

12 The director of agriculture may be designated by the board as the
13 recorder of livestock brands. The recording fee shall be deposited by
14 the director in the Washington state livestock identification account
15 and shall be used solely for livestock identification program purposes
16 as provided in this chapter and only as authorized by the board.

17 NEW SECTION. **Sec. 5.** A new section is added to chapter 16.57 RCW
18 to read as follows:

19 The board may designate another agency or private or nonprofit
20 corporation or company to register and record brands or do livestock
21 inspection or investigation work within the state of Washington. A
22 designated entity shall comply with this chapter and the rules adopted
23 by the board.

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

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

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

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

1 **Sec. 8.** 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. 9.** RCW 16.57.080 and 1994 c 46 s 16 are each amended to read
7 as follows:

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

33 **Sec. 10.** RCW 16.57.090 and 1994 c 46 s 17 are each amended to read
34 as follows:

35 A brand is the personal property of the owner of record. Any
36 instrument affecting the title of such brand shall be acknowledged in
37 the presence of the recorded owner and a notary public. The

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

12 **Sec. 11.** RCW 16.57.100 and 1971 ex.s. c 135 s 3 are each amended
13 to read as follows:

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

23 **Sec. 12.** RCW 16.57.105 and 1967 c 240 s 38 are each amended to
24 read as follows:

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

28 **Sec. 13.** RCW 16.57.110 and 1959 c 54 s 11 are each amended to read
29 as follows:

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

34 **Sec. 14.** RCW 16.57.120 and 1991 c 110 s 2 are each amended to read
35 as follows:

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

6 **Sec. 15.** RCW 16.57.130 and 1959 c 54 s 13 are each amended to read
7 as follows:

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

12 **Sec. 16.** RCW 16.57.140 and 1994 c 46 s 18 are each amended to read
13 as follows:

14 The owner of a brand of record may procure from the ((director))
15 board a certified copy of the record of the owner's brand upon payment
16 of a fee not to exceed seven dollars and fifty cents to be prescribed
17 by the ((director)) board by rule subsequent to a hearing under chapter
18 34.05 RCW and in conformance with RCW 16.57.015.

19 **Sec. 17.** RCW 16.57.150 and 1974 ex.s. c 64 s 5 are each amended to
20 read as follows:

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

30 **Sec. 18.** RCW 16.57.160 and 1991 c 110 s 3 are each amended to read
31 as follows:

32 The ((director)) board may by rule adopted subsequent to a public
33 hearing designate any point for mandatory brand inspection of cattle or
34 the furnishing of proof that cattle passing or being transported
35 through such points have been brand inspected and are lawfully being

1 moved. Further, the ((~~director~~)) board may stop vehicles carrying
2 cattle to determine if such cattle are identified, branded, or
3 accompanied by the form prescribed by the ((~~director~~)) board under RCW
4 16.57.240 or a brand certificate issued by the department.

5 **Sec. 19.** RCW 16.57.165 and 1971 ex.s. c 135 s 6 are each amended
6 to read as follows:

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

12 **Sec. 20.** RCW 16.57.170 and 1959 c 54 s 17 are each amended to read
13 as follows:

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

22 **Sec. 21.** RCW 16.57.180 and 1959 c 54 s 18 are each amended to read
23 as follows:

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

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

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

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

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

9 **Sec. 24.** RCW 16.57.220 and 1995 c 374 s 49 are each amended to
10 read as follows:

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

1 **Sec. 25.** RCW 16.57.230 and 1995 c 374 s 50 are each amended to
2 read as follows:

3 No person shall collect or make a charge for brand inspection of
4 livestock unless there has been an actual brand inspection of such
5 livestock by the board.

6 **Sec. 26.** RCW 16.57.240 and 1995 c 374 s 51 are each amended to
7 read as follows:

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

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

24 (2) When such cattle are being moved or transported for temporary
25 grazing or feeding purposes and have the registered brand of the person
26 having or transporting such cattle.

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

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

34 **Sec. 28.** RCW 16.57.270 and 1959 c 54 s 27 are each amended to read
35 as follows:

1 It shall be unlawful for any person moving or transporting
2 livestock in this state to refuse to assist the ((director)) board or
3 any peace officer in establishing the identity of such livestock being
4 moved or transported.

5 **Sec. 29.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to
6 read as follows:

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

21 **Sec. 30.** RCW 16.57.300 and 1989 c 286 s 24 are each amended to
22 read as follows:

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

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

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

6 **Sec. 32.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read
7 as follows:

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

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

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

23 **Sec. 34.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
24 as follows:

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

1 **Sec. 35.** RCW 16.57.350 and 1994 c 46 s 8 are each amended to read
2 as follows:

3 The ~~((director))~~ board may adopt such rules as are necessary to
4 carry out the purposes of this chapter. It shall be the duty of the
5 ~~((director))~~ board to enforce and carry out the provisions of this
6 chapter and/or rules adopted hereunder. No person shall interfere with
7 the ~~((director))~~ board when ~~((he or she))~~ the board is performing or
8 carrying out duties imposed on ~~((him or her))~~ it by this chapter and/or
9 rules adopted hereunder.

10 **Sec. 36.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read
11 as follows:

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

15 The violation of any provision of this chapter and/or rules and
16 regulations adopted hereunder shall constitute a class I civil
17 infraction as provided under chapter 7.80 RCW unless otherwise
18 specified herein.

19 **Sec. 37.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read
20 as follows:

21 All fees collected under the provisions of this chapter shall be
22 retained and deposited by the ~~((director))~~ board to be used only for
23 the enforcement of this chapter.

24 **Sec. 38.** RCW 16.57.380 and 1991 c 110 s 8 are each amended to read
25 as follows:

26 The ~~((director))~~ board may by rule adopted subsequent to a public
27 hearing designate any point for mandatory brand inspection of horses or
28 the furnishing of proof that horses passing or being transported
29 through such points have been brand inspected and are lawfully being
30 moved. Further, the ~~((director))~~ board may stop vehicles carrying
31 horses to determine if such horses are identified or branded.

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

34 The ~~((director))~~ board may provide by rules ~~((and regulations))~~
35 adopted pursuant to chapter 34.05 RCW for the issuance of individual

1 horse and cattle identification certificates or other means of horse
2 and cattle identification deemed appropriate. Such certificates or
3 other means of identification shall be valid only for the use of the
4 horse and cattle owner in whose name it is issued.

5 Horses and cattle identified pursuant to the provisions of this
6 section and the rules (~~(and regulations)~~) adopted hereunder shall not
7 be subject to brand inspection except when sold at points provided for
8 in RCW 16.57.380. The (~~director~~) board shall charge a fee for the
9 certificates or other means of identification authorized pursuant to
10 this section and no identification shall be issued until the
11 (~~director~~) board has received the fee. The schedule of fees shall be
12 established in accordance with the provisions of chapter 34.05 RCW.

13 **Sec. 40.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to
14 read as follows:

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

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

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

35 (4) The (~~director~~) board shall adopt such rules as are necessary
36 for the effective administration of this section pursuant to chapter
37 34.05 RCW.

1 **Sec. 41.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended
2 to read as follows:

3 For the purpose of this chapter:

4 (1) "Board" means the livestock identification board defined under
5 RCW 16.57.010.

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

12 ~~((+2))~~ (3) "Department" means the department of agriculture of the
13 state of Washington.

14 ~~((+3))~~ (4) "Director" means the director of the department or
15 ~~((his))~~ a duly authorized representative.

16 ~~((+4))~~ (5) "Licensee" means any persons licensed under the
17 provisions of this chapter.

18 ~~((+5))~~ (6) "Person" means a natural person, individual, firm,
19 partnership, corporation, company, society, and association, and every
20 officer, agent or employee thereof. This term shall import either the
21 singular or the plural as the case may be.

22 **Sec. 42.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended
23 to read as follows:

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

31 **Sec. 43.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended
32 to read as follows:

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

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

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

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

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

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

12 **Sec. 44.** RCW 16.58.050 and 1994 c 46 s 23 are each amended to read
13 as follows:

14 The application for an annual license to engage in the business of
15 operating one or more certified feed lots shall be accompanied by a
16 license fee of (~~six hundred~~) two thousand dollars. (~~Upon approval~~
17 ~~of the application by the director and compliance with the provisions~~
18 ~~of this chapter and rules adopted hereunder, the applicant shall be~~
19 ~~issued a license or a renewal thereof.~~)

20 **Sec. 45.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to
21 read as follows:

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

33 **Sec. 46.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to
34 read as follows:

35 The (~~director~~) board is authorized to deny, suspend, or revoke a
36 license in accord with the provisions of chapter 34.05 RCW if (~~he~~)

1 the board finds that there has been a failure to comply with any
2 requirement of this chapter or rules (~~(and regulations)~~) adopted
3 hereunder. Hearings for the revocation, suspension, or denial of a
4 license shall be subject to the provisions of chapter 34.05 RCW
5 concerning adjudicative proceedings.

6 **Sec. 47.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended
7 to read as follows:

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

14 **Sec. 48.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to
15 read as follows:

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

26 **Sec. 49.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read
27 as follows:

28 The (~~(director)~~) board shall each year conduct audits of the cattle
29 received, fed, handled, and shipped by the licensee at each certified
30 feed lot. Such audits shall be for the purpose of determining if such
31 cattle correlate with the brand inspection certificates issued in their
32 behalf and that the certificate of assurance furnished the (~~(director)~~)
33 board by the licensee correlates with (~~(his)~~) the board's assurance
34 that brand inspected cattle were not commingled with uninspected
35 cattle.

1 **Sec. 50.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to
2 read as follows:

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

11 **Sec. 51.** RCW 16.58.120 and 1991 c 109 s 13 are each amended to
12 read as follows:

13 The licensee shall maintain sufficient records as required by the
14 ((~~director~~)) board at each certified feed lot, if ((~~said~~)) the licensee
15 operates more than one certified feed lot.

16 **Sec. 52.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read
17 as follows:

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

21 **Sec. 53.** RCW 16.58.160 and 1991 c 109 s 15 are each amended to
22 read as follows:

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

28 **Sec. 54.** RCW 16.65.090 and 1994 c 46 s 22 are each amended to read
29 as follows:

30 The ((~~director~~)) livestock identification board shall provide for
31 brand inspection. When such brand inspection is required the licensee
32 shall collect from the consignor and pay to the ((~~department~~)) board
33 for deposit in the livestock identification account created by section
34 3 of this act, as provided by law, a fee for brand inspection for each
35 animal consigned to the public livestock market or special open

1 consignment horse sale: PROVIDED, That if in any one sale day the
2 total fees collected for brand inspection do not exceed seventy-two
3 dollars, then such licensee shall pay seventy-two dollars for such
4 brand inspection or as much thereof as the director may prescribe. As
5 used in this section, "livestock identification board" and "board"
6 means the board created by RCW 16.57.015.

7 **Sec. 55.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
8 1996 c 186 s 109 are each reenacted and amended to read as follows:

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

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

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

19 (c) Officers, academic personnel, and employees of technical
20 colleges;

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

22 (e) Elective officers of the state;

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

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

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

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

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

1 (iii) If the members of the board, commission, or committee serve
2 on a full-time basis: The chief executive officer or administrative
3 officer as designated by the board, commission, or committee; and a
4 confidential secretary to the chair of the board, commission, or
5 committee;

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

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

11 (j) Assistant attorneys general;

12 (k) Commissioned and enlisted personnel in the military service of
13 the state;

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

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

19 (n) Officers and employees of the Washington state fruit
20 commission;

21 (o) Officers and employees of the Washington state apple
22 advertising commission;

23 (p) Officers and employees of the Washington state dairy products
24 commission;

25 (q) Officers and employees of the Washington tree fruit research
26 commission;

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

28 (s) Officers and employees of any commission formed under chapter
29 15.66 RCW;

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

32 (u) Officers and employees of agricultural commissions formed under
33 chapter 15.65 RCW;

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

36 (w) Executive assistants for personnel administration and labor
37 relations in all state agencies employing such executive assistants
38 including but not limited to all departments, offices, commissions,
39 committees, boards, or other bodies subject to the provisions of this

1 chapter and this subsection shall prevail over any provision of law
2 inconsistent herewith unless specific exception is made in such law;

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

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

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

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

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

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

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

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

1 is employed pursuant to RCW 28B.50.092 and assigned to an educational
2 program operating outside of the state of Washington;

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

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

15 (d) Printing craft employees in the department of printing at the
16 University of Washington.

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

1 exemptions granted under subsections (1)(w) and (x) and (2) of this
2 section, together with the reasons for such exemptions.

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

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

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

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

28 NEW SECTION. **Sec. 56.** (1) On the effective date of this section,
29 all powers, duties, and functions of the department of agriculture
30 under chapters 16.57 and 16.58 RCW are transferred to the livestock
31 identification board. The authority to adopt rules regarding those
32 powers, duties, and functions is transferred to the livestock
33 identification board and the administration of those powers, duties,
34 and functions is transferred to the board.

35 (2)(a) All reports, documents, surveys, books, records, files,
36 papers, or written material in the possession of the department of
37 agriculture pertaining to the powers, functions, and duties transferred
38 shall be delivered to the custody of the board. All cabinets,

1 furniture, office equipment, motor vehicles, and other tangible
2 property employed by the department of agriculture in carrying out the
3 powers, functions, and duties transferred shall be made available to
4 the board. All funds, credits, or other assets, including but not
5 limited to those in the agricultural local fund, held by the department
6 of agriculture in connection with the powers, functions, and duties
7 transferred shall be assigned to the board.

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

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

27 (4) The transfer of the powers, duties, and functions of the
28 department of agriculture shall not affect the validity of any act
29 performed before the effective date of this section. The board shall
30 take action to enforce against violations of chapters 16.57 and 16.58
31 RCW and rules adopted thereunder which occurred before the effective
32 date of this section and for which enforcement is not taken by the
33 department before the effective date of this section with the same
34 force and effect as it may take actions to enforce chapters 16.57 and
35 16.58 RCW and rules adopted thereunder after the effective date of this
36 section. Any enforcement action taken by the department of agriculture
37 under chapter 16.57 or 16.58 RCW, or the rules adopted thereunder and
38 not concluded before the effective date of this section, shall be
39 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 **Sec. 57.** RCW 39.29.040 and 1996 c 2 s 19 are each amended to read
4 as follows:

5 This chapter does not apply to:

6 (1) Contracts specifying a fee of less than two thousand five
7 hundred dollars if the total of the contracts from that agency with the
8 contractor within a fiscal year does not exceed two thousand five
9 hundred dollars;

10 (2) Contracts awarded to companies that furnish a service where the
11 tariff is established by the utilities and transportation commission or
12 other public entity;

13 (3) Intergovernmental agreements awarded to any governmental
14 entity, whether federal, state, or local and any department, division,
15 or subdivision thereof;

16 (4) Contracts awarded for services to be performed for a standard
17 fee, when the standard fee is established by the contracting agency or
18 any other governmental entity and a like contract is available to all
19 qualified applicants;

20 (5) Contracts for services that are necessary to the conduct of
21 collaborative research if prior approval is granted by the funding
22 source;

23 (6) Contracts for client services;

24 (7) Contracts for architectural and engineering services as defined
25 in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;

26 (8) Contracts for the employment of expert witnesses for the
27 purposes of litigation; (~~and~~)

28 (9) Contracts for bank supervision authorized under RCW 30.38.040;
29 and

30 (10) Contracts for livestock identification authorized under RCW
31 16.57.015.

32 NEW SECTION. **Sec. 58.** RCW 16.58.130 and 1994 c 46 s 24, 1994 c 46
33 s 15, 1993 c 354 s 4, 1991 c 109 s 14, 1979 c 81 s 4, & 1971 ex.s. c
34 181 s 13 are each repealed.

35 NEW SECTION. **Sec. 59.** This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 1997.

--- END ---