
ENGROSSED SUBSTITUTE SENATE BILL 6204

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senator Morton)

Read first time 02/06/98.

1 AN ACT Relating to livestock identification; 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, 16.58.140,
11 16.58.150, 16.58.160, 16.65.010, 16.65.050, 16.65.090, 16.65.100,
12 16.65.110, and 16.04.025; reenacting and amending RCW 41.06.070; adding
13 new sections to chapter 16.57 RCW; adding new sections to chapter 16.49
14 RCW; adding a new section to chapter 16.65 RCW; creating new sections;
15 repealing RCW 16.58.130; repealing 1997 c 356 s 3; repealing 1997 c 356
16 s 5; repealing 1997 c 356 s 9; repealing 1997 c 356 s 11; prescribing
17 penalties; and providing an effective date.

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

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

3 For the purpose of this chapter:

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

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

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

12 (4)) (3) "Livestock" includes, but is not limited to, horses,
13 mules, cattle, sheep, swine, goats, poultry and rabbits.

14 (5)) (4) "Brand" means a permanent fire brand or any artificial
15 mark, other than an individual identification symbol, approved by the
16 (~~director~~) board to be used in conjunction with a brand or by itself.

17 (6)) (5) "Production record brand" means a number brand which
18 shall be used for production identification purposes only.

19 (7)) (6) "~~(Brand)~~ Livestock inspection" means the examination
20 of livestock or livestock hides for brands or any means of identifying
21 livestock or livestock hides and/or the application of any artificial
22 identification such as back tags or ear clips necessary to preserve the
23 identity of the livestock or livestock hides examined.

24 (8)) (7) "Individual identification symbol" means a permanent
25 mark placed on (~~a horse~~) livestock for the purpose of individually
26 identifying and registering the (~~horse~~) livestock and which has been
27 approved for use as such by the (~~director~~) board.

28 (9)) (8) "Registering agency" means any person issuing an
29 individual identification symbol for the purpose of individually
30 identifying and registering (~~a horse~~) livestock.

31 (10)) (9) "Poultry" means chickens, turkeys, ratites, and other
32 domesticated fowl.

33 (11)) (10) "Ratite" means, but is not limited to, ostrich, emu,
34 rhea, or other flightless bird used for human consumption, whether live
35 or slaughtered.

36 (12)) (11) "Ratite farming" means breeding, raising, and rearing
37 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 (14) "Certificate of permit" means a form prescribed by and
17 obtained from the board that is completed by the owner or a person
18 authorized to act on behalf of the owner to show the ownership of
19 livestock. It does not evidence inspection of livestock.

20 (15) "Inspection certificate" means a certificate issued by the
21 board documenting the ownership of livestock based on an inspection of
22 livestock by the board. It includes an individual identification
23 certificate issued by the board.

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

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

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

36 (2) ~~The purpose of the board is to provide advice to the director~~
37 ~~regarding livestock identification programs administered under this~~
38 ~~chapter and regarding brand inspection fees and related licensing fees.~~

1 ~~The director shall consult the board before adopting, amending, or~~
2 ~~repealing a rule under this chapter or altering a fee under RCW~~
3 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090. If the director~~
4 ~~publishes in the state register a proposed rule to be adopted under the~~
5 ~~authority of this chapter or a proposed rule setting a fee under RCW~~
6 ~~16.58.050, 16.58.130, 16.65.030, or 16.65.090 and the rule has not~~
7 ~~received the approval of the advisory board, the director shall file~~
8 ~~with the board a written statement setting forth the director's reasons~~
9 ~~for proposing the rule without the board's approval.~~

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

27 (2) ~~The board shall be responsible for the administration of the~~
28 ~~livestock identification program which includes the review and~~
29 ~~registration of brands, approval of all expenditures from the livestock~~
30 ~~identification account, administration of the inspection and~~
31 ~~enforcement activities including the employment of personnel, fee~~
32 ~~setting, and holding hearings and adopting rules for the administration~~
33 ~~of the livestock identification program.~~

34 (3) ~~The board may contract with the department for registration and~~
35 ~~for livestock inspection or investigation work and fix the compensation~~
36 ~~and terms of the contract. The board may also enter into agreements~~
37 ~~with Washington state licensed and accredited veterinarians, or other~~
38 ~~persons, who have been certified by the board, to perform livestock~~
39 ~~inspection. The board may adopt rules necessary to implement livestock~~

1 inspection performed on a contract basis and may adopt fees to cover
2 the cost associated with such certification.

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

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

7 (6) The board may receive gifts, grants, endowments, or free or
8 low-cost office space from public or private sources that are made from
9 time to time, in trust or otherwise, for the use and benefit of the
10 purposes of chapter . . . , Laws of 1998 (this act), and spend gifts,
11 grants, endowments, income, or free or low-cost office space from the
12 public or private sources according to their terms, unless the receipt
13 of the gifts, grants, endowments, or free or low-cost office space
14 violates RCW 42.17.710.

15 (7) Members of the board shall receive compensation as provided by
16 RCW 43.03.240 and travel expenses to meetings or in otherwise carrying
17 out the duties of the board as provided under RCW 43.03.050 and
18 43.03.060. The board shall meet at least quarterly in each calendar
19 year. The board shall hire staff as necessary to carry out its duties.

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

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

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

29 NEW SECTION. Sec. 4. A new section is added to chapter 16.57 RCW
30 to read as follows:

31 There is established a Washington state livestock identification
32 account in the custody of the state treasurer into which all moneys
33 collected or received from registration, inspection, or enforcement
34 under this chapter and chapter 16.58 RCW and moneys collected or
35 received by the board under chapter 16.65 RCW shall be deposited.
36 These moneys shall be used solely for the Washington state livestock
37 identification program. Only the board may authorize expenditures from

1 this account. The account is subject to allotment procedures under
2 chapter 43.88 RCW, but an appropriation is not required for
3 expenditures.

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

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

16 The director of agriculture may be designated by the board as the
17 registrar of livestock brands. The registration fee shall be deposited
18 by the director in the Washington state livestock identification
19 account and shall be used solely for livestock identification program
20 purposes as provided in this chapter and only as authorized by the
21 board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Any person having a brand ~~((recorded))~~ registered with the
35 ~~((department))~~ board shall have a preemptory right to use such brand

1 and its design under any newly approved method of branding adopted by
2 the ~~((director))~~ board.

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

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

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

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

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

18 The ~~((director))~~ board shall not ~~((record))~~ register a brand that
19 is identical to a registered brand ~~((of present record))~~; nor a brand
20 so similar to a registered brand ~~((of present record))~~ that it will be
21 difficult to distinguish between such brands when applied to livestock.

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

24 The owner of a registered brand ~~((of record))~~ may procure from the
25 ~~((director))~~ board a certified copy of the ~~((record))~~ registration of
26 the owner's brand upon payment of a fee not to exceed seven dollars and
27 fifty cents to be prescribed by the ~~((director))~~ board by rule
28 subsequent to a hearing under chapter 34.05 RCW and in conformance with
29 RCW 16.57.015.

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

32 The ~~((director))~~ board shall publish a book to be known as the
33 "Washington State Brand Book", showing all the registered brands ~~((of~~
34 ~~record))~~. Such book shall contain the name and address of the owners

1 of registered brands (~~((of record))~~) and a copy of the brand laws and
2 regulations. Supplements to such brand book showing newly (~~((recorded))~~)
3 registered brands, amendments or newly adopted regulations, shall be
4 published biennially, or prior thereto at the discretion of the
5 (~~((director))~~) board: PROVIDED, That whenever (~~((he deems it))~~) necessary,
6 the (~~((director))~~) board may issue a new brand book. The board may
7 collect moneys to recover reasonable costs of publishing and
8 distributing copies of the brand book.

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

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

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

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

26 The (~~((director))~~) board may, in order to reduce the cost of
27 ((brand)) livestock inspection to livestock owners, enter into
28 agreements with any qualified county, municipal, or other local law
29 enforcement agency, or qualified individuals for the purpose of
30 performing ((brand)) livestock inspection in areas where ((department
31 brand)) livestock inspection by the department may not readily be
32 available.

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

35 The (~~((director))~~) board may enter at any reasonable time any
36 slaughterhouse or public livestock market to make an examination of the

1 brands on livestock or hides, and may enter at any reasonable time an
2 establishment where hides are held to examine them for brands. The
3 ((director)) board may enter any of these premises at any reasonable
4 time to examine all books and records required by law in matters
5 relating to ((brand)) livestock inspection or other methods of
6 livestock identification.

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

9 Should the ((director)) board be denied access to any premises or
10 establishment where such access was sought for the purposes set forth
11 in RCW 16.57.170, ((he)) the board may apply to any court of competent
12 jurisdiction for a search warrant authorizing access to such premises
13 or establishment for said purposes. The court may upon such
14 application, issue the search warrant for the purposes requested.

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

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

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

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

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

31 The ((director—shall)) livestock identification board, upon
32 unanimous vote, may cause a charge to be made for ((all—brand))
33 livestock inspection of cattle and horses ((required)) under this
34 chapter and rules adopted hereunder. Such charges shall be paid to the
35 ((department)) board by the owner or person in possession unless

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

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

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

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

32 ((Any person purchasing, selling, holding for sale, trading,
33 bartering, transferring title, slaughtering, handling, or transporting
34 cattle shall keep a record on forms prescribed by the director. Such
35 forms)) (1) Certificates of permit, inspection certificates, and self-
36 inspection certificates shall show the owner number, ((specie)) breed,
37 sex, brand, or other method of identification of ((such)) the cattle or

1 horses and any other necessary information required by the ((director))
2 board. ((The original shall be kept for a period of three years or
3 shall be furnished to the director upon demand or as prescribed by
4 rule, one copy shall accompany the cattle to their destination and
5 shall be subject to inspection at any time by the director or any peace
6 officer or member of the state patrol: PROVIDED, That in the following
7 instances only, cattle may be moved or transported within this state
8 without being accompanied by an official certificate of permit, brand
9 inspection certificate, bill of sale, or self-inspection slip:

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

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

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

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

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

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

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

30 Certificates of permit, inspection certificates, or self-inspection
31 certificates accompanying cattle being moved or transported within this
32 state shall be subject to inspection at any time by the board or any
33 peace officer.

34 Sec. 29. RCW 16.57.260 and 1981 c 296 s 19 are each amended to
35 read as follows:

36 It shall be unlawful for any person to remove or cause to be
37 removed or accept for removal from this state, any cattle ((or horses))

1 which are not accompanied at all times by an official ((brand))
2 livestock inspection certificate issued by the ((director)) board on
3 such cattle ((or horses)), except as provided in RCW 16.57.160.

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

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

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

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

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

28 No person shall knowingly have unlawful possession of any livestock
29 marked with a ((recorded)) registered brand or tattoo of another person
30 unless:

31 (1) Such livestock lawfully bears the person's own healed
32 ((recorded)) registered brand; or

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

35 (3) Such livestock is accompanied by a ((brand)) livestock
36 inspection certificate; or

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

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

4 A violation of this section constitutes a gross misdemeanor
5 punishable to the same extent as a gross misdemeanor that is punishable
6 under RCW 9A.20.021.

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

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

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

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

1 shall be paid to the ((director)) board to be disposed of as any other
2 stray proceeds.

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

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

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

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

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

24 If, after the expiration of one year from the date of sale, no
25 claim is made, the money shall be credited to the ((department of
26 agriculture)) board to be expended in carrying out the provisions of
27 this chapter.

28 **Sec. 38.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
29 as follows:

30 The ((director)) board shall have the authority to enter into
31 reciprocal agreements with any or all states to prevent the theft,
32 misappropriation or loss of identification of livestock. The
33 ((director)) board may declare any livestock which is shipped or moved
34 into this state from such states estrays if such livestock is not
35 accompanied by the proper official brand certificate or other such

1 certificates required by the law of the state of origin of such
2 livestock. The ((~~director~~)) board may hold such livestock subject to
3 all costs of holding or sell such livestock and send the funds, after
4 the deduction of the cost of such sale, to the proper authority in the
5 state of origin of such livestock.

6 **Sec. 39.** RCW 16.57.350 and 1994 c 46 s 8 are each amended to read
7 as follows:

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

15 **Sec. 40.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read
16 as follows:

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

20 The violation of any provision of this chapter and/or rules and
21 regulations adopted hereunder shall constitute a class I civil
22 infraction as provided under chapter 7.80 RCW unless otherwise
23 specified herein.

24 **Sec. 41.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read
25 as follows:

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

29 **Sec. 42.** RCW 16.57.380 and 1991 c 110 s 8 are each amended to read
30 as follows:

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

1 board may stop vehicles carrying horses to determine if such horses are
2 identified or branded.

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

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

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

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

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

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

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

1 documents required by the ((director)) board, and a fee of one hundred
2 dollars.

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

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

15 (4) The ((director)) board shall adopt such rules as are necessary
16 for the effective administration of this section pursuant to chapter
17 34.05 RCW.

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

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

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

28 For the purpose of this chapter:

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

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

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

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

5 (~~(4)~~) (3) "Licensee" means any persons licensed under the
6 provisions of this chapter.

7 (~~(5)~~) (4) "Person" means a natural person, individual, firm,
8 partnership, corporation, company, society, and association, and every
9 officer, agent or employee thereof. This term shall import either the
10 singular or the plural as the case may be.

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

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

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

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

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

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

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

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

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

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

3 The application for an annual license to engage in the business of
4 operating one or more certified feed lots shall be accompanied by a
5 license fee of ~~((seven hundred fifty))~~ two hundred dollars. Upon
6 approval of the application by the ~~((director))~~ livestock
7 identification board and compliance with the provisions of this chapter
8 and rules adopted hereunder, the applicant shall be issued a license or
9 a renewal thereof. The board shall conduct an inspection of all cattle
10 and their corresponding ownership documents before the board issues an
11 original license.

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

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

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

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

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

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

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

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

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

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

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

33 All certified feed lots shall ~~((furnish))~~ make available to the
34 ~~((director with))~~ livestock identification board records as requested
35 by ~~((him))~~ it from time to time on all cattle entering or on feed in
36 ~~((said))~~ certified feed lots and dispersed therefrom. All such records

1 shall be subject to examination by the ((~~director~~)) board for the
2 purpose of maintaining the integrity of the identity of all such
3 cattle. The ((~~director~~)) board may make the examinations only during
4 regular business hours except in an emergency to protect the interest
5 of the owners of such cattle.

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

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

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

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

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

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

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

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

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

32 For the purposes of this chapter:

33 (1) The term "public livestock market" means any place,
34 establishment or facility commonly known as a "public livestock

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

8 (2) "Department" means the department of agriculture of the state
9 of Washington.

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

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

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

16 (6) "Livestock identification board" or "board" means the board
17 created in RCW 16.57.015.

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

22 ((+7)) (8) "Stockyard" means any place, establishment, or facility
23 commonly known as a stockyard consisting of pens or other enclosures
24 and their appurtenances in which livestock services such as feeding,
25 watering, weighing, sorting, receiving and shipping are offered to the
26 public: PROVIDED, That stockyard shall not include any facilities
27 where livestock is offered for sale at public auction, feed lots, or
28 quarantined registered feed lots.

29 ((+8)) (9) "Packer" means any person engaged in the business of
30 slaughtering, manufacturing, preparing meat or meat products for sale,
31 marketing meat, meat food products or livestock products.

32 ((+9)) (10) "Deputy state veterinarian" means a graduate
33 veterinarian authorized to practice in the state of Washington and
34 appointed or deputized by the director of agriculture as his or her
35 duly authorized representative.

36 ((+10)) (11) "Special open consignment horse sale" means a sale
37 conducted by a person other than the operator of a public livestock
38 market which is limited to the consignment of horses and donkeys only
39 for sale on an occasional and seasonal basis.

1 **Sec. 62.** RCW 16.65.050 and 1959 c 107 s 5 are each amended to read
2 as follows:

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

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

10 The ~~((director))~~ livestock identification board shall provide for
11 ~~((brand))~~ livestock inspection. When such ~~((brand))~~ livestock
12 inspection is required the licensee shall collect from the consignor
13 and pay to the ~~((department, as provided by law,))~~ board a fee for
14 ~~((brand))~~ livestock inspection ~~((for each animal consigned to the~~
15 ~~public livestock market or special open consignment horse sale.~~
16 ~~However, if in any one sale day the total fees collected for brand~~
17 ~~inspection do not exceed ninety dollars, then such licensee shall pay~~
18 ~~ninety dollars for such brand inspection or as much thereof as the~~
19 ~~director may prescribe))~~ as provided in RCW 16.57.220.

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

22 The licensee of each public livestock market or special open
23 consignment horse sale shall collect from any purchaser of livestock
24 requesting ~~((brand))~~ livestock inspection a fee as provided by law for
25 each animal inspected. Such fee shall be in addition to the fee
26 charged to the consignor for ~~((brand))~~ livestock inspection and shall
27 not apply to the minimum fee chargeable to the licensee.

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

30 The director of agriculture shall cause a charge to be made for any
31 examining, testing, treating, or inoculation required by this chapter
32 and rules ~~((and regulations))~~ adopted hereunder. Such charge shall be
33 paid by the licensee to the department of agriculture and such charge
34 shall include the cost of the required drugs and a fee no larger than
35 two dollars nor less than fifty cents for administration of such drugs
36 to each animal and such fee shall be set at the discretion of the

1 director. However, if the total fees payable to the department for
2 such examining, testing, treating or inoculation do not exceed the
3 actual cost to the department for such examining, testing, treating, or
4 inoculation, or ten dollars (whichever is greater), the director shall
5 require the licensee to pay the actual cost of such examining, testing,
6 treating, or inoculation, or ten dollars (whichever is greater), to the
7 department.

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

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

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

30 **Sec. 67.** RCW 41.06.070 and 1996 c 319 s 3, 1996 c 288 s 33, and
31 1996 c 186 s 109 are each reenacted and amended to read as follows:

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

33 (a) The members of the legislature or to any employee of, or
34 position in, the legislative branch of the state government including
35 members, officers, and employees of the legislative council, joint
36 legislative audit and review committee, statute law committee, and any
37 interim committee of the legislature;

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

5 (c) Officers, academic personnel, and employees of technical
6 colleges;

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

8 (e) Elective officers of the state;

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

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

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

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

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

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

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

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

35 (j) Assistant attorneys general;

36 (k) Commissioned and enlisted personnel in the military service of
37 the state;

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

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

6 (n) Officers and employees of the Washington state fruit
7 commission;

8 (o) Officers and employees of the Washington state apple
9 advertising commission;

10 (p) Officers and employees of the Washington state dairy products
11 commission;

12 (q) Officers and employees of the Washington tree fruit research
13 commission;

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

15 (s) Officers and employees of any commission formed under chapter
16 15.66 RCW;

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

19 (u) Officers and employees of agricultural commissions formed under
20 chapter 15.65 RCW;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 NEW SECTION. **Sec. 68.** (1) On the effective date of this section,
18 all powers, duties, and functions of the department of agriculture
19 under chapters 16.57, 16.58, and 16.65 RCW except those identified as
20 remaining with the department in RCW 16.65.110, 16.65.350, and
21 16.65.360 are transferred to the livestock identification board. The
22 authority to adopt rules regarding those powers, duties, and functions
23 is transferred to the livestock identification board and the
24 administration of those powers, duties, and functions is transferred to
25 the board.

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

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

36 (3) All rules of the department of agriculture adopted under
37 chapter 16.57 RCW in effect on the effective date of this section, all
38 rules adopted by the department under chapter 16.58 RCW in effect on

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

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

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

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

35 There shall be a fee of one dollar per head imposed on all cattle
36 or horses slaughtered by a custom slaughtering establishment, custom
37 farm slaughterer, or custom meat facility licensed under this chapter.
38 The fee shall be collected by the slaughterer and provided to the

1 livestock identification board for deposit into the livestock
2 identification account created under section 4 of this act.

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

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

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

13 There shall be a fee of one dollar per head imposed on all cattle
14 or horses slaughtered at a slaughter plant where the United States
15 department of agriculture maintains meat inspection. The fee shall be
16 remitted by the slaughterer to the livestock identification board for
17 deposit into the livestock identification account created under section
18 4 of this act.

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

- 21 (1) 1997 c 356 s 3;
- 22 (2) 1997 c 356 s 5;
- 23 (3) 1997 c 356 s 9;
- 24 (4) 1997 c 356 s 11; and
- 25 (5) RCW 16.58.130 and 1997 c 356 s 7, 1997 c 356 s 6, 1994 c 46 s
26 24, 1994 c 46 s 15, 1993 c 354 s 4, 1991 c 109 s 14, 1979 c 81 s 4, &
27 1971 ex.s. c 181 s 13.

28 NEW SECTION. **Sec. 73.** This act takes effect July 1, 1998, except
29 that appointments may be made by the governor and proposed contracts
30 may be developed under RCW 16.57.015 prior to July 1, 1998, to provide
31 for an orderly transition of authority under this act.

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