
SENATE BILL 5892

State of Washington

58th Legislature

2003 Regular Session

By Senators Swecker and Rasmussen

Read first time 02/18/2003. Referred to Committee on Agriculture.

1 AN ACT Relating to livestock identification; amending RCW
2 16.57.010, 16.57.015, 16.57.020, 16.57.023, 16.57.025, 16.57.030,
3 16.57.040, 16.57.050, 16.57.080, 16.57.090, 16.57.100, 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, 16.57.360, 16.57.370,
8 16.57.400, 16.57.410, 16.65.010, 16.65.015, 16.65.020, 16.65.030,
9 16.65.037, 16.65.040, 16.65.042, 16.65.050, 16.65.080, 16.65.090,
10 16.65.100, 16.65.140, 16.65.170, 16.65.190, 16.65.200, 16.65.235,
11 16.65.260, 16.65.270, 16.65.280, 16.65.300, 16.65.340, 16.65.350,
12 16.65.380, 16.65.390, 16.65.400, 16.65.420, 16.65.424, 16.65.440, and
13 16.65.445; adding new sections to chapter 16.57 RCW; adding a new
14 section to chapter 16.65 RCW; adding a new section to chapter 42.17
15 RCW; repealing RCW 16.58.010, 16.58.020, 16.58.030, 16.58.040,
16 16.58.050, 16.58.060, 16.58.070, 16.58.080, 16.58.095, 16.58.100,
17 16.58.110, 16.58.120, 16.58.130, 16.58.140, 16.58.150, 16.58.160,
18 16.58.170, 16.58.900, 16.58.910, 16.65.110, 16.65.422, 16.65.423, and
19 16.57.380; prescribing penalties; providing effective dates; and
20 declaring an emergency.

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)) his or
8 her duly ((appointed)) authorized representative.

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

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

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

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

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

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

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

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

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

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

3 ~~(13))~~ (11) "Microchipping" means the implantation of an
4 identification microchip or similar electronic identification device to
5 establish the identity of an individual animal:

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

9 (b) In the nuchal ligament of a horse unless otherwise specified by
10 rule of the director; and

11 (c) In locations of other livestock species as specified by rule of
12 the director when requested by an association of producers of that
13 species of livestock.

14 (12) "Certificate of permit" means a form prescribed by and
15 obtained from the director that is completed by the owner or a person
16 authorized to act on behalf of the owner to show the ownership of
17 livestock. It is used to document ownership of livestock while in
18 transit within the state or on consignment to any public livestock
19 market, special sale, slaughter plant, or feed lot. It does not
20 evidence inspection of livestock.

21 (13) "Inspection certificate" means a certificate issued by the
22 director or a veterinarian certified by the director documenting the
23 ownership of an animal based on an inspection of the animal. It
24 includes an individual identification certificate.

25 (14) "Individual identification certificate" means an inspection
26 certificate that authorizes the livestock owner to transport the animal
27 out of state multiple times within a set period of time.

28 (15) "Self-inspection certificate" means a form prescribed by and
29 obtained from the director that is completed and signed by the buyer
30 and seller of livestock to document a change in ownership.

31 (16) "Horses" means horses, burros, and mules.

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

34 (1) The director shall establish a livestock identification
35 advisory board. The board shall be composed of six members appointed
36 by the director. One member shall represent each of the following
37 groups: Beef producers, public livestock market operators, horse

1 owners, dairy farmers, cattle feeders, and meat processors. As used in
2 this subsection, "meat processor" means a person licensed to operate a
3 slaughtering establishment under chapter 16.49 RCW or the federal meat
4 inspection act (21 U.S.C. Sec. 601 et seq.). In making appointments,
5 the director shall solicit nominations from organizations representing
6 these groups statewide. The board shall elect a member to serve as
7 chair of the board.

8 (2) The purpose of the board is to provide advice to the director
9 regarding livestock identification programs administered under this
10 chapter and regarding (~~brand~~) inspection fees and related licensing
11 fees. The director shall consult the board before adopting, amending,
12 or repealing a rule under this chapter or altering a fee under RCW
13 (~~(16.58.050, 16.58.130,)~~) 16.65.030, 16.65.037, or 16.65.090. If the
14 director publishes in the state register a proposed rule to be adopted
15 under the authority of this chapter (~~(or a proposed rule setting a fee~~
16 ~~under RCW 16.58.050, 16.58.130, 16.65.030, or 16.65.090))~~) and the rule
17 has not received the approval of the advisory board, the director shall
18 file with the board a written statement setting forth the director's
19 reasons for proposing the rule without the board's approval.

20 (3) The members of the advisory board serve three-year terms.
21 However, the director shall by rule provide shorter initial terms for
22 some of the members of the board to stagger the expiration of the
23 initial terms. The members serve without compensation. The director
24 may authorize the expenses of a member to be reimbursed if the member
25 is selected to attend a regional or national conference or meeting
26 regarding livestock identification. Any such reimbursement shall be in
27 accordance with RCW 43.03.050 and 43.03.060.

28 **Sec. 3.** RCW 16.57.020 and 1994 c 46 s 7 are each amended to read
29 as follows:

30 The director shall be the recorder of livestock brands and such
31 brands shall not be recorded elsewhere in this state. Any person
32 desiring to (~~register~~) record a livestock brand shall apply on a form
33 prescribed by the director. (~~Such~~) The application shall be
34 accompanied by a facsimile of the brand applied for and a (~~thirty-~~
35 ~~five~~) one hundred twenty dollar recording fee for a four-year period.
36 The director shall, upon his or her satisfaction that the application

1 and brand facsimile meet the requirements of this chapter ~~((and/or))~~
2 and its rules ~~((adopted hereunder))~~, record ~~((such))~~ the brand.

3 **Sec. 4.** RCW 16.57.023 and 1998 c 263 s 5 are each amended to read
4 as follows:

5 ~~((1))~~ The ~~((board))~~ director may adopt rules establishing
6 criteria and fees for the permanent renewal of brands registered with
7 the department ~~((or with the board))~~ but renewed as livestock heritage
8 brands. Such heritage brands are not intended for use on livestock.

9 ~~((2) If the Washington state livestock identification board with
10 authority and responsibility for administering the livestock
11 identification program is not established by July 31, 1998, the
12 department of agriculture is granted the authorities provided to the
13 board by subsection (1) of this section.))~~

14 **Sec. 5.** RCW 16.57.025 and 1998 c 263 s 6 are each amended to read
15 as follows:

16 ~~((1))~~ The ~~((board))~~ director may enter into agreements with
17 Washington state licensed and accredited veterinarians, who have been
18 certified by the ~~((board))~~ director, to perform livestock inspection.
19 Fees for livestock inspection performed by a certified veterinarian
20 shall be collected by the veterinarian and remitted to the ~~((board))~~
21 director. Veterinarians providing livestock inspection may charge a
22 fee for livestock inspection that is in addition to and separate from
23 fees collected under RCW 16.57.220. The ~~((board))~~ director may adopt
24 rules necessary to implement livestock inspection performed by
25 veterinarians and may adopt fees to cover the cost associated with
26 certification of veterinarians.

27 ~~((2) If the Washington state livestock identification board with
28 authority and responsibility for administering the livestock
29 identification program is not established by July 31, 1998, the
30 department of agriculture is granted all of the authorities provided to
31 the board by subsection (1) of this section.))~~

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

34 The director shall not record tattoo brands or marks for any

1 purpose (~~subsequent to the enactment of this chapter. However, all~~
2 ~~tattoo brands and marks of record on the date of the enactment of this~~
3 ~~chapter shall be recognized as legal ownership brands or marks~~)).

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

6 The director may provide for the use of production record brands.
7 Numbers for such brands shall be issued at the discretion of the
8 director and shall be placed on livestock immediately below the
9 (~~registered~~) recorded ownership brand or any other location
10 prescribed by the director.

11 **Sec. 8.** RCW 16.57.050 and 1959 c 54 s 5 are each amended to read
12 as follows:

13 No person shall place a brand on livestock for any purpose unless
14 (~~such~~) the brand is recorded in his or her name.

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

17 The director shall establish by rule a schedule for the renewal of
18 (~~registered~~) recorded brands. The fee for renewal of (~~the brands~~)
19 a recorded brand shall be (~~no less than twenty five~~) one hundred
20 twenty dollars for each (~~two-year~~) four-year period of brand
21 ownership, except that the director may, in adopting a renewal
22 schedule, provide for the collection of renewal fees on a prorated
23 basis (~~and may by rule increase the registration and renewal fee for~~
24 ~~brands by no more than fifty percent subsequent to a hearing under~~
25 ~~chapter 34.05 RCW and in conformance with RCW 16.57.015~~)). At least
26 sixty days before the expiration of a (~~registered~~) recorded brand,
27 the director shall notify by letter the owner of record of the brand
28 that on the payment of the (~~requisite application fee and application~~
29 ~~of~~) renewal fee the director shall issue (~~the~~) proof of payment
30 allowing the brand owner exclusive ownership and use of the brand for
31 the subsequent (~~registration~~) ownership period. The failure of the
32 (~~registered~~) owner to pay the renewal fee by the date required by
33 rule shall cause (~~such owner's~~) the brand to revert to the
34 department. The director may for (~~a period of~~) one year following
35 (~~such~~) the reversion, reissue (~~such~~) the brand only to the prior

1 ((registered)) owner upon payment of the ((registration)) renewal fee
2 and a late filing fee (~~((to be prescribed by the director by rule~~
3 ~~subsequent to a hearing under chapter 34.05 RCW and in conformance with~~
4 ~~RCW 16.57.015,))~~ of twenty-five dollars for renewal subsequent to the
5 regular renewal period. The director may at the director's discretion,
6 if ((such)) the brand is not reissued within one year to the prior
7 ((registered)) owner, issue ((such)) the brand to any other applicant.

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

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

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

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

1 **Sec. 12.** RCW 16.57.120 and 1991 c 110 s 2 are each amended to read
2 as follows:

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

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

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

14 **Sec. 14.** RCW 16.57.140 and 1994 c 46 s 18 are each amended to read
15 as follows:

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

22 **Sec. 15.** RCW 16.57.150 and 1974 ex.s. c 64 s 5 are each amended to
23 read as follows:

24 The director shall publish a book to be known as the "Washington
25 State Brand Book", showing all the brands of record. (~~((Such))~~) The book
26 shall contain the name and address of the owners of brands of record
27 and a copy of the (~~((brand))~~) livestock identification laws and
28 (~~((regulations))~~) rules. Supplements to (~~((such))~~) the brand book showing
29 newly recorded brands, amendments, or newly adopted (~~((regulations,))~~)
30 rules shall be published (~~((biennially, or prior thereto))~~) at the
31 discretion of the director(~~((: PROVIDED, That))~~). Whenever ((he)) the
32 director deems it necessary, the director may (~~((issue))~~) publish a new
33 brand book. The director may collect moneys to recover the reasonable
34 costs of publishing and distributing copies of the brand book.

1 NEW SECTION. Sec. 16. A new section is added to chapter 16.57 RCW
2 to read as follows:

3 The director may adopt rules necessary to administer the recording
4 and changing of ownership of brands.

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

7 (1) The director may (~~by rule adopted subsequent to a public~~
8 ~~hearing designate~~) adopt rules:

9 (a) Designating any point for mandatory (~~brand~~) inspection of
10 cattle ~~or horses~~ or the furnishing of proof that cattle ~~or horses~~
11 passing or being transported through (~~such~~) the point(~~s~~) have been
12 (~~brand~~) inspected or identified and are lawfully being (~~moved.~~
13 Further, the director may stop vehicles carrying cattle to determine if
14 such cattle are identified, branded, or accompanied by the form
15 prescribed by the director under RCW 16.57.240 or a brand certificate
16 issued by the department)) transported;

17 (b) Providing for self-inspection of fifteen head or less of
18 cattle;

19 (c) Providing for issuance of individual horse and cattle
20 identification certificates or other means of horse and cattle
21 identification; and

22 (d) Designating the documents that constitute other satisfactory
23 proof of ownership for cattle and horses. A bill of sale may not be
24 designated as documenting satisfactory proof of ownership for cattle.

25 (2) The director or any peace officer may stop vehicles carrying
26 cattle or horses to determine if the livestock being transported are
27 accompanied by a certificate of permit, inspection certificate, self-
28 inspection certificate, or other satisfactory proof of ownership, as
29 determined by the director.

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

32 The director may, in order to reduce the cost of (~~brand~~)
33 inspection to livestock owners, enter into agreements with any
34 qualified county, municipal, or other local law enforcement agency, or
35 qualified individuals for the purpose of performing (~~brand~~) livestock

1 inspection in areas where (~~department brand~~) inspection by the
2 director may not readily be available.

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

5 The director may enter at any reasonable time any slaughterhouse or
6 public livestock market to (~~make an examination of the brands on~~)
7 inspect livestock or hides, and may enter at any reasonable time an
8 establishment where hides are held to (~~examine~~) inspect them for
9 brands or other means of identification. The director may enter any of
10 these premises at any reasonable time to examine all books and records
11 required by law in matters relating to (~~brand inspection or other~~
12 ~~methods of~~) livestock identification. For purposes of this section,
13 "any reasonable time" means during regular business hours or during any
14 working shift.

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

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

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

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

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

32 The director shall have authority to arrest (~~any person~~) without
33 warrant anywhere in the state any person found in the act of, or whom
34 (~~he~~) the director has reason to believe is guilty of, (~~driving~~)

1 transporting, holding, selling, or slaughtering stolen livestock. Any
2 ~~((such))~~ person arrested by the director shall be turned over to the
3 county sheriff ((of the county)) or other local law enforcement officer
4 where the arrest was made, as quickly as possible.

5 **Sec. 23.** RCW 16.57.220 and 1997 c 356 s 3 are each amended to read
6 as follows:

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

32 (1) Except as provided for in RCW 16.65.090 and subsection (2),
33 (3), or (4) of this section, the fee for livestock inspection is sixty
34 cents per head for cattle and two dollars and forty cents for horses or
35 fifteen dollars per hour and the current mileage rate set by the office
36 of financial management, whichever is greater.

1 (2) The fee for individual identification certificates is seven
2 dollars and fifty cents for an annual certificate and fifteen dollars
3 for a lifetime certificate or fifteen dollars per hour and the current
4 mileage rate set by the office of financial management, whichever is
5 greater. However, the fee for a single annual certificate listing
6 groups of thirty or more animals belonging to one owner is five dollars
7 per head or fifteen dollars per hour and the current mileage rate set
8 by the office of financial management, whichever is greater. A
9 lifetime certificate shall not be issued until the fee has been paid to
10 the director.

11 (3) The fee for livestock inspection is two dollars per head for a
12 single certificate issued for groups of thirty or more horses belonging
13 to one owner or fifteen dollars per hour and the current mileage rate
14 set by the office of financial management, whichever is greater.

15 ~~(4) ((There is a minimum fee of two dollars and fifty cents for the~~
16 ~~issuance of any inspection certificate.))~~ The minimum fee for the
17 issuance of an inspection certificate for livestock shall be five
18 dollars regardless of the inspection point. This minimum does not
19 apply to livestock consigned to a public livestock market or special
20 sale.

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

23 (1) Any inspection fee shall be paid to the department by the owner
24 or person in possession of the livestock unless the inspection is
25 requested by the purchaser and then the fee shall be paid by the
26 purchaser.

27 (2) Except as provided by rule, the inspection fee is due and
28 payable at the time inspection is performed and shall be paid upon
29 billing by the department and, if not, constitutes a prior lien on the
30 cattle or cattle hides or horses or horse hides inspected until the fee
31 is paid.

32 (3) A late fee of one and one-half percent per month shall be
33 assessed on the unpaid balance against persons more than thirty days in
34 arrears.

35 (4) In addition to any other penalties, the director may refuse to
36 perform an inspection service under this chapter for a person in

1 arrears or who has failed to pay fees required by this chapter unless
2 the person makes payment in full of all moneys due prior to performing
3 the service.

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

6 No person shall collect or make a charge for ((brand)) inspection
7 of livestock unless there has been an actual ((brand)) inspection of
8 ((such)) the livestock.

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

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

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

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

31 (2) The director may issue certificate of permit forms to any
32 person on payment of a fee established by rule.

33 (3) Certificates of permit, inspection certificates, self-
34 inspection certificates, or other satisfactory proof of ownership shall
35 be kept by the owner and/or person in possession of any cattle and
36 shall be furnished to the director or any peace officer upon demand.

1 (4) A self-inspection certificate is not valid if proof of
2 ownership is not provided to the buyer for cattle bearing brands not
3 recorded to the seller.

4 **NEW SECTION.** **Sec. 27.** A new section is added to chapter 16.57 RCW
5 to read as follows:

6 Cattle may not be moved or transported within this state without
7 being accompanied by a certificate of permit, inspection certificate,
8 self-inspection certificate, or other satisfactory proof of ownership,
9 except:

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

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

15 Certificates of permit, inspection certificates, self-inspection
16 certificates, or other satisfactory proof of ownership accompanying
17 cattle being moved or transported within this state shall be subject to
18 inspection at any time by the director or any peace officer.

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

21 It (~~shall be~~) is unlawful for any person to remove or cause to be
22 removed or accept for removal from this state, any cattle or horses
23 which are not accompanied at all times by an (~~official brand~~)
24 inspection certificate (~~issued by the director~~) on such cattle or
25 horses, except as provided (~~in RCW 16.57.160~~) by rule adopted under
26 this chapter.

27 **Sec. 29.** RCW 16.57.270 and 1959 c 54 s 27 are each amended to read
28 as follows:

29 It (~~shall be~~) is unlawful for any person moving or transporting
30 livestock in this state to refuse to assist the director or any peace
31 officer in establishing the identity and ownership of (~~such~~) the
32 livestock being moved or transported.

33 **Sec. 30.** RCW 16.57.275 and 1967 c 240 s 37 are each amended to
34 read as follows:

1 Any cattle carcass, or primal part thereof, of any breed or age
2 being transported in this state from other than a state or federal
3 licensed and inspected slaughterhouse or common carrier hauling for
4 ~~((such))~~ the slaughterhouse, shall be accompanied by a certificate of
5 permit signed by the owner of ~~((such))~~ the carcass or primal part
6 thereof and, if ~~((such))~~ the carcass or primal part is delivered to a
7 facility custom handling ~~((such))~~ the carcasses or primal parts
8 thereof, ~~((such))~~ the certificate of permit shall be deposited with the
9 owner or manager of ~~((such))~~ the custom handling facility and ~~((such))~~
10 the certificate of permit shall be retained for a period of one year
11 and be made available to the department for inspection during
12 ~~((reasonable business hours. The owner of such carcass or primal part~~
13 ~~thereof shall mail a copy of the said certificate of permit to the~~
14 ~~department within ten days of said transportation))~~ regular business
15 hours or any working shift.

16 **Sec. 31.** RCW 16.57.280 and 1995 c 374 s 52 are each amended to
17 read as follows:

18 No person shall knowingly have ~~((unlawful))~~ possession of any
19 ~~((livestock))~~ cattle or horse marked with a recorded brand ~~((or~~
20 ~~tattoo))~~ of another person unless the:

21 (1) ~~((Such livestock))~~ Cattle or horse lawfully bears the person's
22 own healed recorded brand; or

23 (2) ~~((Such livestock))~~ Cattle or horse is accompanied by a
24 certificate of permit from the owner of the recorded brand ~~((or~~
25 ~~tattoo))~~; or

26 (3) ~~((Such livestock))~~ Cattle or horse is accompanied by ~~((a~~
27 ~~brand))~~ an inspection certificate; or

28 (4) ~~((Such))~~ Cattle is accompanied by a self-inspection ~~((slip))~~
29 certificate; or

30 (5) ~~((Such livestock))~~ Horse is accompanied by a bill of sale from
31 the previous owner; or

32 (6) Cattle or horse is accompanied by ~~((a bill of sale from the~~
33 ~~previous owner or))~~ other satisfactory proof of ownership as designated
34 in rule.

35 A violation of this section constitutes a gross misdemeanor
36 ~~((punishable to the same extent as a gross misdemeanor that is~~
37 ~~punishable under RCW 9A.20.021)).~~

1 **Sec. 32.** RCW 16.57.290 and 1995 c 374 s 53 are each amended to
2 read as follows:

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

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

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

1 NEW SECTION. **Sec. 34.** A new section is added to chapter 16.57 RCW
2 to read as follows:

3 The proceeds from the sale of dairy breed cattle when impounded
4 under RCW 16.57.290, and after paying the cost thereof, shall be paid
5 to the seller if:

6 (1) The cattle bears a brand that is not recorded in this state or
7 any state where a reciprocal agreement is in place as provided under
8 RCW 16.57.340;

9 (2) There is no evidence of theft;

10 (3) The director has posted the brand for at least ninety days at
11 each licensed public livestock market in this state and any other state
12 where the director provides for livestock inspection; and

13 (4) No other person has established legal ownership of the cattle
14 with the director.

15 The proceeds from the sale shall be held by the director until paid
16 to the seller or other person as specified by the director. However,
17 the proceeds from a sale of the cattle at a licensed public livestock
18 market shall be held by the licensee.

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

21 When a person has been notified by registered mail that animals
22 bearing ((his)) the person's recorded brand have been sold by the
23 director, he or she shall present to the director a claim on the
24 proceeds within ten days from the receipt of the notice or the director
25 may decide that no claim exists.

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

28 If, after the expiration of one year from the date of sale, the
29 person presenting the animals for inspection has not provided the
30 director with satisfactory proof of ownership, the proceeds from the
31 sale shall be paid on the claim of the owner of the recorded brand.
32 However, it shall be a gross misdemeanor for the owner of the recorded
33 brand to knowingly accept such funds after he or she has sold, bartered
34 or traded such animals to the claimant or any other person. ((~~A gross
35 misdemeanor under this section is punishable to the same extent as a
36 gross misdemeanor that is punishable under RCW 9A.20.021.~~))

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

3 If, after the expiration of one year from the date of sale, no
4 claim under RCW 16.57.310 is made or no satisfactory proof of ownership
5 is provided under RCW 16.57.320, the money shall be credited to the
6 department (~~(of agriculture)~~) to be expended in carrying out the
7 provisions of this chapter.

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

10 The director (~~(shall have)~~) has the authority to enter into
11 reciprocal agreements with any or all states to prevent the theft,
12 misappropriation, or loss of identification of livestock. The director
13 may declare any livestock which is shipped or moved into this state
14 from (~~(such)~~) those states estrays if (~~(such)~~) the livestock is not
15 accompanied by the proper (~~(official brand)~~) inspection certificate or
16 other (~~(such)~~) certificates required by the law of the state of origin
17 of (~~(such)~~) the livestock. The director may hold (~~(such)~~) the
18 livestock subject to all costs of holding or sell (~~(such)~~) the
19 livestock and send the funds, after the deduction of the cost of
20 (~~(such)~~) the sale, to the proper authority in the state of origin of
21 (~~(such)~~) the livestock.

22 **Sec. 39.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read
23 as follows:

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

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

30 **Sec. 40.** 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 to be used only for the~~
34 ~~enforcement)~~) in an account in the agricultural local fund and used to
35 carry out the purposes of this chapter.

1 **Sec. 41.** RCW 16.57.400 and 1994 c 46 s 20 are each amended to read
2 as follows:

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

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

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

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

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

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

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

10 NEW SECTION. Sec. 43. A new section is added to chapter 16.65 RCW
11 to read as follows:

12 The purpose of this chapter is to ensure the orderly marketing of
13 livestock, to ensure the financial stability of public livestock
14 markets, and to protect persons who consign livestock to markets and
15 sales.

16 **Sec. 44.** RCW 16.65.010 and 1983 c 298 s 1 are each amended to read
17 as follows:

18 For the purposes of this chapter:

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

28 (2) "Department" means the department of agriculture of the state
29 of Washington.

30 (3) "Director" means the director of the department or his or her
31 duly authorized representative.

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

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

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

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

12 (8) "Packer" means any person engaged in the business of
13 slaughtering, manufacturing, preparing meat or meat products for sale,
14 marketing meat, meat food products or livestock products.

15 (~~(9) ("Deputy state veterinarian" means a graduate veterinarian
16 authorized to practice in the state of Washington and appointed or
17 deputized by the director as his duly authorized representative.~~

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

22 (10) "Livestock inspection" or "inspection" means the examination
23 of livestock or livestock hides for brands or any means of identifying
24 livestock or livestock hides including the examination of documents
25 providing evidence of ownership.

26 **Sec. 45.** RCW 16.65.015 and 1983 c 298 s 2 are each amended to read
27 as follows:

28 (1) Except under subsection (2) of this section, this chapter does
29 not apply to:

30 ~~((1))~~ (a) A farmer selling his or her own livestock ~~((on the~~
31 ~~farmer's own premises by auction or any other method))~~.

32 ~~((2))~~ (b) A farmers' cooperative association or an association of
33 livestock breeders when any class of their own livestock is assembled
34 and offered for sale at a special sale ~~((on an occasional and seasonal~~
35 ~~basis))~~ under the association's management and responsibility~~((, and~~
36 ~~the special sale has been approved by the director in writing.~~

1 ~~However, the special sale shall be subject to brand and health~~
2 ~~inspection requirements as provided in this chapter for sales at public~~
3 ~~livestock markets)).~~

4 (c) A youth livestock organization such as 4-H, FFA, or other
5 junior livestock group, when any class of livestock owned by the youth
6 members is assembled and offered for sale at a special sale under the
7 organization's management and responsibility.

8 (2) Any farmer, farmers' cooperative association, livestock
9 breeders' association, or youth livestock organization under subsection
10 (1) of this section, may, upon obtaining a permit from the director,
11 conduct a public sale of his or her or its members livestock on an
12 occasional or seasonal basis. Application for the permit shall be in
13 writing to the director for his or her approval at least fifteen days
14 before the proposed public sale is scheduled to be held. The
15 application must be complete and accompanied by a nonrefundable fee of
16 fifty dollars for each sale, except that the fee is waived for youth
17 livestock organizations. The sale is subject to the livestock and
18 health inspection requirements as provided in this chapter for sales at
19 public livestock markets, unless otherwise prescribed by rule.

20 **Sec. 46.** RCW 16.65.020 and 1983 c 298 s 5 are each amended to read
21 as follows:

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

32 **Sec. 47.** RCW 16.65.030 and 1995 c 374 s 54 are each amended to
33 read as follows:

34 (1) ~~((On and after June 10, 1959,))~~ No person shall operate a
35 public livestock market without first having obtained a license from

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

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

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

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

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

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

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

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

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

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

1 (j) ~~((Such))~~ Other information as the director may ~~((reasonably))~~
2 require by rule.

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

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

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

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

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

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

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

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

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

31 (f) Any other conditions affecting the orderly marketing of
32 livestock.

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

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

37 (b) Provide evidence of a custodial account, as required under RCW
38 16.65.140, for the consignor's proceeds;

- 1 (c) Pay the appropriate license fee; and
- 2 (d) Provide other information required under this chapter and rules
- 3 adopted under this chapter.

4 **Sec. 48.** RCW 16.65.037 and 1997 c 356 s 9 are each amended to read
5 as follows:

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

11 (2) The license fee shall be based on the average gross sales
12 volume per official sales day of ~~((that))~~ a market~~((÷~~

13 ~~(a) Markets with an average gross sales volume up to and including~~
14 ~~ten thousand dollars, a one hundred twenty dollar fee;~~

15 ~~(b) Markets with an average gross sales volume over ten thousand~~
16 ~~dollars and up to and including fifty thousand dollars, a two hundred~~
17 ~~forty dollar fee; and~~

18 ~~(c) Markets with an average gross sales volume over fifty thousand~~
19 ~~dollars, a three hundred sixty dollar fee.~~

20 ~~The fees for public market licenses shall be set by the director by~~
21 ~~rule subsequent to a hearing under chapter 34.05 RCW and in conformance~~
22 ~~with RCW 16.57.015))~~ in the previous twelve months or, for a new
23 market, the projected average gross sales per official sales day of the
24 market during its first year's operation.

25 (a) The license fee for markets with an average gross sales volume
26 up to and including ten thousand dollars is one hundred twenty dollars.

27 (b) The license fee for markets with an average gross sales volume
28 over ten thousand dollars and up to and including fifty thousand
29 dollars is two hundred forty dollars.

30 (c) The license fee for markets with an average gross sales volume
31 over fifty thousand dollars is three hundred sixty dollars.

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

1 **Sec. 49.** RCW 16.65.040 and 1983 c 298 s 6 are each amended to read
2 as follows:

3 (1) All public livestock market licenses provided for in this
4 chapter (~~shall~~) expire on March 1st subsequent to the date of issue.

5 (2) Application for renewal of a public livestock market license
6 shall be in writing on forms prescribed by the director, and shall
7 include:

8 (a) All information under RCW 16.65.030(1) (d), (e), and (f);

9 (b) The gross dollar volume of business carried on, at, or through
10 the applicant's public livestock market in the twelve-month period
11 prior to the application for renewal of the license;

12 (c) Other information as the director may require by rule; and

13 (d) The appropriate license fee.

14 (3) If any person (~~who~~) fails, refuses, or neglects to apply for
15 a renewal of a preexisting license (~~on or before the date of~~
16 expiration)) by March 1st, the person's license shall expire. To
17 reinstate a license, the person shall pay a penalty of twenty-five
18 dollars, which shall be added to the regular license fee, before
19 (~~such~~) the license may be (~~renewed~~) reinstated by the director.

20 **Sec. 50.** RCW 16.65.042 and 1983 c 298 s 3 are each amended to read
21 as follows:

22 (1) A person shall not operate a special open consignment horse
23 sale without first obtaining a license from the director. The
24 application for the license shall include:

25 ~~(a) ((A detailed statement showing all of the assets and~~
26 ~~liabilities of the applicant;~~

27 ~~(b))~~ (b) The schedule of rates and charges the applicant proposes to
28 impose on the owners of horses for services rendered in the operation
29 of the horse sale;

30 ~~((c))~~ (c) The specific date and exact location of the proposed
31 sale;

32 ~~((d))~~ (d) Projected quantity and approximate value of horses to
33 be handled; and

34 ~~((e))~~ (e) Such other information as the director may reasonably
35 require.

36 (2) The application shall be accompanied by a license fee of one
37 hundred dollars. Upon the approval of the application by the director

1 and compliance with this chapter, the applicant shall be issued a
2 license. A special open consignment horse sale license is valid only
3 for the specific date or dates and exact location for which the license
4 was issued.

5 **Sec. 51.** RCW 16.65.050 and 1959 c 107 s 5 are each amended to read
6 as follows:

7 All fees provided for under this chapter shall be ~~((retained by the~~
8 ~~director))~~ deposited in an account in the agricultural local fund and
9 used for ~~((the purpose of))~~ enforcing and carrying out the purpose and
10 provisions of this chapter and chapter 16.57 RCW.

11 **Sec. 52.** RCW 16.65.080 and 1985 c 415 s 9 are each amended to read
12 as follows:

13 (1) The director ~~((is authorized to))~~ may deny, suspend, or revoke
14 a license ~~((in the manner prescribed herein,))~~ when ~~((there are~~
15 ~~findings by))~~ the director finds that ~~((any))~~ a licensee (a) has ~~((been~~
16 ~~guilty of fraud or misrepresentation as to))~~ misrepresented titles,
17 charges, numbers, brands, weights, proceeds of sale, or ownership of
18 livestock; (b) has attempted payment to a consignor or the department
19 by a check the licensee knows not to be backed by sufficient funds to
20 cover such check; (c) has violated any of the provisions of this
21 chapter or rules ~~((and regulations))~~ adopted ~~((hereunder))~~ under this
22 chapter; (d) has violated any laws of the state that require ~~((health~~
23 ~~or brand))~~ inspection of livestock for health or ownership purposes;
24 (e) has violated any condition of the bond, as provided in this
25 chapter. ~~((However, the director may deny a license if the applicant~~
26 ~~refuses to accept the sales day or days allocated to him under the~~
27 ~~provisions of this chapter.))~~

28 (2) ~~((In all proceedings for revocation, suspension, or denial of~~
29 ~~a license the licensee or applicant shall be given an opportunity to be~~
30 ~~heard in regard to such revocation, suspension or denial of a license.~~
31 ~~The director shall give the licensee or applicant twenty days' notice~~
32 ~~in writing and such notice shall specify the charges or reasons for~~
33 ~~such revocation, suspension or denial. The notice shall also state the~~
34 ~~date, time and place where such hearing is to be held. Such hearings~~
35 ~~shall be held in the city where the licensee has his principal place of~~

1 ~~business, or where the applicant resides, unless some other place be~~
2 ~~agreed upon by the parties, and the defendant may be represented by~~
3 ~~counsel.~~

4 ~~(3) The director may issue subpoenas to compel the attendance of~~
5 ~~witnesses, and/or the production of books or documents anywhere in the~~
6 ~~state. The applicant or licensee shall have opportunity to be heard,~~
7 ~~and may have such subpoenas issued as he desires. Subpoenas shall be~~
8 ~~served in the same manner as in civil cases in the superior court.~~
9 ~~Witnesses shall testify under oath which may be administered by the~~
10 ~~director. Testimony shall be recorded, and may be taken by deposition~~
11 ~~under such rules as the director may prescribe.~~

12 ~~(4) The director shall hear and determine the charges, make~~
13 ~~findings and conclusions upon the evidence produced, and file them in~~
14 ~~his office, together with a record of all of the evidence, and serve~~
15 ~~upon the accused a copy of such findings and conclusions)) Upon notice~~
16 ~~by the director to deny, revoke, or suspend a license, a person may~~
17 ~~request a hearing under chapter 34.05 RCW.~~

18 **Sec. 53.** RCW 16.65.090 and 1997 c 356 s 11 are each amended to
19 read as follows:

20 The director shall provide for ((brand)) livestock inspection.
21 When ((such brand)) livestock inspection is required the licensee shall
22 collect from the consignor and pay to the department a fee, as provided
23 by law, ((a fee for brand inspection)) for each animal ((consigned to
24 the public livestock market or special open consignment horse sale))
25 inspected. However, if in any one sale day the total fees collected
26 for ((brand)) inspection do not exceed seventy-two dollars, then
27 ((such)) the licensee shall pay seventy-two dollars for ((such brand))
28 the inspection ((or as much thereof as the director may prescribe))
29 services.

30 **Sec. 54.** RCW 16.65.100 and 1983 c 298 s 9 are each amended to read
31 as follows:

32 The licensee of each public livestock market or special open
33 consignment horse sale shall collect from any purchaser of livestock
34 requesting ((brand)) inspection a fee as provided by law for each
35 animal inspected. ((Such)) This fee shall be in addition to the fee

1 charged to the consignor for (~~brand~~) inspection and shall not apply
2 to the minimum fee chargeable to the licensee.

3 **Sec. 55.** RCW 16.65.140 and 1971 ex.s. c 192 s 4 are each amended
4 to read as follows:

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

23 **Sec. 56.** RCW 16.65.170 and 1967 c 192 s 1 are each amended to read
24 as follows:

25 The licensee shall keep accurate records which shall be available
26 for inspection to all parties directly interested therein, and (~~such~~)
27 the records shall contain the following information:

28 (1) The date on which each consignment of livestock was received
29 and sold.

30 (2) The name and address of the buyer and seller of (~~such~~) the
31 livestock.

32 (3) The number and species of livestock received and sold.

33 (4) The marks and brands on (~~such~~) the livestock (~~as supplied by~~
34 ~~a brand inspector~~)).

35 (5) All statements of warranty or representations of title material
36 to, or upon which, any (~~such~~) sale is consummated.

1 (6) The gross selling price of (~~such~~) the livestock with a
2 detailed list of all charges deducted therefrom.

3 (~~Such~~) These records shall be kept by the licensee for one year
4 subsequent to the receipt of such livestock.

5 **Sec. 57.** RCW 16.65.190 and 1983 c 298 s 12 are each amended to
6 read as follows:

7 No person shall (~~hereafter~~) operate a public livestock market or
8 special open consignment horse sale unless (~~such~~) that person has
9 filed a schedule with the application for license to operate (~~such~~)
10 a public livestock market or special open consignment horse sale.
11 (~~Such~~) The schedule shall show all rates and charges for stockyard
12 services to be furnished (~~by such person~~) at (~~such~~) the public
13 livestock market or special open consignment horse sale.

14 (1) Schedules shall be posted conspicuously at the public livestock
15 market or special open consignment horse sale, and shall plainly state
16 all (~~such~~) rates and charges in such detail as the director may
17 require, and shall state any rules (~~and regulations~~) which in any
18 manner change, affect, or determine any part of the aggregate of
19 (~~such~~) the rates or charges, or the value of the stockyard services
20 furnished. The director may determine and prescribe the form and
21 manner in which (~~such~~) the schedule shall be prepared, arranged, and
22 posted.

23 (2) No changes shall be made in rates or charges so filed and
24 published except after thirty days' notice to the director and to the
25 public filed and posted as (~~aforsaid~~) set forth under this section,
26 which shall plainly state the changes proposed to be made and the time
27 (~~such~~) the changes will go into effect.

28 (3) No licensee shall charge, demand, or collect a greater or a
29 lesser or a different compensation for (~~such~~) a service than the
30 rates and charges specified in the schedule filed with the director and
31 in effect at the time; nor shall a licensee refund or remit in any
32 manner any portion of the rates or charges so specified (but this shall
33 not prohibit a cooperative association of producers from properly
34 returning to its members, on a patronage basis, its excess earnings on
35 their livestock); nor shall a licensee extend to any person at (~~such~~)
36 a public livestock market or special open consignment horse sale any

1 stockyard services except ((such)) as are specified in ((such)) the
2 schedule.

3 **Sec. 58.** RCW 16.65.200 and 1983 c 298 s 13 are each amended to
4 read as follows:

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

28 The total and aggregate liability of the surety for all claims upon
29 the bond shall be limited to the face of ((such)) the bond. Every bond
30 filed with and approved by the director shall, without the necessity of
31 periodic renewal, remain in force and effect until ((such time as)) the
32 license of the licensee is revoked for cause or otherwise canceled.
33 The surety on a bond, as provided herein, shall be released and
34 discharged from all liability to the state accruing on ((such)) the
35 bond upon compliance with the provisions of RCW 19.72.110 concerning
36 notice and proof of service, ((as enacted or hereafter amended,)) but
37 this shall not operate to relieve, release, or discharge the surety

1 from any liability already accrued or which shall accrue (due and to
2 become due hereunder) before the expiration period provided for in RCW
3 19.72.110 concerning notice and proof of service (~~as enacted or~~
4 ~~hereafter amended~~), and unless the principal shall before the
5 expiration of (~~such~~) this period, file a new bond, the director shall
6 (~~forthwith~~) immediately cancel the principal's license.

7 **Sec. 59.** RCW 16.65.235 and 1973 c 142 s 3 are each amended to read
8 as follows:

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

14 **Sec. 60.** RCW 16.65.260 and 1983 c 298 s 14 are each amended to
15 read as follows:

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

28 **Sec. 61.** RCW 16.65.270 and 1959 c 107 s 27 are each amended to
29 read as follows:

30 If a vendor or consignor creditor so addressed fails, refuses or
31 neglects to file in the office of the director his or her verified
32 claim as requested by the director within sixty days from the date of
33 such request, the director shall (~~thereupon~~) be relieved of further
34 duty or action (~~hereunder~~) on behalf of (~~said~~) the producer or
35 consignor creditor.

1 **Sec. 62.** RCW 16.65.280 and 1959 c 107 s 28 are each amended to
2 read as follows:

3 Where by reason of the absence of records, or other circumstances
4 making it impossible or unreasonable for the director to ascertain the
5 names and addresses of all (~~said~~) vendor and consignor creditors, the
6 director, after exerting due diligence and making reasonable inquiry to
7 secure (~~said~~) the information from all reasonable and available
8 sources, may make demand on (~~said~~) the bond on the basis of
9 information then in his or her possession, and thereafter shall not be
10 liable or responsible for claims or the handling of claims which may
11 subsequently appear or be discovered.

12 **Sec. 63.** RCW 16.65.300 and 1959 c 107 s 30 are each amended to
13 read as follows:

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

23 **Sec. 64.** RCW 16.65.340 and 1967 c 192 s 2 are each amended to read
24 as follows:

25 The director shall, when livestock is sold, traded, exchanged, or
26 handled at or through a public livestock market, require such testing,
27 treating, identifying, examining and record keeping of such livestock
28 by a (~~deputy~~) Washington state licensed and accredited veterinarian
29 employed by the market as in the director's judgment may be necessary
30 to prevent the spread of brucellosis, tuberculosis, paratuberculosis,
31 (~~hog cholera~~) pseudorabies, or any other infectious, contagious, or
32 communicable disease among the livestock of this state. The state
33 veterinarian or his or her authorized representative may conduct
34 additional testing and examinations for the same purpose.

1 **Sec. 65.** RCW 16.65.350 and 1959 c 107 s 35 are each amended to
2 read as follows:

3 ~~((1) The director shall perform all tests and make all~~
4 ~~examinations required under the provisions of this chapter and rules~~
5 ~~and regulations adopted hereunder: PROVIDED, That veterinary~~
6 ~~inspectors of the United States department of agriculture may be~~
7 ~~appointed by the director to make such examinations and tests as are~~
8 ~~provided for in this chapter without bond or compensation, and shall~~
9 ~~have the same authority and power in this state as a deputy state~~
10 ~~veterinarian.~~

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

22 **Sec. 66.** RCW 16.65.380 and 1959 c 107 s 38 are each amended to
23 read as follows:

24 Public livestock market facilities shall include adequate space and
25 facilities necessary for ((~~deputy~~)) market, federal, or state
26 veterinarians to properly carry out their functions as prescribed by
27 law and rules ((~~and regulations~~)) adopted ((~~hereunder~~)) under law or as
28 prescribed by applicable federal law or regulation.

29 **Sec. 67.** RCW 16.65.390 and 1959 c 107 s 39 are each amended to
30 read as follows:

31 Public livestock market facilities shall include space and
32 facilities necessary for ((~~brand~~)) livestock inspectors and
33 veterinarians to properly carry out their duties, as provided by law
34 and rules ((~~and regulations~~)) adopted ((~~hereunder~~)) under law, in a
35 safe and expeditious manner.

1 **Sec. 68.** RCW 16.65.400 and 1983 c 298 s 15 are each amended to
2 read as follows:

3 (1) Each public livestock market licensee shall maintain and
4 operate approved weighing facilities for the weighing of livestock at
5 such licensee's public livestock market.

6 (2) All dial scales used by the licensee shall be of adequate size
7 to be readily visible to all interested parties and shall be equipped
8 with a mechanical weight recorder.

9 (3) All beam scales used by the licensee shall be equipped with a
10 balance indicator, a weigh beam and a mechanical weight recorder, all
11 readily visible to all interested parties.

12 (4) All scales used by the licensee shall be checked for balance at
13 short intervals during the process of selling and immediately prior to
14 the beginning of each sale day.

15 (5) The scale ticket shall have the weights mechanically imprinted
16 upon ~~((such))~~ the tickets when the weigh beam is in balance during the
17 process of weighing, and shall be issued in triplicate, for all
18 livestock weighed at a public livestock market. A copy of ~~((such))~~ the
19 weight tickets shall be issued to the buyer and seller of the livestock
20 weighed.

21 **Sec. 69.** RCW 16.65.420 and 1991 c 17 s 3 are each amended to read
22 as follows:

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

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

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

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

1 (d) Buyers available to such market;

2 (e) Any other conditions affecting the orderly marketing of
3 livestock.

4 (2) No special sales shall be conducted by the licensee unless the
5 licensee has applied to the director in writing fifteen days prior to
6 such proposed sale (~~((and such sale date shall be approved at the
7 discretion of the director))~~).

8 (3) In any case that a licensee fails to conduct sales on the sales
9 days allocated to the licensee, the director shall, subsequent to a
10 hearing, be authorized to revoke an allocation for nonuse. The rate of
11 usage required to maintain an allocation shall be established by rule.

12 **Sec. 70.** RCW 16.65.424 and 1963 c 232 s 19 are each amended to
13 read as follows:

14 The director (~~((shall have))~~) has the authority to grant a licensee
15 an additional sales day_s or days_s limited to the sale of horses and/or
16 mules and may if requested grant the licensee, by permit, the authority
17 to have the sale at premises other than at his or her public livestock
18 market if the facilities are approved by the director as being adequate
19 for the protection of the health and safety of (~~((such))~~) the horses
20 and/or mules. For the purpose of such limited sale the facility
21 requirements of RCW 16.65.360 shall not be applicable.

22 **Sec. 71.** RCW 16.65.440 and 1959 c 107 s 44 are each amended to
23 read as follows:

24 Any person who (~~((shall))~~) violates any provisions or requirements of
25 this chapter or rules (~~((and regulations))~~) adopted by the director
26 (~~((pursuant to))~~) under this chapter (~~((shall be deemed))~~) is guilty of a
27 gross misdemeanor(~~((; and any subsequent violation thereafter shall be
28 deemed a gross misdemeanor))~~).

29 **Sec. 72.** RCW 16.65.445 and 1989 c 175 s 55 are each amended to
30 read as follows:

31 The director shall hold public hearings upon ((a)) any proposal to
32 (~~((promulgate))~~) adopt any new or amended (~~((regulations))~~) rules and all
33 hearings for the denial, revocation, or suspension of a license issued
34 under this chapter or in any other adjudicative proceeding, and shall

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

3 NEW SECTION. **Sec. 73.** A new section is added to chapter 42.17 RCW
4 to read as follows:

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

7 NEW SECTION. **Sec. 74.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 16.58.010 (Purpose) and 1979 c 81 s 1 & 1971 ex.s. c 181 s
10 1;

11 (2) RCW 16.58.020 (Definitions) and 1971 ex.s. c 181 s 2;

12 (3) RCW 16.58.030 (Rules and regulations--Interference with
13 director proscribed) and 1971 ex.s. c 181 s 3;

14 (4) RCW 16.58.040 (Certified feed lot license--Required--
15 Application, contents) and 1971 ex.s. c 181 s 4;

16 (5) RCW 16.58.050 (Certified feed lot license--Fee--Issuance or
17 renewal) and 1997 c 356 s 5, 1997 c 356 s 4, 1994 c 46 s 23, 1994 c 46
18 s 14, 1993 c 354 s 3, 1979 c 81 s 2, & 1971 ex.s. c 181 s 5;

19 (6) RCW 16.58.060 (Certified feed lot license--Expiration--Late
20 renewal) and 1991 c 109 s 10 & 1971 ex.s. c 181 s 6;

21 (7) RCW 16.58.070 (Certified feed lot license--Denial, suspension,
22 or revocation of--Procedure) and 1989 c 175 s 54 & 1971 ex.s. c 181 s
23 7;

24 (8) RCW 16.58.080 (Brand inspection, facilities and help to be
25 furnished for) and 1971 ex.s. c 181 s 8;

26 (9) RCW 16.58.095 (Brand inspection required for cattle not having
27 brand inspection certificate) and 1991 c 109 s 11 & 1979 c 81 s 6;

28 (10) RCW 16.58.100 (Audits--Purpose) and 1979 c 81 s 3 & 1971 ex.s.
29 c 181 s 10;

30 (11) RCW 16.58.110 (Records--Examination) and 1991 c 109 s 12 &
31 1971 ex.s. c 181 s 11;

32 (12) RCW 16.58.120 (Records required at each certified feed lot)
33 and 1991 c 109 s 13 & 1971 ex.s. c 181 s 12;

34 (13) RCW 16.58.130 (Feed lots--Fee for each head of cattle
35 handled--Failure to pay) and 1997 c 356 s 7, 1997 c 356 s 6, 1994 c 46

1 s 24, 1994 c 46 s 15, 1993 c 354 s 4, 1991 c 109 s 14, 1979 c 81 s 4,
2 & 1971 ex.s. c 181 s 13;

3 (14) RCW 16.58.140 (Disposition of fees) and 1979 c 81 s 5 & 1971
4 ex.s. c 181 s 14;

5 (15) RCW 16.58.150 (Situations when no brand inspection required)
6 and 1971 ex.s. c 181 s 15;

7 (16) RCW 16.58.160 (Suspension of license awaiting investigation)
8 and 1991 c 109 s 15 & 1971 ex.s. c 181 s 16;

9 (17) RCW 16.58.170 (General penalties--Subsequent offenses) and
10 1971 ex.s. c 181 s 17;

11 (18) RCW 16.58.900 (Chapter as cumulative and nonexclusive) and
12 1971 ex.s. c 181 s 18;

13 (19) RCW 16.58.910 (Severability--1971 ex.s. c 181) and 1971 ex.s.
14 c 181 s 19;

15 (20) RCW 16.65.110 (Charge for examining, testing, inoculating,
16 etc.--Minimum fee) and 1959 c 107 s 11;

17 (21) RCW 16.65.422 (Special sales of purebred livestock) and 1963
18 c 232 s 17;

19 (22) RCW 16.65.423 (Limited public livestock market license, sale
20 of horses and/or mules--Sales days) and 1983 c 298 s 16 & 1963 c 232 s
21 18; and

22 (23) RCW 16.57.380 (Horses--Mandatory brand inspection points--
23 Powers of director) and 1991 c 110 s 8, 1981 c 296 s 22, & 1974 ex.s.
24 c 38 s 1.

25 NEW SECTION. **Sec. 75.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 July 1, 2003, except for sections 3 and 9 of this act which take effect
29 January 1, 2004.

--- END ---