
ENGROSSED SUBSTITUTE HOUSE BILL 2887

State of Washington

55th Legislature

1998 Regular Session

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

Read first time 02/04/98. Referred to Committee on .

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, 16.57.275, 16.57.280, 16.57.290, 16.57.300,
7 16.57.310, 16.57.320, 16.57.330, 16.57.340, 16.57.350, 16.57.360,
8 16.57.370, 16.57.400, 16.57.407, 16.57.410, 16.57.420, 16.58.020,
9 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070, 16.58.080,
10 16.58.095, 16.58.100, 16.58.110, 16.58.120, 16.58.130, 16.58.140,
11 16.58.150, 16.58.160, 16.65.010, 16.65.015, 16.65.020, 16.65.030,
12 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080, 16.65.090,
13 16.65.100, 16.65.140, 16.65.190, 16.65.200, 16.65.220, 16.65.235,
14 16.65.250, 16.65.260, 16.65.270, 16.65.280, 16.65.290, 16.65.300,
15 16.65.310, 16.65.320, 16.65.330, 16.65.340, 16.65.350, 16.65.360,
16 16.65.420, 16.65.422, 16.65.423, 16.65.424, 16.65.445, 16.65.450,
17 16.04.025, and 43.23.230; reenacting and amending RCW 41.06.070; adding
18 a new section to chapter 16.57 RCW; adding a new section to chapter
19 42.17 RCW; creating a new section; repealing RCW 16.57.380 and
20 16.65.110; repealing 1997 c 356 s 3; repealing 1997 c 356 s 5;

1 repealing 1997 c 356 s 9; repealing 1997 c 356 s 11; prescribing
2 penalties; and providing an effective date.

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

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

6 For the purpose of this chapter:

7 (1) "Department" means the department of agriculture of the state
8 of Washington.

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

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

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

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

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

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

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

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

34 (10) "Poultry" means chickens, turkeys, ratites, and other
35 domesticated fowl.

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

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

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

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

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

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

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

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

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

30 (2) ~~The purpose of the board is to provide advice to the director~~
31 ~~regarding livestock identification programs administered under this~~
32 ~~chapter and regarding brand inspection fees and related licensing fees.~~
33 ~~The director shall consult the board before adopting, amending, or~~
34 ~~repealing a rule under this chapter or altering a fee under RCW~~
35 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director~~
36 ~~publishes in the state register a proposed rule to be adopted under the~~
37 ~~authority of this chapter or a proposed rule setting a fee under RCW~~
38 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not~~

1 received the approval of the advisory board, the director shall file
2 with the board a written statement setting forth the director's reasons
3 for proposing the rule without the board's approval.

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

22 (2) The board shall be responsible for the administration of the
23 livestock identification program which includes the review of recording
24 and registration of brands, approval of all expenditures from the
25 livestock identification account, administration of this chapter and
26 chapters 16.58 and 16.65 RCW, administration of the inspection,
27 enforcement, and licensing activities, fee setting, and holding
28 hearings and adopting rules for the administration of the livestock
29 identification program. Authorities and responsibilities other than
30 rule making that are granted to the board by this chapter and chapters
31 16.58 and 16.65 RCW may be delegated by the board to duly authorized
32 representatives of the board.

33 (3) The board shall contract with the department for registration
34 and recording and for livestock inspection or investigation work and
35 fix the compensation and terms of the contract. To facilitate the out-
36 of-state movement of cattle and horses the board shall also enter into
37 agreements with Washington state licensed and accredited veterinarians,
38 who have been certified by the board, to perform livestock inspection
39 when issuing official health certificates. Fees for livestock

1 inspection performed by a certified veterinarian shall be collected by
2 the veterinarian and remitted to the board. Veterinarians providing
3 livestock inspection may charge a fee for livestock inspection that is
4 separate from the fees provided in RCW 16.57.220. The board may adopt
5 rules necessary to implement livestock inspection performed by
6 veterinarians and may adopt fees to cover the cost associated with
7 certification of veterinarians.

8 (4) Members of the board shall receive compensation as provided by
9 RCW 43.03.240 and travel expenses to meetings or in otherwise carrying
10 out the duties of the board as provided under RCW 43.03.050 and
11 43.03.060. The board shall meet at least quarterly in each calendar
12 year. The board shall hire staff as necessary to carry out its duties.

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

15 There is established a Washington state livestock identification
16 account in the agricultural local fund created under RCW 43.23.230 into
17 which all moneys collected or received from registration, recording,
18 inspection, or enforcement under this chapter and moneys collected or
19 received by the board under chapters 16.58 and 16.65 RCW shall be
20 deposited. These moneys shall be used solely for the Washington state
21 livestock identification program. Only the board may authorize
22 expenditures from this account. The account is subject to allotment
23 procedures under chapter 43.88 RCW, but an appropriation is not
24 required for expenditures.

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

27 The ~~((director))~~ board shall be the recorder of livestock brands
28 and such brands shall not be recorded elsewhere in this state. Any
29 person desiring to register a livestock brand shall apply on a form
30 prescribed by the ~~((director))~~ board. Such application shall be
31 accompanied by a facsimile of the brand applied for and a ~~((thirty-~~
32 ~~five))~~ seventy-dollar recording fee. The ~~((director))~~ board shall,
33 upon ~~((his or her))~~ their satisfaction that the application and brand
34 facsimile meet the requirements of this chapter and/or rules adopted
35 hereunder, record such brand.

36 The director of agriculture may be designated by the board as the
37 recorder of livestock brands. The recording fee shall be deposited by

1 the director in the Washington state livestock identification account
2 and shall be used solely for livestock identification program purposes
3 as provided in this chapter and only as authorized by the board.

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

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

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

12 The ~~((director))~~ board may provide for the use of production record
13 brands. Numbers for such brands shall be issued at the discretion of
14 the ~~((director))~~ board and shall be placed on livestock immediately
15 below the registered ownership brand or any other location prescribed
16 by the ~~((director))~~ board.

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

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

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

24 ~~((The director shall establish by rule a schedule for the renewal~~
25 ~~of registered brands.))~~ The fee for the renewal of ~~((the))~~ a
26 brand~~((s))~~ registration shall be ~~((no less than twenty five))~~ seventy
27 dollars for each two-year period of brand ownership, except that the
28 ~~((director))~~ board may~~((, in adopting a renewal schedule,))~~ provide for
29 the collection of renewal fees on a prorated basis ~~((and may by rule~~
30 ~~increase the registration and renewal fee for brands by no more than~~
31 ~~fifty percent subsequent to a hearing under chapter 34.05 RCW and in~~
32 ~~conformance with RCW 16.57.015))~~. At least sixty days before the
33 expiration of a registered brand, the ~~((director))~~ board shall notify
34 by letter the owner of record of the brand that on the payment of the
35 requisite application fee and application of renewal the ~~((director))~~

1 board shall issue the proof of payment allowing the brand owner
2 exclusive ownership and use of the brand for the subsequent
3 registration period. The failure of the registered owner to pay the
4 renewal fee by the date required by rule shall cause such owner's brand
5 to revert to the ~~((department))~~ board. The ~~((director))~~ board may for
6 a period of one year following such reversion, reissue such brand only
7 to the prior registered owner upon payment of the registration fee and
8 a late filing fee ~~((to be prescribed by the director by rule subsequent~~
9 ~~to a hearing under chapter 34.05 RCW and in conformance with RCW~~
10 ~~16.57.015,))~~ of twenty dollars for renewal subsequent to the regular
11 renewal period. The ~~((director))~~ board may at the ~~((director's))~~
12 board's discretion, if such brand is not reissued within one year to
13 the prior registered owner, issue such brand to any other applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (3) Inspection shall not be required for any individual private
33 sale of any unbranded dairy breed milk production cattle involving
34 fifteen head or less.

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

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

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

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

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

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

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

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

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

34 The ((~~director~~)) board shall have authority to arrest any person
35 without warrant anywhere in the state found in the act of, or whom

1 ((he)) the board has reason to believe is guilty of, driving, holding,
2 selling or slaughtering stolen livestock. Any such person arrested by
3 the ((director)) board shall be turned over to the sheriff of the
4 county where the arrest was made, as quickly as possible.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 The proceeds from the sale of cattle and horses as provided for
36 under RCW 16.57.290, after paying the cost thereof, shall be paid to
37 the ~~((director))~~ board, who shall make a record showing the brand or

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

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

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

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

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

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

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

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

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

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

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

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

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

26 The violation of any provision of this chapter and/or rules and
27 regulations adopted hereunder shall constitute a class I civil
28 infraction as provided under chapter 7.80 RCW unless otherwise
29 specified herein.

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

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

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

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

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

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

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

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

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

34 (2) Each registering agency shall maintain a permanent record for
35 each individual identification symbol. The record shall include, but
36 need not be limited to, the name, address, and phone number of the
37 horse owner and a general description of the horse. A copy of each

1 permanent record shall be forwarded to the ~~((director))~~ board, if
2 requested by the ~~((director))~~ board.

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

8 (4) The ~~((director))~~ board shall adopt such rules as are necessary
9 for the effective administration of this section pursuant to chapter
10 34.05 RCW.

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

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

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

21 For the purpose of this chapter:

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

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

30 ~~((2)) "Department" means the department of agriculture of the state
31 of Washington.~~

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

34 ~~((4))~~ (3) "Licensee" means any persons licensed under the
35 provisions of this chapter.

36 ~~((5))~~ (4) "Person" means a natural person, individual, firm,
37 partnership, corporation, company, society, and association, and every

1 officer, agent or employee thereof. This term shall import either the
2 singular or the plural as the case may be.

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

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

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

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

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

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

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

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

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

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

32 The application for an annual license to engage in the business of
33 operating one or more certified feed lots shall be accompanied by a
34 license fee of seven hundred fifty dollars. Upon approval of the
35 application by the ~~((director))~~ livestock identification board and
36 compliance with the provisions of this chapter and rules adopted

1 hereunder, the applicant shall be issued a license or a renewal
2 thereof. The board shall conduct an inspection of all cattle and their
3 corresponding ownership documents prior to issuing an original license.
4 The inspection fee shall be the higher of the current inspection fee
5 per head of cattle or time and mileage as set forth in RCW 16.57.220.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 No ((brand)) livestock inspection shall be required when cattle are
22 moved or transferred from one certified feed lot to another or the
23 transfer of cattle from a certified feed lot to a point within this
24 state, or out of state where this state maintains ((brand)) livestock
25 inspection, for the purpose of immediate slaughter.

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

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

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

1 For the purposes of this chapter:

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

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

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

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

17 ~~((+5))~~ (3) "Livestock" includes horses, mules, burros, cattle,
18 sheep, swine, and goats.

19 ~~((+6))~~ (4) "Livestock identification board" or "board" means the
20 board created in RCW 16.57.015.

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

25 ~~((+7))~~ (6) "Stockyard" means any place, establishment, or facility
26 commonly known as a stockyard consisting of pens or other enclosures
27 and their appurtenances in which livestock services such as feeding,
28 watering, weighing, sorting, receiving and shipping are offered to the
29 public: PROVIDED, That stockyard shall not include any facilities
30 where livestock is offered for sale at public auction, feed lots, or
31 quarantined registered feed lots.

32 ~~((+8))~~ (7) "Packer" means any person engaged in the business of
33 slaughtering, manufacturing, preparing meat or meat products for sale,
34 marketing meat, meat food products or livestock products.

35 ~~((+9))~~ (8) "Deputy state veterinarian" means a graduate
36 veterinarian authorized to practice in the state of Washington and
37 appointed or deputized by the director of agriculture as his or her
38 duly authorized representative.

1 (~~(10)~~) (9) "Special open consignment horse sale" means a sale
2 conducted by a person other than the operator of a public livestock
3 market which is limited to the consignment of horses and donkeys only
4 for sale on an occasional and seasonal basis.

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

7 This chapter does not apply to:

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

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

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

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

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

33 (1) (~~(On and after June 10, 1959,)~~) No person shall operate a
34 public livestock market without first having obtained a license from
35 the (~~(director)~~) livestock identification board. Application for

1 ((such)) a license shall be in writing on forms prescribed by the
2 ((director)) board, and shall include the following:

3 (a) A nonrefundable original license application fee of fifteen
4 hundred dollars.

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

7 (c) A complete description and blueprints or plans of the public
8 livestock market physical plant, yards, pens, and all facilities the
9 applicant proposes to use in the operation of such public livestock
10 market.

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

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

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

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

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

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

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

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

6 ~~(a) Benefits to the livestock industry to be derived from the~~
7 ~~establishment and operation of the public livestock market proposed in~~
8 ~~the application; and~~

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

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

20 (a) Benefits to the livestock industry to be derived from the
21 establishment and operation of the public livestock market proposed in
22 the application;

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

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

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

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

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

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

33 (a) Execute and deliver to the director a surety bond as required
34 under RCW 16.65.200;

35 (b) Provide evidence of a custodial account, as required under RCW
36 16.65.140, for the consignor's proceeds;

37 (c) Pay the appropriate license fee; and

38 (d) Provide other information required under this chapter and rules
39 adopted under this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

4 (a) A detailed statement showing all of the assets and liabilities
5 of the applicant;

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

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

10 (d) Projected quantity and approximate value of horses to be
11 handled; and

12 (e) Such other information as the ~~((director))~~ board may reasonably
13 require.

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

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

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

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

29 (1) The ~~((director))~~ livestock identification board is authorized
30 to deny, suspend, or revoke a license in the manner prescribed herein,
31 when there are findings by the ~~((director))~~ board that any licensee (a)
32 has been guilty of fraud or misrepresentation as to titles, charges,
33 numbers, brands, weights, proceeds of sale, or ownership of livestock;
34 (b) has attempted payment to a consignor by a check the licensee knows
35 not to be backed by sufficient funds to cover such check; (c) has
36 violated any of the provisions of this chapter or rules ~~((and~~
37 ~~regulations))~~ adopted hereunder; (d) has violated any laws of the state

1 that require health or (~~brand~~) livestock inspection of livestock; (e)
2 has violated any condition of the bond, as provided in this chapter.
3 However, the (~~director~~) board may deny a license if the applicant
4 refuses to accept the sales day or days allocated to (~~him~~) it under
5 the provisions of this chapter.

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

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

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

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

32 The (~~director~~) livestock identification board shall provide for
33 (~~brand~~) livestock inspection. When such (~~brand~~) livestock
34 inspection is required the licensee shall collect from the consignor
35 and pay to the (~~department~~) board, as provided by law, a fee for
36 (~~brand~~) livestock inspection for each animal consigned to the public
37 livestock market or special open consignment horse sale. However, if
38 in any one sale day the total fees collected for (~~brand~~) livestock

1 inspection do not exceed ninety dollars, then such licensee shall pay
2 ninety dollars for such ((brand)) livestock inspection or as much
3 thereof as the ((director)) board may prescribe.

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

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

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

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

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

34 No person shall hereafter operate a public livestock market or
35 special open consignment horse sale unless such person has filed a
36 schedule with the application for license to operate such public

1 livestock market or special open consignment horse sale. Such schedule
2 shall show all rates and charges for stockyard services to be furnished
3 by such person at such public livestock market or special open
4 consignment horse sale.

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

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

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

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

31 Before the license is issued to operate a public livestock market
32 or special open consignment horse sale, the applicant shall execute and
33 deliver to the ((~~director~~)) livestock identification board a surety
34 bond in a sum as herein provided for, executed by the applicant as
35 principal and by a surety company qualified and authorized to do
36 business in this state as surety. ((~~Said~~)) The bond shall be a
37 standard form and approved by the ((~~director~~)) board as to terms and
38 conditions. ((~~Said~~)) The bond shall be conditioned that the principal

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

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

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

34 If the application for a license to operate a public livestock
35 market is from a new public livestock market which has not operated in
36 the past twelve-month period, the (~~director~~) livestock identification
37 board shall determine a bond, in a reasonable sum, that the applicant
38 shall execute in favor of the state, which shall not be less than ten

1 thousand dollars nor greater than twenty-five thousand dollars:
2 PROVIDED, That the ((director)) board may at any time, upon written
3 notice, review the licensee's operations and determine whether, because
4 of increased or decreased sales, the amount of the bond should be
5 altered.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 Upon the refusal of the surety company to pay the demand, the
33 (~~director~~) livestock identification board may thereupon bring an
34 action on the bond in behalf of (~~said~~) the vendor and consignor
35 creditors. Upon any action being commenced on (~~said~~) the bond, the
36 (~~director~~) board may require the filing of a new bond. Immediately

1 upon the recovery in any action on such bond such licensee shall file
2 a new bond. Upon failure to file the same within ten days, in either
3 case, such failure shall constitute grounds for the suspension or
4 revocation of his or her license.

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

7 In any settlement or compromise by the ((~~director~~)) livestock
8 identification board with a surety company as provided in RCW
9 16.65.290, where there are two or more consignor and/or vendor
10 creditors that have filed claims, either fixed or contingent, against
11 a licensee's bond, such creditors shall share pro rata in the proceeds
12 of the bond to the extent of their actual damage: PROVIDED, That the
13 claims of the state and the ((~~department~~)) board which may accrue from
14 the conduct of the licensee's public livestock market shall have
15 priority over all other claims.

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

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

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

27 For the purpose of making investigations as provided for in RCW
28 16.65.320, the ((~~director~~)) livestock identification board may enter a
29 public livestock market and examine any records required under the
30 provisions of this chapter. The ((~~director~~)) board shall have full
31 authority to issue subpoenas requiring the attendance of witnesses
32 before ((~~him~~)) it, together with all books, memorandums, papers, and
33 other documents relative to the matters under investigation, and to
34 administer oaths and take testimony thereunder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) provided with separate watering facilities;

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

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

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

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

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

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

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

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

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

26 (d) Buyers available to such market;

27 (e) Any other conditions affecting the orderly marketing of
28 livestock.

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

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

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

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

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

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

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

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

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

33 The ((~~director~~)) livestock identification board shall hold public
34 hearings upon a proposal to promulgate any new or amended
35 ((~~regulations~~)) rules and all hearings for the denial, revocation, or
36 suspension of a license issued under this chapter or in any other

1 adjudicative proceeding, and shall comply in all respects with chapter
2 34.05 RCW, the Administrative Procedure Act.

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

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

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

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

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

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

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

35 (a) The members of the legislature or to any employee of, or
36 position in, the legislative branch of the state government including

1 members, officers, and employees of the legislative council, joint
2 legislative audit and review committee, statute law committee, and any
3 interim committee of the legislature;

4 (b) The justices of the supreme court, judges of the court of
5 appeals, judges of the superior courts or of the inferior courts, or to
6 any employee of, or position in the judicial branch of state
7 government;

8 (c) Officers, academic personnel, and employees of technical
9 colleges;

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

11 (e) Elective officers of the state;

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

13 (g) In the departments of employment security and social and health
14 services, the director and the director's confidential secretary; in
15 all other departments, the executive head of which is an individual
16 appointed by the governor, the director, his or her confidential
17 secretary, and his or her statutory assistant directors;

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

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

22 (ii) If the members of the board, commission, or committee serve on
23 a part-time basis and there is a statutory executive officer: The
24 secretary of the board, commission, or committee; the chief executive
25 officer of the board, commission, or committee; and the confidential
26 secretary of the chief executive officer of the board, commission, or
27 committee;

28 (iii) If the members of the board, commission, or committee serve
29 on a full-time basis: The chief executive officer or administrative
30 officer as designated by the board, commission, or committee; and a
31 confidential secretary to the chair of the board, commission, or
32 committee;

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

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

38 (j) Assistant attorneys general;

1 (k) Commissioned and enlisted personnel in the military service of
2 the state;

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

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

8 (n) Officers and employees of the Washington state fruit
9 commission;

10 (o) Officers and employees of the Washington state apple
11 advertising commission;

12 (p) Officers and employees of the Washington state dairy products
13 commission;

14 (q) Officers and employees of the Washington tree fruit research
15 commission;

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

17 (s) Officers and employees of any commission formed under chapter
18 15.66 RCW;

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

21 (u) Officers and employees of agricultural commissions formed under
22 chapter 15.65 RCW;

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

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

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

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

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

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

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

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

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

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

30 (b) Student, part-time, or temporary employees, and part-time
31 professional consultants, as defined by the Washington personnel
32 resources board, employed by institutions of higher education and
33 related boards;

34 (c) The governing board of each institution, and related boards,
35 may also exempt from this chapter classifications involving research
36 activities, counseling of students, extension or continuing education
37 activities, graphic arts or publications activities requiring
38 prescribed academic preparation or special training as determined by
39 the board: PROVIDED, That no nonacademic employee engaged in office,

1 clerical, maintenance, or food and trade services may be exempted by
2 the board under this provision;

3 (d) Printing craft employees in the department of printing at the
4 University of Washington.

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

30 The salary and fringe benefits of all positions presently or
31 hereafter exempted except for the chief executive officer of each
32 agency, full-time members of boards and commissions, administrative
33 assistants and confidential secretaries in the immediate office of an
34 elected state official, and the personnel listed in subsections (1)(j)
35 through (v), (y), (z), and (2) of this section, shall be determined by
36 the Washington personnel resources board. However, beginning with
37 changes proposed for the 1997-99 fiscal biennium, changes to the
38 classification plan affecting exempt salaries must meet the same

1 provisions for classified salary increases resulting from adjustments
2 to the classification plan as outlined in RCW 41.06.152.

3 Any person holding a classified position subject to the provisions
4 of this chapter shall, when and if such position is subsequently
5 exempted from the application of this chapter, be afforded the
6 following rights: If such person previously held permanent status in
7 another classified position, such person shall have a right of
8 reversion to the highest class of position previously held, or to a
9 position of similar nature and salary.

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

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

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

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

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

23 The agricultural local fund is hereby established in the custody of
24 the state treasurer. The fund shall consist of such money as is
25 directed by law for deposit in the fund, and such other money not
26 subject to appropriation that the department authorizes to be deposited
27 in the fund. Any money deposited in the fund, the use of which has
28 been restricted by law, may only be expended in accordance with those
29 restrictions. Except as provided in section 3 of this act, the
30 department may make disbursements from the fund. The fund is not
31 subject to legislative appropriation.

32 NEW SECTION. **Sec. 96.** (1) On the effective date of this section,
33 all powers, duties, and functions of the department of agriculture
34 under chapters 16.57, 16.58, and 16.65 RCW except those identified as
35 remaining with the department in RCW 16.65.350 and 16.65.360 are
36 transferred to the livestock identification board. The authority to

1 adopt rules regarding those powers, duties, and functions is
2 transferred to the livestock identification board and the
3 administration of those powers, duties, and functions is transferred to
4 the board.

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

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

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

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

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

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

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

12 (1) 1997 c 356 s 3;

13 (2) 1997 c 356 s 5;

14 (3) 1997 c 356 s 9;

15 (4) 1997 c 356 s 11;

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

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

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

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