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**SUBSTITUTE HOUSE BILL 2887**

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**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, 16.57.380, 16.57.400, 16.57.407, 16.57.410, 16.57.420,  
9 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060, 16.58.070,  
10 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.120, 16.58.130,  
11 16.58.140, 16.58.150, 16.58.160, 16.65.010, 16.65.015, 16.65.020,  
12 16.65.030, 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080,  
13 16.65.090, 16.65.100, 16.65.110, 16.65.140, 16.65.190, 16.65.200,  
14 16.65.220, 16.65.235, 16.65.250, 16.65.260, 16.65.270, 16.65.280,  
15 16.65.290, 16.65.300, 16.65.310, 16.65.320, 16.65.330, 16.65.340,  
16 16.65.350, 16.65.360, 16.65.420, 16.65.422, 16.65.423, 16.65.424,  
17 16.65.445, 16.65.450, and 16.04.025; reenacting and amending RCW  
18 41.06.070; adding a new section to chapter 16.57 RCW; creating a new  
19 section; repealing 1997 c 356 s 3; repealing 1997 c 356 s 5; repealing  
20 1997 c 356 s 9; repealing 1997 c 356 s 11; prescribing penalties; and  
21 providing an effective date.

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

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

4 For the purpose of this chapter:

5 (1) "Department" means the department of agriculture of the state  
6 of Washington.

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

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

13 ~~((4))~~ (3) "Livestock" includes, but is not limited to, horses,  
14 mules, cattle, sheep, swine, goats, poultry and rabbits.

15 ~~((5))~~ (4) "Brand" means a permanent fire brand or any artificial  
16 mark, other than an individual identification symbol, approved by the  
17 ~~((director))~~ board to be used in conjunction with a brand or by itself.

18 ~~((6))~~ (5) "Production record brand" means a number brand which  
19 shall be used for production identification purposes only.

20 ~~((7))~~ (6) "~~((Brand))~~ Livestock inspection" means the examination  
21 of livestock or livestock hides for brands or any means of identifying  
22 livestock or livestock hides and/or the application of any artificial  
23 identification such as back tags or ear clips necessary to preserve the  
24 identity of the livestock or livestock hides examined.

25 ~~((8))~~ (7) "Individual identification symbol" means a permanent  
26 mark placed on a horse for the purpose of individually identifying and  
27 registering the horse and which has been approved for use as such by  
28 the ~~((director))~~ board.

29 ~~((9))~~ (8) "Registering agency" means any person issuing an  
30 individual identification symbol for the purpose of individually  
31 identifying and registering a horse.

32 ~~((10))~~ (9) "Poultry" means chickens, turkeys, ratites, and other  
33 domesticated fowl.

34 ~~((11))~~ (10) "Ratite" means, but is not limited to, ostrich, emu,  
35 rhea, or other flightless bird used for human consumption, whether live  
36 or slaughtered.

37 ~~((12))~~ (11) "Ratite farming" means breeding, raising, and rearing  
38 of an ostrich, emu, or rhea in captivity or an enclosure.

1       (~~(13)~~) (12) "Microchipping" means the implantation of an  
2 identification microchip or similar electronic identification device to  
3 establish the identity of an individual animal:

4       (a) In the pipping muscle of a chick ratite or the implantation of  
5 a microchip in the tail muscle of an otherwise unidentified adult  
6 ratite;

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

9       (c) In locations of other livestock species as specified by rule of  
10 the (~~(director)~~) board when requested by an association of producers of  
11 that species of livestock.

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

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

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

25       (2) ~~The purpose of the board is to provide advice to the director~~  
26 ~~regarding livestock identification programs administered under this~~  
27 ~~chapter and regarding brand inspection fees and related licensing fees.~~  
28 ~~The director shall consult the board before adopting, amending, or~~  
29 ~~repealing a rule under this chapter or altering a fee under RCW~~  
30 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director~~  
31 ~~publishes in the state register a proposed rule to be adopted under the~~  
32 ~~authority of this chapter or a proposed rule setting a fee under RCW~~  
33 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not~~  
34 ~~received the approval of the advisory board, the director shall file~~  
35 ~~with the board a written statement setting forth the director's reasons~~  
36 ~~for proposing the rule without the board's approval.~~

37       (3) ~~The members of the advisory board serve three year terms.~~  
38 ~~However, the director shall by rule provide shorter initial terms for~~

1 ~~some of the members of the board to stagger the expiration of the~~  
2 ~~initial terms. The members serve without compensation. The director~~  
3 ~~may authorize the expenses of a member to be reimbursed if the member~~  
4 ~~is selected to attend a regional or national conference or meeting~~  
5 ~~regarding livestock identification. Any such reimbursement shall be in~~  
6 ~~accordance with RCW 43.03.050 and 43.03.060.))~~ There is established a  
7 Washington state livestock identification board. The board is composed  
8 of five members appointed by the governor and includes one beef  
9 producer, one cattle feeder, one dairy producer, one livestock market  
10 owner, and one horse producer. Organizations representing these groups  
11 may submit nominations for these appointments to the governor for the  
12 governor's consideration. Three members of the initial board shall be  
13 appointed for two years and two members shall be appointed for three  
14 years, thereafter members shall be appointed for a three-year term.  
15 Members may succeed themselves.

16 (2) The board shall be responsible for the administration of the  
17 livestock identification program which includes the review of recording  
18 and registration of brands, approval of all expenditures from the  
19 livestock identification account, administration of the inspection and  
20 enforcement activities including the employment of personnel, fee  
21 setting, and holding hearings and adopting rules for the administration  
22 of the livestock identification program.

23 (3) The board shall contract with the department for registration  
24 and recording and for livestock inspection or investigation work and  
25 fix the compensation and terms of the contract. The board may also  
26 enter into agreements with Washington state licensed and accredited  
27 veterinarians, who have been certified by the board, to perform  
28 livestock inspection. Fees for livestock inspection performed by a  
29 certified veterinarian shall be collected by the veterinarian and  
30 remitted to the board. Veterinarians providing livestock inspection  
31 may charge a fee for livestock inspection that is separate from the  
32 fees provided in RCW 16.57.220. The board may adopt rules necessary to  
33 implement livestock inspection performed by veterinarians and may adopt  
34 fees to cover the cost associated with certification of veterinarians.

35 (4) Members of the board shall receive compensation as provided by  
36 RCW 43.03.240 and travel expenses to meetings or in otherwise carrying  
37 out the duties of the board as provided under RCW 43.03.050 and  
38 43.03.060. The board shall meet at least quarterly in each calendar  
39 year. The board shall hire staff as necessary to carry out its duties.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 16.57 RCW  
2 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

13 ~~((The director shall establish by rule a schedule for the renewal  
14 of registered brands.))~~ The fee for the renewal of ~~((the))~~ a  
15 brand~~((s))~~ registration shall be ~~((no less than twenty five))~~ seventy  
16 dollars for each two-year period of brand ownership, except that the  
17 ~~((director))~~ board may~~((, in adopting a renewal schedule,))~~ provide for  
18 the collection of renewal fees on a prorated basis ~~((and may by rule  
19 increase the registration and renewal fee for brands by no more than  
20 fifty percent subsequent to a hearing under chapter 34.05 RCW and in  
21 conformance with RCW 16.57.015))~~. At least sixty days before the  
22 expiration of a registered brand, the ~~((director))~~ board shall notify  
23 by letter the owner of record of the brand that on the payment of the  
24 requisite application fee and application of renewal the ~~((director))~~  
25 board shall issue the proof of payment allowing the brand owner  
26 exclusive ownership and use of the brand for the subsequent  
27 registration period. The failure of the registered owner to pay the  
28 renewal fee by the date required by rule shall cause such owner's brand  
29 to revert to the ~~((department))~~ board. The ~~((director))~~ board may for  
30 a period of one year following such reversion, reissue such brand only  
31 to the prior registered owner upon payment of the registration fee and  
32 a late filing fee ~~((to be prescribed by the director by rule subsequent  
33 to a hearing under chapter 34.05 RCW and in conformance with RCW  
34 16.57.015,))~~ of twenty dollars for renewal subsequent to the regular  
35 renewal period. The ~~((director))~~ board may at the ~~((director's))~~  
36 board's discretion, if such brand is not reissued within one year to  
37 the prior registered owner, issue such brand to any other applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

3       (1) Except as provided in subsection (2) of this section, the  
4 ((director)) board may by rule adopted subsequent to a public hearing  
5 designate any point for mandatory ((brand)) livestock inspection of  
6 cattle or the furnishing of proof that cattle passing or being  
7 transported through such points have been ((brand)) livestock inspected  
8 and are lawfully being moved. Further, the ((director)) board may stop  
9 vehicles carrying cattle to determine if such cattle are identified,  
10 branded, or accompanied by the form prescribed by the ((director))  
11 board under RCW 16.57.240 or a brand certificate issued by the  
12 ((department)) board.

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

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

18       The ((director)) board may, in order to reduce the cost of  
19 ((brand)) livestock inspection to livestock owners, enter into  
20 agreements with any qualified county, municipal, or other local law  
21 enforcement agency, or qualified individuals for the purpose of  
22 performing ((brand)) livestock inspection in areas where ((department  
23 brand)) livestock inspection by the department may not readily be  
24 available.

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

27       The ((director)) board may enter at any reasonable time any  
28 slaughterhouse or public livestock market to make an examination of the  
29 brands on livestock or hides, and may enter at any reasonable time an  
30 establishment where hides are held to examine them for brands. The  
31 ((director)) board may enter any of these premises at any reasonable  
32 time to examine all books and records required by law in matters  
33 relating to ((brand)) livestock inspection or other methods of  
34 livestock identification.

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

1       Should the ((director)) board be denied access to any premises or  
2 establishment where such access was sought for the purposes set forth  
3 in RCW 16.57.170, ((he)) the board may apply to any court of competent  
4 jurisdiction for a search warrant authorizing access to such premises  
5 or establishment for said purposes. The court may upon such  
6 application, issue the search warrant for the purposes requested.

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

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

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

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

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

23       The ((director)) livestock identification board shall cause a  
24 charge to be made for all ((brand)) livestock inspection of cattle and  
25 horses required under this chapter and rules adopted hereunder. Such  
26 charges shall be paid to the ((department)) board by the owner or  
27 person in possession unless requested by the purchaser and then such  
28 ((brand)) livestock inspection shall be paid by the purchaser  
29 requesting such ((brand)) livestock inspection. Except as provided by  
30 rule, such inspection charges shall be due and payable at the time  
31 ((brand)) livestock inspection is performed and shall be paid upon  
32 billing by the ((department)) board and if not shall constitute a prior  
33 lien on the cattle or cattle hides or horses or horse hides ((brand))  
34 livestock inspected until such charge is paid. The ((director)) board  
35 in order to best utilize the services of the ((department)) livestock  
36 inspector in performing ((brand)) livestock inspection may establish

1 schedules by days and hours when a ((brand)) livestock inspector will  
2 be on duty to perform ((brand)) livestock inspection at established  
3 inspection points. The fees for ((brand)) livestock inspection  
4 performed at inspection points according to schedules established by  
5 the ((director)) board shall be seventy-five cents per head for cattle  
6 and not more than three dollars per head for horses as prescribed by  
7 the ((director)) board subsequent to a hearing under chapter 34.05 RCW  
8 and in conformance with RCW 16.57.015. Fees for ((brand)) livestock  
9 inspection of cattle and horses at points other than those designated  
10 by the ((director)) board or not in accord with the schedules  
11 established by the ((director)) board shall be based on a fee schedule  
12 not to exceed actual net cost to the ((department)) board of performing  
13 the ((brand)) livestock inspection service. For the purpose of this  
14 section, actual costs shall mean fifteen dollars per hour and the  
15 current mileage rate set by the office of financial management.

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

18 No person shall collect or make a charge for ((brand)) livestock  
19 inspection of livestock unless there has been an actual ((brand))  
20 livestock inspection of such livestock by the board.

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

23 Any person purchasing, selling, holding for sale, trading,  
24 bartering, transferring title, slaughtering, handling, or transporting  
25 cattle shall keep a record on forms prescribed by the ((director))  
26 board. Such forms shall show the number, specie, brand or other method  
27 of identification of such cattle and any other necessary information  
28 required by the ((director)) board. The original shall be kept for a  
29 period of three years or shall be furnished to the ((director)) board  
30 upon demand or as prescribed by rule, one copy shall accompany the  
31 cattle to their destination and shall be subject to inspection at any  
32 time by the ((director)) board or any peace officer or member of the  
33 state patrol: PROVIDED, That in the following instances only, cattle  
34 may be moved or transported within this state without being accompanied  
35 by an official certificate of permit, ((brand)) livestock inspection  
36 certificate, bill of sale, or self-inspection slip:

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

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

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

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

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

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

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

21 Any cattle carcass, or primal part thereof, of any breed or age  
22 being transported in this state from other than a state or federal  
23 licensed and inspected slaughterhouse or common carrier hauling for  
24 such slaughterhouse, shall be accompanied by a certificate of permit  
25 signed by the owner of such carcass or primal part thereof and, if such  
26 carcass or primal part is delivered to a facility custom handling such  
27 carcasses or primal part thereof, such certificate of permit shall be  
28 deposited with the owner or manager of such custom handling facility  
29 and such certificate of permit shall be retained for a period of one  
30 year and be made available to the ((department)) livestock  
31 identification board for inspection during reasonable business hours.  
32 The owner of such carcass or primal part thereof shall mail a copy of  
33 the ((said)) certificate of permit to the ((department)) board within  
34 ten days of ((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 16.57.380 and 1991 c 110 s 8 are each amended to read  
2 as follows:

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

10       **Sec. 40.** RCW 16.57.400 and 1994 c 46 s 20 are each amended to read  
11 as follows:

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

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

27       **Sec. 41.** RCW 16.57.407 and 1996 c 105 s 3 are each amended to read  
28 as follows:

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

32       **Sec. 42.** RCW 16.57.410 and 1993 c 354 s 11 are each amended to  
33 read as follows:

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



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

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

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

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

21 **Sec. 43.** RCW 16.57.420 and 1993 c 105 s 3 are each amended to read  
22 as follows:

23 The ((~~department~~)) livestock identification board may, in  
24 consultation with representatives of the ratite industry, develop by  
25 rule a system that provides for the identification of individual  
26 ratites through the use of microchipping. The ((~~department~~)) board may  
27 establish fees for the issuance or reissuance of microchipping numbers  
28 sufficient to cover the expenses of the ((~~department~~)) board.

29 **Sec. 44.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended  
30 to read as follows:

31 For the purpose of this chapter:

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

34 (2) "Certified feed lot" means any place, establishment, or  
35 facility commonly known as a commercial feed lot, cattle feed lot, or  
36 the like, which complies with all of the requirements of this chapter,  
37 and any ((~~regulations~~)) rules adopted pursuant to the provisions of

1 this chapter and which holds a valid license from the ((director))  
2 board as hereinafter provided.

3 ((~~(2)~~) "Department" means the department of agriculture of the state  
4 of Washington.

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

7 (~~(4)~~) (3) "Licensee" means any persons licensed under the  
8 provisions of this chapter.

9 ((~~(5)~~) (4)) "Person" means a natural person, individual, firm,  
10 partnership, corporation, company, society, and association, and every  
11 officer, agent or employee thereof. This term shall import either the  
12 singular or the plural as the case may be.

13 **Sec. 45.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended  
14 to read as follows:

15 The ((director)) board may adopt such rules ((and regulations)) as  
16 are necessary to carry out the purpose of this chapter. The adoption  
17 of such rules shall be subject to the provisions of this chapter and  
18 rules ((and regulations)) adopted hereunder. No person shall interfere  
19 with the ((director when he)) board when it is performing or carrying  
20 out any duties imposed ((upon him)) by this chapter or rules ((and  
21 regulations)) adopted hereunder.

22 **Sec. 46.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended  
23 to read as follows:

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

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

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

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

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

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

4 **Sec. 47.** RCW 16.58.050 and 1997 c 356 s 4 are each amended to read  
5 as follows:

6 The application for an annual license to engage in the business of  
7 operating one or more certified feed lots shall be accompanied by a  
8 license fee of seven hundred fifty dollars. Upon approval of the  
9 application by the (~~director~~) livestock identification board and  
10 compliance with the provisions of this chapter and rules adopted  
11 hereunder, the applicant shall be issued a license or a renewal  
12 thereof.

13 **Sec. 48.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to  
14 read as follows:

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

26 **Sec. 49.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to  
27 read as follows:

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

1       **Sec. 50.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended  
2 to read as follows:

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

10       **Sec. 51.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to  
11 read as follows:

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

23       **Sec. 52.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read  
24 as follows:

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

33       **Sec. 53.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to  
34 read as follows:

35       All certified feed lots shall furnish the (~~director~~) livestock  
36 identification board with records as requested by (~~him~~) it from time

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

8 **Sec. 54.** RCW 16.58.120 and 1991 c 109 s 13 are each amended to  
9 read as follows:

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

13 **Sec. 55.** RCW 16.58.130 and 1997 c 356 s 7 are each amended to read  
14 as follows:

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

23 **Sec. 56.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read  
24 as follows:

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

28 **Sec. 57.** RCW 16.58.150 and 1971 ex.s. c 181 s 15 are each amended  
29 to read as follows:

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

1       **Sec. 58.** RCW 16.58.160 and 1991 c 109 s 15 are each amended to  
2 read as follows:

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

8       **Sec. 59.** RCW 16.65.010 and 1983 c 298 s 1 are each amended to read  
9 as follows:

10       For the purposes of this chapter:

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

20       (2) ~~(( "Department" means the department of agriculture of the state  
21 of Washington.~~

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

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

26       ((+5)) (3) "Livestock" includes horses, mules, burros, cattle,  
27 sheep, swine, and goats.

28       ((+6)) (4) "Livestock identification board" or "board" means the  
29 board created in RCW 16.57.015.

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

34       ((+7)) (6) "Stockyard" means any place, establishment, or facility  
35 commonly known as a stockyard consisting of pens or other enclosures  
36 and their appurtenances in which livestock services such as feeding,  
37 watering, weighing, sorting, receiving and shipping are offered to the  
38 public: PROVIDED, That stockyard shall not include any facilities

1 where livestock is offered for sale at public auction, feed lots, or  
2 quarantined registered feed lots.

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

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

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

14 **Sec. 60.** RCW 16.65.015 and 1983 c 298 s 2 are each amended to read  
15 as follows:

16 This chapter does not apply to:

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

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

27 **Sec. 61.** RCW 16.65.020 and 1983 c 298 s 5 are each amended to read  
28 as follows:

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

1 upon ~~((him))~~ it by this chapter or rules ~~((and regulations))~~ adopted  
2 hereunder.

3 **Sec. 62.** RCW 16.65.030 and 1995 c 374 s 54 are each amended to  
4 read as follows:

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

10 (a) A nonrefundable original license application fee of fifteen  
11 hundred dollars.

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

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

18 (d) A detailed statement showing all the assets and liabilities of  
19 the applicant which must reflect a sufficient net worth to construct or  
20 operate a public livestock market.

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

24 (f) The weekly or monthly sales day or days on which the applicant  
25 proposes to operate his or her public livestock market sales.

26 (g) Projected source and quantity of livestock, by county,  
27 anticipated to be handled.

28 (h) Projected income and expense statements for the first year's  
29 operation.

30 (i) Facts upon which are based the conclusion that the trade area  
31 and the livestock industry will benefit because of the proposed market.

32 (j) Such other information as the ~~((director))~~ board may reasonably  
33 require.

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



1 (a) Benefits to the livestock industry to be derived from the  
2 establishment and operation of the public livestock market proposed in  
3 the application; and

4 (b) The present market services elsewhere available to the trade  
5 area proposed to be served.

6 (3) Applications for renewal under RCW 16.65.040 shall include all  
7 information under subsection (1) of this section, except subsection  
8 (1)(a) of this section.

9 **Sec. 63.** RCW 16.65.037 and 1997 c 356 s 8 are each amended to read  
10 as follows:

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

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

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

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

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

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

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

33 **Sec. 64.** RCW 16.65.040 and 1983 c 298 s 6 are each amended to read  
34 as follows:

35 All public livestock market licenses provided for in this chapter  
36 shall expire on March 1st subsequent to the date of issue. Any person  
37 who fails, refuses, or neglects to apply for a renewal of a preexisting

1 license on or before the date of expiration, shall pay a penalty of  
2 twenty-five dollars, which shall be added to the regular license fee,  
3 before such license may be renewed by the ~~((director))~~ livestock  
4 identification board.

5 **Sec. 65.** RCW 16.65.042 and 1983 c 298 s 3 are each amended to read  
6 as follows:

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

10 (a) A detailed statement showing all of the assets and liabilities  
11 of the applicant;

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

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

16 (d) Projected quantity and approximate value of horses to be  
17 handled; and

18 (e) Such other information as the ~~((director))~~ board may reasonably  
19 require.

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

26 **Sec. 66.** RCW 16.65.050 and 1959 c 107 s 5 are each amended to read  
27 as follows:

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

33 **Sec. 67.** RCW 16.65.080 and 1985 c 415 s 9 are each amended to read  
34 as follows:

35 (1) The ~~((director))~~ livestock identification board is authorized  
36 to deny, suspend, or revoke a license in the manner prescribed herein,

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

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

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

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

37 **Sec. 68.** RCW 16.65.090 and 1997 c 356 s 10 are each amended to  
38 read as follows:

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

11       **Sec. 69.** RCW 16.65.100 and 1983 c 298 s 9 are each amended to read  
12 as follows:

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

19       **Sec. 70.** RCW 16.65.110 and 1959 c 107 s 11 are each amended to  
20 read as follows:

21       The director of agriculture shall cause a charge to be made for any  
22 examining, testing, treating, or inoculation required by this chapter  
23 and rules ((and regulations)) adopted hereunder.   Such charge shall be  
24 paid by the licensee to the department of agriculture and such charge  
25 shall include the cost of the required drugs and a fee no larger than  
26 two dollars nor less than fifty cents for administration of such drugs  
27 to each animal and such fee shall be set at the discretion of the  
28 director.   However, if the total fees payable to the department for  
29 such examining, testing, treating or inoculation do not exceed the  
30 actual cost to the department for such examining, testing, treating, or  
31 inoculation, or ten dollars (whichever is greater), the director shall  
32 require the licensee to pay the actual cost of such examining, testing,  
33 treating, or inoculation, or ten dollars (whichever is greater), to the  
34 department.

35       **Sec. 71.** RCW 16.65.140 and 1971 ex.s. c 192 s 4 are each amended  
36 to read as follows:

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

19 **Sec. 72.** RCW 16.65.190 and 1983 c 298 s 12 are each amended to  
20 read as follows:

21 No person shall hereafter operate a public livestock market or  
22 special open consignment horse sale unless such person has filed a  
23 schedule with the application for license to operate such public  
24 livestock market or special open consignment horse sale. Such schedule  
25 shall show all rates and charges for stockyard services to be furnished  
26 by such person at such public livestock market or special open  
27 consignment horse sale.

28 (1) Schedules shall be posted conspicuously at the public livestock  
29 market or special open consignment horse sale, and shall plainly state  
30 all such rates and charges in such detail as the ~~((director))~~ livestock  
31 identification board may require, and shall state any rules ~~((and~~  
32 ~~regulations))~~ which in any manner change, affect, or determine any part  
33 of the aggregate of such rates or charges, or the value of the  
34 stockyard services furnished. The ~~((director))~~ board may determine and  
35 prescribe the form and manner in which such schedule shall be prepared,  
36 arranged and posted.

37 (2) No changes shall be made in rates or charges so filed and  
38 published except after thirty days' notice to the ~~((director))~~ board

1 and to the public filed and posted as aforesaid, which shall plainly  
2 state the changes proposed to be made and the time such changes will go  
3 into effect.

4 (3) No licensee shall charge, demand or collect a greater or a  
5 lesser or a different compensation for such service than the rates and  
6 charges specified in the schedule filed with the (~~director~~) board and  
7 in effect at the time; nor shall a licensee refund or remit in any  
8 manner any portion of the rates or charges so specified (but this shall  
9 not prohibit a cooperative association of producers from properly  
10 returning to its members, on a patronage basis, its excess earnings on  
11 their livestock); nor shall a licensee extend to any person at such  
12 public livestock market or special open consignment horse sale any  
13 stockyard services except such as are specified in such schedule.

14 **Sec. 73.** RCW 16.65.200 and 1983 c 298 s 13 are each amended to  
15 read as follows:

16 Before the license is issued to operate a public livestock market  
17 or special open consignment horse sale, the applicant shall execute and  
18 deliver to the (~~director~~) livestock identification board a surety  
19 bond in a sum as herein provided for, executed by the applicant as  
20 principal and by a surety company qualified and authorized to do  
21 business in this state as surety. (~~Said~~) The bond shall be a  
22 standard form and approved by the (~~director~~) board as to terms and  
23 conditions. (~~Said~~) The bond shall be conditioned that the principal  
24 will not commit any fraudulent act and will comply with the provisions  
25 of this chapter and the rules (~~and/or regulations~~) adopted hereunder.  
26 (~~Said~~) The bond shall be to the state in favor of every consignor  
27 and/or vendor creditor whose livestock was handled or sold through or  
28 at the licensee's public livestock market or special open consignment  
29 horse sale: PROVIDED, That if such applicant is bonded as a market  
30 agency under the provisions of the packers and stockyards act, (7  
31 U.S.C. 181) as amended, on March 20, 1961, in a sum equal to or greater  
32 than the sum required under the provisions of this chapter, and such  
33 applicant furnishes the (~~director~~) board with a bond approved by the  
34 United States secretary of agriculture naming the (~~department~~) board  
35 as trustee, the (~~director~~) board may accept such bond and its method  
36 of termination in lieu of the bond provided for herein and issue a  
37 license if such applicant meets all the other requirements of this  
38 chapter.

1       The total and aggregate liability of the surety for all claims upon  
2 the bond shall be limited to the face of such bond. Every bond filed  
3 with and approved by the ((~~director~~)) board shall, without the  
4 necessity of periodic renewal, remain in force and effect until such  
5 time as the license of the licensee is revoked for cause or otherwise  
6 canceled. The surety on a bond, as provided herein, shall be released  
7 and discharged from all liability to the state accruing on such bond  
8 upon compliance with the provisions of RCW 19.72.110 concerning notice  
9 and proof of service, as enacted or hereafter amended, but this shall  
10 not operate to relieve, release or discharge the surety from any  
11 liability already accrued or which shall accrue (due and to become due  
12 hereunder) before the expiration period provided for in RCW 19.72.110  
13 concerning notice and proof of service as enacted or hereafter amended,  
14 and unless the principal shall before the expiration of such period,  
15 file a new bond, the ((~~director~~)) board shall forthwith cancel the  
16 principal's license.

17       **Sec. 74.** RCW 16.65.220 and 1971 ex.s. c 192 s 7 are each amended  
18 to read as follows:

19       If the application for a license to operate a public livestock  
20 market is from a new public livestock market which has not operated in  
21 the past twelve-month period, the ((~~director~~)) livestock identification  
22 board shall determine a bond, in a reasonable sum, that the applicant  
23 shall execute in favor of the state, which shall not be less than ten  
24 thousand dollars nor greater than twenty-five thousand dollars:  
25 PROVIDED, That the ((~~director~~)) board may at any time, upon written  
26 notice, review the licensee's operations and determine whether, because  
27 of increased or decreased sales, the amount of the bond should be  
28 altered.

29       **Sec. 75.** RCW 16.65.235 and 1973 c 142 s 3 are each amended to read  
30 as follows:

31       In lieu of the surety bond required under the provisions of this  
32 chapter, an applicant or licensee may file with the ((~~director~~))  
33 livestock identification board a deposit consisting of cash or other  
34 security acceptable to the ((~~director~~)) board. The ((~~director~~)) board  
35 may adopt rules ((~~and regulations~~)) necessary for the administration of  
36 such security.

1       **Sec. 76.** RCW 16.65.250 and 1959 c 107 s 25 are each amended to  
2 read as follows:

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

8       **Sec. 77.** RCW 16.65.260 and 1983 c 298 s 14 are each amended to  
9 read as follows:

10       In case of failure by a licensee to pay amounts due a vendor or  
11 consignor creditor whose livestock was handled or sold through or at  
12 the licensee's public livestock market or special open consignment  
13 horse sale, as evidenced by a verified complaint filed with the  
14 ((~~director~~)) livestock identification board, the ((~~director~~)) board may  
15 proceed forthwith to ascertain the names and addresses of all vendor or  
16 consignor creditors of such licensee, together with the amounts due and  
17 owing to them and each of them by such licensee, and shall request all  
18 such vendor and consignor creditors to file a verified statement of  
19 their respective claims with the ((~~director~~)) board. Such request  
20 shall be addressed to each known vendor or consignor creditor at his or  
21 her last known address.

22       **Sec. 78.** RCW 16.65.270 and 1959 c 107 s 27 are each amended to  
23 read as follows:

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

30       **Sec. 79.** RCW 16.65.280 and 1959 c 107 s 28 are each amended to  
31 read as follows:

32       Where by reason of the absence of records, or other circumstances  
33 making it impossible or unreasonable for the ((~~director~~)) livestock  
34 identification board to ascertain the names and addresses of all  
35 ((~~said~~)) the vendor and consignor creditors, the ((~~director~~)) board,  
36 after exerting due diligence and making reasonable inquiry to secure



1 ((said)) the information from all reasonable and available sources, may  
2 make demand on ((said)) the bond on the basis of information then in  
3 ((his)) its possession, and thereafter shall not be liable or  
4 responsible for claims or the handling of claims which may subsequently  
5 appear or be discovered.

6 **Sec. 80.** RCW 16.65.290 and 1959 c 107 s 29 are each amended to  
7 read as follows:

8 Upon ascertaining all claims and statements in the manner herein  
9 set forth, the ((director)) livestock identification board may then  
10 make demand upon the bond on behalf of those claimants whose statements  
11 have been filed, and shall have the power to settle or compromise  
12 ((said)) the claims with the surety company on the bond, and is  
13 empowered in such cases to execute and deliver a release and discharge  
14 of the bond involved.

15 **Sec. 81.** RCW 16.65.300 and 1959 c 107 s 30 are each amended to  
16 read as follows:

17 Upon the refusal of the surety company to pay the demand, the  
18 ((director)) livestock identification board may thereupon bring an  
19 action on the bond in behalf of ((said)) the vendor and consignor  
20 creditors. Upon any action being commenced on ((said)) the bond, the  
21 ((director)) board may require the filing of a new bond. Immediately  
22 upon the recovery in any action on such bond such licensee shall file  
23 a new bond. Upon failure to file the same within ten days, in either  
24 case, such failure shall constitute grounds for the suspension or  
25 revocation of his or her license.

26 **Sec. 82.** RCW 16.65.310 and 1959 c 107 s 31 are each amended to  
27 read as follows:

28 In any settlement or compromise by the ((director)) livestock  
29 identification board with a surety company as provided in RCW  
30 16.65.290, where there are two or more consignor and/or vendor  
31 creditors that have filed claims, either fixed or contingent, against  
32 a licensee's bond, such creditors shall share pro rata in the proceeds  
33 of the bond to the extent of their actual damage: PROVIDED, That the  
34 claims of the state and the ((department)) board which may accrue from  
35 the conduct of the licensee's public livestock market shall have  
36 priority over all other claims.

1       **Sec. 83.** RCW 16.65.320 and 1985 c 415 s 10 are each amended to  
2 read as follows:

3       For the purpose of enforcing the provisions of this chapter, the  
4 ~~((director))~~ livestock identification board on the ~~((director's))~~  
5 board's own motion or upon the verified complaint of any vendor or  
6 consignor against any licensee, or agent, or any person assuming or  
7 attempting to act as such, shall have full authority to make any and  
8 all necessary investigations. The ~~((director))~~ board is empowered to  
9 administer oaths of verification of such complaints.

10       **Sec. 84.** RCW 16.65.330 and 1959 c 107 s 33 are each amended to  
11 read as follows:

12       For the purpose of making investigations as provided for in RCW  
13 16.65.320, the ~~((director))~~ livestock identification board may enter a  
14 public livestock market and examine any records required under the  
15 provisions of this chapter. The ~~((director))~~ board shall have full  
16 authority to issue subpoenas requiring the attendance of witnesses  
17 before ~~((him))~~ it, together with all books, memorandums, papers, and  
18 other documents relative to the matters under investigation, and to  
19 administer oaths and take testimony thereunder.

20       **Sec. 85.** RCW 16.65.340 and 1967 c 192 s 2 are each amended to read  
21 as follows:

22       The ~~((director))~~ livestock identification board shall, when  
23 livestock is sold, traded, exchanged or handled at or through a public  
24 livestock market, require such testing, treating, identifying,  
25 examining and record keeping of such livestock by a deputy state  
26 veterinarian as in the ~~((director's))~~ board's judgment may be necessary  
27 to prevent the spread of brucellosis, tuberculosis, paratuberculosis,  
28 hog cholera or any other infectious, contagious or communicable disease  
29 among the livestock of this state.

30       **Sec. 86.** RCW 16.65.350 and 1959 c 107 s 35 are each amended to  
31 read as follows:

32       (1) The director of agriculture shall perform all tests and make  
33 all examinations required under the provisions of this chapter and  
34 rules ~~((and regulations))~~ adopted hereunder: PROVIDED, That veterinary  
35 inspectors of the United States department of agriculture may be

1 appointed by the director to make such examinations and tests as are  
2 provided for in this chapter without bond or compensation, and shall  
3 have the same authority and power in this state as a deputy state  
4 veterinarian.

5 (2) The director of agriculture shall have the responsibility for  
6 the direction and control of sanitary practices and health practices  
7 and standards and for the examination of animals at public livestock  
8 markets. The deputy state veterinarian at any such public livestock  
9 market shall notify the licensee or his or her managing agent, in  
10 writing, of insanitary practices or conditions. Such deputy state  
11 veterinarian shall notify the director if the improper sanitary  
12 practices or conditions are not corrected within the time specified.  
13 The director shall investigate and upon finding such report correct  
14 shall take appropriate action to hold a hearing on the suspension or  
15 revocation of the licensee's license.

16 **Sec. 87.** RCW 16.65.360 and 1959 c 107 s 36 are each amended to  
17 read as follows:

18 Licensees shall provide facilities and sanitation for the  
19 prevention of livestock diseases at their public livestock markets, as  
20 follows:

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

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

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

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

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

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

9 (7) Sufficient quarantine pens of adequate capacity shall be  
10 provided. Such pens shall be used to hold only cattle reacting to  
11 brucellosis and tuberculosis or to quarantine livestock with other  
12 contagious or communicable diseases and shall be:

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

15 (b) provided with separate watering facilities;

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

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

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

22 To prevent the spread of communicable diseases among livestock, the  
23 director of agriculture shall have the authority to cause the cleaning  
24 and disinfecting of any area or all areas of a public livestock market  
25 and equipment or vehicles with a complete coverage of disinfectants  
26 approved by the director.

27 **Sec. 88.** RCW 16.65.420 and 1991 c 17 s 3 are each amended to read  
28 as follows:

29 (1) Any application for sales days or days for a new salesyard, and  
30 any application for a change of sales day or days or additional sales  
31 day or days for an existing yard shall be subject to approval by the  
32 (~~director~~) livestock identification board, subsequent to a hearing as  
33 provided for in this chapter and the (~~director~~) board is hereby  
34 authorized to allocate these dates and type and class of livestock  
35 which may be sold on these dates. In considering the allocation of  
36 such sales days, the (~~director~~) board shall give appropriate  
37 consideration, among other relevant factors, to the following:

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

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

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

5 (d) Buyers available to such market;

6 (e) Any other conditions affecting the orderly marketing of  
7 livestock.

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

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

17 **Sec. 89.** RCW 16.65.422 and 1963 c 232 s 17 are each amended to  
18 read as follows:

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

26 **Sec. 90.** RCW 16.65.423 and 1983 c 298 s 16 are each amended to  
27 read as follows:

28 The ((~~director~~)) livestock identification board shall have the  
29 authority to issue a public livestock market license pursuant to the  
30 provisions of this chapter limited to the sale of horses and/or mules  
31 and to allocate a sales day or days to such licensee. The ((~~director~~))  
32 board is hereby authorized and directed to adopt ((~~regulations~~)) rules  
33 for facilities and sanitation applicable to such a license. The  
34 facility requirements of RCW 16.65.360 shall not be applicable to such  
35 licensee's operation as provided for in this section.

1       **Sec. 91.** RCW 16.65.424 and 1963 c 232 s 19 are each amended to  
2 read as follows:

3       The ((~~director~~)) livestock identification board shall have the  
4 authority to grant a licensee an additional sales day or days limited  
5 to the sale of horses and/or mules and may if requested grant the  
6 licensee, by permit, the authority to have the sale at premises other  
7 than at his or her public livestock market if the facilities are  
8 approved by the ((~~director~~)) board as being adequate for the protection  
9 of the health and safety of such horses and/or mules. For the purpose  
10 of such limited sale the facility requirements of RCW 16.65.360 shall  
11 not be applicable.

12       **Sec. 92.** RCW 16.65.445 and 1989 c 175 s 55 are each amended to  
13 read as follows:

14       The ((~~director~~)) livestock identification board shall hold public  
15 hearings upon a proposal to promulgate any new or amended  
16 ((~~regulations~~)) rules and all hearings for the denial, revocation, or  
17 suspension of a license issued under this chapter or in any other  
18 adjudicative proceeding, and shall comply in all respects with chapter  
19 34.05 RCW, the Administrative Procedure Act.

20       **Sec. 93.** RCW 16.65.450 and 1991 c 17 s 4 are each amended to read  
21 as follows:

22       Any licensee or applicant who feels aggrieved by an order of the  
23 ((~~director~~)) livestock identification board may appeal to the superior  
24 court of the county in the state of Washington of the residence of the  
25 licensee or applicant where the trial on such appeal shall be held de  
26 novo.

27       **Sec. 94.** RCW 16.04.025 and 1989 c 286 s 21 are each amended to  
28 read as follows:

29       If the owner or the person having in charge or possession such  
30 animals is unknown to the person sustaining the damage, the person  
31 retaining such animals shall, within twenty-four hours, notify the  
32 county sheriff or the nearest state brand inspector as to the number,  
33 description, and location of the animals. The county sheriff or brand  
34 inspector shall examine the animals by brand, tattoo, or other  
35 identifying characteristics and attempt to ascertain ownership. If the  
36 animal is marked with a brand or tattoo which is registered with the

1 ((~~director of agriculture~~)) livestock identification board, the brand  
2 inspector or county sheriff shall furnish this information and other  
3 pertinent information to the person holding the animals who in turn  
4 shall send the notice required in RCW 16.04.020 to the animals' owner  
5 of record by certified mail.

6 If the county sheriff or the brand inspector determines that there  
7 is no apparent damage to the property of the person retaining the  
8 animals, or if the person sustaining the damage contacts the county  
9 sheriff or brand inspector to have the animals removed from his or her  
10 property, such animals shall be removed in accordance with chapter  
11 16.24 RCW. Such removal shall not prejudice the property owner's  
12 ability to recover damages through civil suit.

13 **Sec. 95.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and  
14 1996 c 186 s 109 are each reenacted and amended to read as follows:

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

16 (a) The members of the legislature or to any employee of, or  
17 position in, the legislative branch of the state government including  
18 members, officers, and employees of the legislative council, joint  
19 legislative audit and review committee, statute law committee, and any  
20 interim committee of the legislature;

21 (b) The justices of the supreme court, judges of the court of  
22 appeals, judges of the superior courts or of the inferior courts, or to  
23 any employee of, or position in the judicial branch of state  
24 government;

25 (c) Officers, academic personnel, and employees of technical  
26 colleges;

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

28 (e) Elective officers of the state;

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

30 (g) In the departments of employment security and social and health  
31 services, the director and the director's confidential secretary; in  
32 all other departments, the executive head of which is an individual  
33 appointed by the governor, the director, his or her confidential  
34 secretary, and his or her statutory assistant directors;

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

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

1 (ii) If the members of the board, commission, or committee serve on  
2 a part-time basis and there is a statutory executive officer: The  
3 secretary of the board, commission, or committee; the chief executive  
4 officer of the board, commission, or committee; and the confidential  
5 secretary of the chief executive officer of the board, commission, or  
6 committee;

7 (iii) If the members of the board, commission, or committee serve  
8 on a full-time basis: The chief executive officer or administrative  
9 officer as designated by the board, commission, or committee; and a  
10 confidential secretary to the chair of the board, commission, or  
11 committee;

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

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

17 (j) Assistant attorneys general;

18 (k) Commissioned and enlisted personnel in the military service of  
19 the state;

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

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

25 (n) Officers and employees of the Washington state fruit  
26 commission;

27 (o) Officers and employees of the Washington state apple  
28 advertising commission;

29 (p) Officers and employees of the Washington state dairy products  
30 commission;

31 (q) Officers and employees of the Washington tree fruit research  
32 commission;

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

34 (s) Officers and employees of any commission formed under chapter  
35 15.66 RCW;

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

38 (u) Officers and employees of agricultural commissions formed under  
39 chapter 15.65 RCW;



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

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

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

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

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

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

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

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

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

29 (a) Members of the governing board of each institution of higher  
30 education and related boards, all presidents, vice-presidents, and  
31 their confidential secretaries, administrative, and personal  
32 assistants; deans, directors, and chairs; academic personnel; and  
33 executive heads of major administrative or academic divisions employed  
34 by institutions of higher education; principal assistants to executive  
35 heads of major administrative or academic divisions; other managerial  
36 or professional employees in an institution or related board having  
37 substantial responsibility for directing or controlling program  
38 operations and accountable for allocation of resources and program  
39 results, or for the formulation of institutional policy, or for

1 carrying out personnel administration or labor relations functions,  
2 legislative relations, public information, development, senior computer  
3 systems and network programming, or internal audits and investigations;  
4 and any employee of a community college district whose place of work is  
5 one which is physically located outside the state of Washington and who  
6 is employed pursuant to RCW 28B.50.092 and assigned to an educational  
7 program operating outside of the state of Washington;

8 (b) Student, part-time, or temporary employees, and part-time  
9 professional consultants, as defined by the Washington personnel  
10 resources board, employed by institutions of higher education and  
11 related boards;

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

20 (d) Printing craft employees in the department of printing at the  
21 University of Washington.

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

1 under the authority of any elected public official other than the  
2 governor, and shall not exceed a total of twenty-five for all agencies  
3 under the authority of elected public officials other than the  
4 governor. The Washington personnel resources board shall report to  
5 each regular session of the legislature during an odd-numbered year all  
6 exemptions granted under subsections (1)(w) and (x) and (2) of this  
7 section, together with the reasons for such exemptions.

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

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

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

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

33 NEW SECTION. **Sec. 96.** (1) On the effective date of this section,  
34 all powers, duties, and functions of the department of agriculture  
35 under chapters 16.57, 16.58, and 16.65 RCW except those identified as  
36 remaining with the department in RCW 16.65.110, 16.65.350, and  
37 16.65.360 are transferred to the livestock identification board. The  
38 authority to adopt rules regarding those powers, duties, and functions

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

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

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

14 (3) All rules of the department of agriculture adopted under  
15 chapter 16.57 RCW in effect on the effective date of this section, all  
16 rules adopted by the department under chapter 16.58 RCW in effect on  
17 the effective date of this section, and all rules adopted by the  
18 department under chapter 16.65 RCW, except for those adopted under the  
19 authorities retained by the department under RCW 16.65.110, 16.65.350,  
20 and 16.65.360, in effect on the effective date of this section are, on  
21 the effective date of this section, rules of the livestock  
22 identification board. All proposed rules and all pending business  
23 before the department of agriculture pertaining to the powers,  
24 functions, and duties transferred shall be continued and acted upon by  
25 the board. All existing contracts and obligations shall remain in full  
26 force and shall be performed by the board. All registrations made with  
27 the department under chapter 16.57 RCW, all licenses issued by the  
28 department under chapter 16.58 RCW, and all licenses issued by the  
29 department under chapter 16.65 RCW before the effective date of this  
30 section shall be considered to be registrations with and licenses  
31 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; and
- 15 (4) 1997 c 356 s 11.

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

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