

---

HOUSE BILL 2089

---

State of Washington

55th Legislature

1997 Regular Session

By Representatives Chandler and Honeyford

Read first time 02/19/97. Referred to Committee on Agriculture & Ecology.

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 16.57.340, 16.57.350, 16.57.370, 16.57.380, 16.57.400, 16.57.410,  
8 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070,  
9 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.120, 16.58.140, and  
10 16.58.160; adding new sections to chapter 16.57 RCW; repealing RCW  
11 16.58.130; providing an effective date; and declaring an emergency.

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

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

15 For the purpose of this chapter:

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

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

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

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

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

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

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

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

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

24 (10) "Poultry" means chickens, turkeys, ratites, and other  
25 domesticated fowl.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 The ~~((director))~~ board shall be the recorder of livestock brands  
37 and such brands shall not be recorded elsewhere in this state. Any

1 person desiring to register a livestock brand shall apply on a form  
2 prescribed by the ((director)) board. Such application shall be  
3 accompanied by a facsimile of the brand applied for and a thirty-five  
4 dollar recording fee. The ((director)) board shall, upon ((his—  
5 her)) their satisfaction that the application and brand facsimile meet  
6 the requirements of this chapter and/or rules adopted hereunder, record  
7 such brand.

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

13 NEW SECTION. Sec. 5. A new section is added to chapter 16.57 RCW  
14 to read as follows:

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

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

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

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

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

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

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

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

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

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

33       A brand is the personal property of the owner of record. Any  
34 instrument affecting the title of such brand shall be acknowledged in  
35 the presence of the recorded owner and a notary public. The  
36 ((~~director~~)) board shall record such instrument upon presentation and  
37 payment of a recording fee not to exceed fifteen dollars to be

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

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

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

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

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

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

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

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

34 No person shall remove or alter a brand of record on livestock  
35 without first having secured the written permission of the ((~~director~~))

1 board. Violation of this section shall be a gross misdemeanor  
2 punishable to the same extent as a gross misdemeanor that is punishable  
3 under RCW 9A.20.021.

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

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

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

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

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

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

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

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



1 accompanied by the form prescribed by the ((director)) board under RCW  
2 16.57.240 or a brand certificate issued by the department.

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

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

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

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

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

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

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

30 Any owner or ((his)) an agent shall make the brand or brands on  
31 livestock being brand inspected readily visible and shall cooperate  
32 with the ((director)) board to carry out such brand inspection in a  
33 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 cents  
27 per head for cattle and not more than two dollars and forty cents per  
28 head for horses as prescribed by the ((~~director~~)) board subsequent to  
29 a hearing under chapter 34.05 RCW and in conformance with RCW  
30 16.57.015. Fees for brand inspection of cattle and horses at points  
31 other than those designated by the ((~~director~~)) board or not in accord  
32 with the schedules established by the ((~~director~~)) board shall be based  
33 on a fee schedule not to exceed actual net cost to the department of  
34 performing the brand inspection service. For the purpose of this  
35 section, actual costs shall mean fifteen dollars per hour and the  
36 current mileage rate set by the office 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 16.57.340 and 1959 c 54 s 34 are each amended to read  
18 as follows:

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

30       **Sec. 34.** RCW 16.57.350 and 1994 c 46 s 8 are each amended to read  
31 as follows:

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

1 carrying out duties imposed on (~~him or her~~) it by this chapter and/or  
2 rules adopted hereunder.

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

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

8 **Sec. 36.** RCW 16.57.380 and 1991 c 110 s 8 are each amended to read  
9 as follows:

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

16 **Sec. 37.** RCW 16.57.400 and 1994 c 46 s 20 are each amended to read  
17 as follows:

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

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

32 **Sec. 38.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to  
33 read as follows:

34 (1) No person may act as a registering agency without a permit  
35 issued by the department. The (~~director~~) board may issue a permit to

1 any person or organization to act as a registering agency for the  
2 purpose of issuing permanent identification symbols for horses in a  
3 manner prescribed by the ~~((director))~~ board. Application for such  
4 permit, or the renewal thereof by January 1 of each year, shall be on  
5 a form prescribed by the ~~((director))~~ board, and accompanied by the  
6 proof of registration to be issued, any other documents required by the  
7 ~~((director))~~ board, and a fee of one hundred dollars.

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

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

19 (4) The ~~((director))~~ board shall adopt such rules as are necessary  
20 for the effective administration of this section pursuant to chapter  
21 34.05 RCW.

22 **Sec. 39.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended  
23 to read as follows:

24 For the purpose of this chapter:

25 (1) "Board" means the livestock identification board defined under  
26 RCW 16.57.010.

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

33 ~~((+2))~~ (3) "Department" means the department of agriculture of the  
34 state of Washington.

35 ~~((+3))~~ (4) "Director" means the director of the department or  
36 ~~((his))~~ a duly authorized representative.

37 ~~((+4))~~ (5) "Licensee" means any persons licensed under the  
38 provisions of this chapter.

1       (~~(5)~~) (6) "Person" means a natural person, individual, firm,  
2 partnership, corporation, company, society, and association, and every  
3 officer, agent or employee thereof. This term shall import either the  
4 singular or the plural as the case may be.

5       **Sec. 40.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended  
6 to read as follows:

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

14       **Sec. 41.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended  
15 to read as follows:

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

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

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

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

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

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

32       **Sec. 42.** RCW 16.58.050 and 1994 c 46 s 23 are each amended to read  
33 as follows:

34       The application for an annual license to engage in the business of  
35 operating one or more certified feed lots shall be accompanied by a  
36 license fee of (~~six hundred~~) two thousand dollars. (~~Upon approval~~



1 of the application by the director and compliance with the provisions  
2 of this chapter and rules adopted hereunder, the applicant shall be  
3 issued a license or a renewal thereof.))

4 **Sec. 43.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to  
5 read as follows:

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

17 **Sec. 44.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to  
18 read as follows:

19 The ((director)) board is authorized to deny, suspend, or revoke a  
20 license in accord with the provisions of chapter 34.05 RCW if ((he))  
21 the board finds that there has been a failure to comply with any  
22 requirement of this chapter or rules ((and regulations)) adopted  
23 hereunder. Hearings for the revocation, suspension, or denial of a  
24 license shall be subject to the provisions of chapter 34.05 RCW  
25 concerning adjudicative proceedings.

26 **Sec. 45.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended  
27 to read as follows:

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

34 **Sec. 46.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to  
35 read as follows:

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

11 **Sec. 47.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read  
12 as follows:

13 The ~~((director))~~ board shall each year conduct audits of the cattle  
14 received, fed, handled, and shipped by the licensee at each certified  
15 feed lot. Such audits shall be for the purpose of determining if such  
16 cattle correlate with the brand inspection certificates issued in their  
17 behalf and that the certificate of assurance furnished the ~~((director))~~  
18 board by the licensee correlates with ~~((his))~~ the board's assurance  
19 that brand inspected cattle were not commingled with uninspected  
20 cattle.

21 **Sec. 48.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to  
22 read as follows:

23 All certified feed lots shall furnish the ~~((director))~~ board with  
24 records as requested ~~((by him))~~ from time to time on all cattle  
25 entering or on feed in ~~((said))~~ certified feed lots and dispersed  
26 therefrom. All such records shall be subject to examination by the  
27 ~~((director))~~ board for the purpose of maintaining the integrity of the  
28 identity of all such cattle. The ~~((director))~~ board may make the  
29 examinations only during regular business hours except in an emergency  
30 to protect the interest of the owners of such cattle.

31 **Sec. 49.** RCW 16.58.120 and 1991 c 109 s 13 are each amended to  
32 read as follows:

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

1       **Sec. 50.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read  
2 as follows:

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

6       **Sec. 51.** RCW 16.58.160 and 1991 c 109 s 15 are each amended to  
7 read as follows:

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

13       NEW SECTION. **Sec. 52.** RCW 16.58.130 and 1994 c 46 s 24, 1994 c 46  
14 s 15, 1993 c 354 s 4, 1991 c 109 s 14, 1979 c 81 s 4, & 1971 ex.s. c  
15 181 s 13 are each repealed.

16       NEW SECTION. **Sec. 53.** This act is necessary for the immediate  
17 preservation of the public peace, health, or safety, or support of the  
18 state government and its existing public institutions, and takes effect  
19 July 1, 1997.

--- END ---