
SENATE BILL 5956

State of Washington

58th Legislature

2003 Regular Session

By Senator Swecker

Read first time 02/24/2003. 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, 16.58.020, 16.58.030, 16.58.040, 16.58.050,
9 16.58.060, 16.58.070, 16.58.080, 16.58.095, 16.58.100, 16.58.110,
10 16.58.140, 16.58.150, 16.58.160, 16.58.170, 16.65.010, 16.65.015,
11 16.65.020, 16.65.030, 16.65.037, 16.65.040, 16.65.042, 16.65.050,
12 16.65.080, 16.65.090, 16.65.100, 16.65.140, 16.65.170, 16.65.190,
13 16.65.200, 16.65.235, 16.65.260, 16.65.270, 16.65.280, 16.65.300,
14 16.65.340, 16.65.350, 16.65.380, 16.65.390, 16.65.400, 16.65.420,
15 16.65.422, 16.65.424, 16.65.440, and 16.65.445; adding new sections to
16 chapter 16.57 RCW; adding a new section to chapter 16.65 RCW; adding a
17 new section to chapter 42.17 RCW; repealing RCW 16.65.110, 16.65.423,
18 16.57.380, and 16.58.130; prescribing penalties; providing effective
19 dates; and declaring an emergency.

20 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)) his or
7 her duly ((appointed)) authorized representative.

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

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

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

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

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

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

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

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

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

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

1 ~~(13))~~ (11) "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; and

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

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

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

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

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

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

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

32 (1) The director shall establish a livestock identification
33 advisory board. The board shall be composed of six members appointed
34 by the director. One member shall represent each of the following
35 groups: Beef producers, public livestock market operators, horse
36 owners, dairy farmers, cattle feeders, and meat processors. As used in
37 this subsection, "meat processor" means a person licensed to operate a

1 slaughtering establishment under chapter 16.49 RCW or the federal meat
2 inspection act (21 U.S.C. Sec. 601 et seq.). In making appointments,
3 the director shall solicit nominations from organizations representing
4 these groups statewide. The board shall elect a member to serve as
5 chair of the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 regular renewal period. The director may at the director's discretion,
2 if ((such)) the brand is not reissued within one year to the prior
3 ((registered)) owner, issue ((such)) the brand to any other applicant.

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

20 **Sec. 11.** 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 showing that the brand is of present
24 record or a certified copy of the record of ((such)) the brand showing
25 that it is of present record. A healed brand of record on livestock
26 shall be prima facie evidence that the recorded owner of ((such)) the
27 brand has legal title to ((such)) the livestock and is entitled to its
28 possession((:—PROVIDED, That)). The director may require additional
29 proof of ownership ((of)) for any animal showing more than one healed
30 brand.

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

33 No person shall remove or alter a brand of record on livestock
34 without first having secured the written permission of the director.

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

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

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

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

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

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

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

31 NEW SECTION. **Sec. 16.** A new section is added to chapter 16.57 RCW
32 to read as follows:

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

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

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

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

13 (b) Providing for self-inspection of fifteen head or less of
14 cattle;

15 (c) Providing for issuance of individual horse and cattle
16 identification certificates or other means of horse and cattle
17 identification; and

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

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

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

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

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

36 The director may enter at any reasonable time any slaughterhouse or

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

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

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

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

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

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

27 The director shall have authority to arrest ~~((any person))~~ without
28 warrant anywhere in the state any person found in the act of, or whom
29 ~~((he))~~ the director has reason to believe is guilty of, ~~((driving))~~
30 transporting, holding, selling, or slaughtering stolen livestock. Any
31 ~~((such))~~ person arrested by the director shall be turned over to the
32 county sheriff ((of the county)) or other local law enforcement officer
33 where the arrest was made, as quickly as possible.

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

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

28 (1) Except as provided for in RCW 16.65.090 and subsection (2),
29 (3), or (4) of this section, the fee for livestock inspection is ninety
30 cents per head for cattle and three dollars and fifty cents for horses
31 or fifteen dollars per hour and the current mileage rate set by the
32 office of financial management, whichever is greater.

33 (2) The fee for individual identification certificates is twenty
34 dollars for an annual certificate and sixty dollars for a lifetime
35 certificate or fifteen dollars per hour and the current mileage rate
36 set by the office of financial management, whichever is greater.
37 However, the fee for a single annual certificate listing groups of
38 thirty or more animals belonging to one owner is five dollars per head

1 or fifteen dollars per hour and the current mileage rate set by the
2 office of financial management, whichever is greater. A lifetime
3 certificate shall not be issued until the fee has been paid to the
4 director.

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

9 ~~(4) ((There is a minimum fee of two dollars and fifty cents for the~~
10 ~~issuance of any inspection certificate.))~~ The minimum fee for the
11 issuance of an inspection certificate for livestock shall be five
12 dollars regardless of the inspection point. This minimum does not
13 apply to livestock consigned to a public livestock market or special
14 sale.

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

17 (1) Any inspection fee shall be paid to the department by the owner
18 or person in possession of the livestock unless the inspection is
19 requested by the purchaser and then the fee shall be paid by the
20 purchaser.

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

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

29 (4) In addition to any other penalties, the director may refuse to
30 perform an inspection service under this chapter for a person in
31 arrears or who has failed to pay fees required by this chapter unless
32 the person makes payment in full of all moneys due prior to performing
33 the service.

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

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

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

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

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

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

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

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

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

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

1 Cattle may not be moved or transported within this state without
2 being accompanied by a certificate of permit, inspection certificate,
3 self-inspection certificate, or other satisfactory proof of ownership,
4 except:

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

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

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

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

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

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

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

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

30 Any cattle carcass, or primal part thereof, of any breed or age
31 being transported in this state from other than a state or federal
32 licensed and inspected slaughterhouse or common carrier hauling for
33 (~~such~~) the slaughterhouse, shall be accompanied by a certificate of
34 permit signed by the owner of (~~such~~) the carcass or primal part
35 thereof and, if (~~such~~) the carcass or primal part is delivered to a

1 facility custom handling (~~((such))~~) the carcasses or primal parts
2 thereof, (~~((such))~~) the certificate of permit shall be deposited with the
3 owner or manager of (~~((such))~~) the custom handling facility and (~~((such))~~)
4 the certificate of permit shall be retained for a period of one year
5 and be made available to the department for inspection during
6 (~~((reasonable business hours. The owner of such carcass or primal part~~
7 ~~thereof shall mail a copy of the said certificate of permit to the~~
8 ~~department within ten days of said transportation))~~) regular business
9 hours or any working shift.

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

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

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

17 (2) (~~((Such livestock))~~) Cattle or horse is accompanied by a
18 certificate of permit from the owner of the recorded brand (~~((or~~
19 ~~tattoo))~~); or

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

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

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

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

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

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

34 (~~((All unbranded cattle and horses and those bearing brands not~~
35 ~~recorded, in the current edition of this state's brand book, which are~~
36 ~~not accompanied by a certificate of permit, and those bearing brands~~

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

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

18 The proceeds from the sale of cattle and horses as provided for
19 under RCW 16.57.290, after paying the cost thereof, shall be paid to
20 the director, who shall make a record showing the brand or marks or
21 other method of identification of the animals and the amount realized
22 from the sale thereof. However, the proceeds from a sale of (~~such~~)
23 the cattle or horses at a licensed public livestock market shall be
24 held by the licensee for a reasonable period not to exceed thirty days
25 to permit the consignor to establish ownership or the right to sell
26 (~~such~~) the cattle or horses. If (~~such~~) the consignor fails to
27 establish legal ownership or the right to sell (~~such~~) the cattle or
28 horses, (~~such~~) the proceeds shall be paid to the director to be
29 disposed of as any other estray proceeds.

30 **Sec. 34.** RCW 16.57.310 and 1959 c 54 s 31 are each amended to read
31 as follows:

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

1 **Sec. 35.** RCW 16.57.320 and 1991 c 110 s 6 are each amended to read
2 as follows:

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

12 **Sec. 36.** RCW 16.57.330 and 1959 c 54 s 33 are each amended to read
13 as follows:

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

19 **Sec. 37.** RCW 16.57.340 and 1959 c 54 s 34 are each amended to read
20 as follows:

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

33 **Sec. 38.** RCW 16.57.360 and 1991 c 110 s 7 are each amended to read
34 as follows:

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

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

7 **Sec. 39.** RCW 16.57.370 and 1959 c 54 s 37 are each amended to read
8 as follows:

9 All fees collected under the provisions of this chapter shall be
10 (~~retained and~~) deposited (~~by the director to be used only for the~~
11 ~~enforcement~~) in an account in the agricultural local fund and used to
12 carry out the purposes of this chapter.

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

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

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

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

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

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

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

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

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

23 **Sec. 42.** RCW 16.58.020 and 1971 ex.s. c 181 s 2 are each amended
24 to read as follows:

25 For the purpose of this chapter:

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

32 (2) "Department" means the department of agriculture of the state
33 of Washington.

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

36 (4) "Licensee" means any persons licensed under the provisions of
37 this chapter.

1 (5) "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 (6) "Livestock inspection" or "inspection" means the examination of
6 livestock or livestock hides for brands or any means of identifying
7 livestock or livestock hides including the examination of documents
8 providing evidence of ownership.

9 (7) "Change of ownership" means the transfer of ownership from one
10 person to another by the sale of livestock. It does not mean: A
11 change in partners within a partnership; a change in members within an
12 association or a society; or the sale of stock within a corporation,
13 company, or association.

14 (8) "Direct to slaughter" means the delivery of livestock to a
15 slaughter plant within ten days of the sale of the cattle to the
16 slaughter plant.

17 **Sec. 43.** RCW 16.58.030 and 1971 ex.s. c 181 s 3 are each amended
18 to read as follows:

19 The director may adopt ~~((such))~~ those rules ~~((and regulations))~~ as
20 are necessary to carry out the purpose of this chapter. ~~((The adoption~~
21 ~~of such rules shall be subject to the provisions of this chapter and~~
22 ~~rules and regulations adopted hereunder.))~~ No person shall interfere
23 with the director when he or she is performing or carrying out any
24 duties imposed upon ~~((him))~~ the director by this chapter or rules ~~((and~~
25 ~~regulations))~~ adopted ~~((hereunder))~~ under this chapter.

26 **Sec. 44.** RCW 16.58.040 and 1971 ex.s. c 181 s 4 are each amended
27 to read as follows:

28 ~~((On or after August 9, 1971,))~~ Any person desiring to engage in
29 the business of operating one or more certified feed lots shall obtain
30 an annual license from the director for ~~((such))~~ that purpose. The
31 application for a license shall be on a form prescribed by the director
32 and shall include the following:

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

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

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

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

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

8 **Sec. 45.** RCW 16.58.050 and 1997 c 356 s 5 are each amended to read
9 as follows:

10 (1) The application for an annual license to engage in the business
11 of operating one or more certified feed lots shall be accompanied by a
12 license fee (~~of six hundred dollars~~) based on the annual volume of
13 cattle received into the feed lot during the previous twelve-month
14 period. For a new feed lot the fee is based on the projected volume of
15 cattle to be received during the first year of operation.

16 (a) The license fee for feed lots with an annual volume up to and
17 including twenty-five thousand head is seven hundred fifty dollars.

18 (b) The license fee for feed lots with an annual volume over
19 twenty-five thousand and up to and including one hundred thousand head
20 is one thousand dollars.

21 (c) The license fee for feed lots with an annual volume over one
22 hundred thousand head is one thousand five hundred dollars.

23 (2) Upon approval of the application by the director and compliance
24 with the provisions of this chapter and rules adopted (~~hereunder~~)
25 under this chapter, the applicant shall be issued a license or (a)
26 license renewal (~~thereof~~). The director shall conduct an inspection
27 of all cattle and their corresponding ownership documents prior to
28 issuing an original license. The inspection fee is the higher of the
29 current inspection fee per head of cattle or time and mileage as set
30 forth in RCW 16.57.220.

31 **Sec. 46.** RCW 16.58.060 and 1991 c 109 s 10 are each amended to
32 read as follows:

33 (The director shall establish by rule an expiration date or dates
34 for all certified feed lot licenses. License fees shall be prorated
35 where necessary to accommodate staggering of expiration dates of a
36 license or licenses.)) Certified feed lot licenses expire on June 30th

1 following the date of issuance. If (~~an application for renewal of a~~
2 ~~certified feed lot license is not received by the department per the~~
3 ~~date required by rule or should~~) a person fails, refuses, or neglects
4 to apply for renewal of a (~~preexisting~~) license (~~on or before the~~
5 ~~date of expiration~~) by June 30th, (~~that~~) the person's license shall
6 expire. To reinstate a license, the person shall be assessed (~~an~~
7 ~~additional~~) a late fee of twenty-five dollars which shall be added to
8 the regular license fee and shall be paid before the director may issue
9 a license to the applicant.

10 **Sec. 47.** RCW 16.58.070 and 1989 c 175 s 54 are each amended to
11 read as follows:

12 The director is authorized to deny, suspend, or revoke a license in
13 (~~accord~~) accordance with the provisions of chapter 34.05 RCW if he or
14 she finds that there has been a failure to comply with any requirement
15 of this chapter or rules (~~and regulations~~) adopted (~~hereunder~~)
16 under this chapter. Hearings for the revocation, suspension, or denial
17 of a license shall be subject to the provisions of chapter 34.05 RCW
18 (~~concerning adjudicative proceedings~~).

19 **Sec. 48.** RCW 16.58.080 and 1971 ex.s. c 181 s 8 are each amended
20 to read as follows:

21 Every certified feed lot shall be equipped with a facility or a
22 livestock pen, approved by the director as to location and construction
23 within the (~~said~~) feed lot so that necessary (~~brand~~) livestock
24 inspection can be carried on in a proper, expeditious and safe manner.
25 Each licensee shall furnish the director with sufficient help necessary
26 to carry out (~~brand~~) inspections in the manner set forth above.

27 **Sec. 49.** RCW 16.58.095 and 1991 c 109 s 11 are each amended to
28 read as follows:

29 All cattle entering or reentering a certified feed lot must be
30 inspected (~~for brands~~) upon entry, unless they are accompanied by (~~a~~
31 ~~brand~~) an inspection certificate issued by the director, or any other
32 agency authorized in any state or Canadian province by law to issue
33 (~~such~~) a certificate. Licensees shall report a discrepancy between
34 cattle entering or reentering a certified feed lot and the (~~brand~~)
35 inspection certificate accompanying the cattle to the nearest (~~brand~~)

1 inspector immediately. A discrepancy may require an inspection of all
2 the cattle entering or reentering the lot, except as may otherwise be
3 provided by rule.

4 **Sec. 50.** RCW 16.58.100 and 1979 c 81 s 3 are each amended to read
5 as follows:

6 The director shall ~~((each year))~~ conduct audits of the cattle
7 received, fed, handled, and shipped by the licensee at each certified
8 feed lot. ~~((Such))~~ These audits shall be for the purpose of
9 determining if ~~((such))~~ the cattle correlate with the ~~((brand))~~
10 inspection certificates issued in their behalf and that the certificate
11 of assurance furnished the director by the licensee correlates with his
12 or her assurance that ~~((brand))~~ inspected cattle were not commingled
13 with uninspected cattle.

14 **Sec. 51.** RCW 16.58.110 and 1991 c 109 s 12 are each amended to
15 read as follows:

16 All certified feed lots shall furnish the director with records as
17 requested by ~~((him from time to time))~~ the director on a monthly basis
18 on all cattle entering or on feed in ~~((said))~~ the certified feed lots
19 and dispersed therefrom. These records must include a copy of each
20 inspection certificate received and an itemized listing of all cattle
21 entering and leaving the feed lot. All ~~((such))~~ requested records
22 shall be subject to examination by the director for the purpose of
23 maintaining the integrity of the identity of all ~~((such))~~ the cattle.
24 The director may make the examinations only during regular business
25 hours or any working shift except in an emergency to protect the
26 interest of the owners of ~~((such))~~ the cattle.

27 **Sec. 52.** RCW 16.58.140 and 1979 c 81 s 5 are each amended to read
28 as follows:

29 All fees provided for in this chapter shall be ~~((retained by the~~
30 ~~director for the purpose of))~~ deposited in an account in the
31 agricultural local fund and used for enforcing and carrying out the
32 purpose and provisions of this chapter or chapter 16.57 RCW.

33 **Sec. 53.** RCW 16.58.150 and 1971 ex.s. c 181 s 15 are each amended
34 to read as follows:

1 No (~~brand~~) inspection shall be required when cattle are moved or
2 transferred from one certified feed lot to another (~~or the transfer of~~
3 ~~cattle~~) when they are accompanied by satisfactory proof of ownership
4 and there is no change of ownership or from a certified feed lot to a
5 point within this state, or out of state where this state maintains
6 (~~brand~~) inspection, for the purpose of immediate slaughter. Any
7 change of ownership within a certified feed lot requires a livestock
8 inspection unless the cattle are sent direct to slaughter. An
9 inspection fee as provided for in RCW 16.57.220 is payable to the
10 director by the seller of the cattle or through the licensee as an
11 agent.

12 **Sec. 54.** RCW 16.58.160 and 1991 c 109 s 15 are each amended to
13 read as follows:

14 The director may, when a certified feed lot's conditions become
15 such that the integrity of reports or records of the cattle (~~therein~~)
16 in that feed lot becomes doubtful, immediately suspend (~~such~~) the
17 certified feed lot's license until such time as the director can
18 conduct an investigation to (~~carry out the purpose of this chapter~~)
19 verify the condition of reports or records.

20 **Sec. 55.** RCW 16.58.170 and 1971 ex.s. c 181 s 17 are each amended
21 to read as follows:

22 Any person who violates the provisions of this chapter or any rule
23 (~~or regulation~~) adopted (~~hereunder~~) under this chapter shall be
24 guilty of a misdemeanor and shall be guilty of a gross misdemeanor for
25 any second or subsequent violation: PROVIDED, That any offense
26 committed more than five years after a previous conviction shall be
27 considered a first offense.

28 NEW SECTION. **Sec. 56.** A new section is added to chapter 16.65 RCW
29 to read as follows:

30 The purpose of this chapter is to ensure the orderly marketing of
31 livestock, to ensure the financial stability of public livestock
32 markets, and to protect persons who consign livestock to markets and
33 sales.

1 **Sec. 57.** RCW 16.65.010 and 1983 c 298 s 1 are each amended to read
2 as follows:

3 For the purposes of this chapter:

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

13 (2) "Department" means the department of agriculture of the state
14 of Washington.

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

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

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

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

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

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

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

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

5 (10) "Livestock inspection" or "inspection" means the examination
6 of livestock or livestock hides for brands or any means of identifying
7 livestock or livestock hides including the examination of documents
8 providing evidence of ownership.

9 **Sec. 58.** RCW 16.65.015 and 1983 c 298 s 2 are each amended to read
10 as follows:

11 This chapter does not apply to:

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

14 (2) A farmers' cooperative association or an association of
15 livestock breeders when any class of their own livestock is assembled
16 and offered for sale at a special sale on an occasional and seasonal
17 basis under the association's management and responsibility, and if the
18 application requirements for the special sale have been met and the
19 special sale has been approved by the director in writing. Application
20 shall be made at least fifteen days in advance of the proposed public
21 sale and must be accompanied by a nonrefundable fee of fifty dollars
22 for each application. However, the special sale shall be subject to
23 (~~brand~~) livestock and health inspection requirements as provided in
24 this chapter for sales at public livestock markets, unless otherwise
25 prescribed by rule.

26 (3) A youth livestock organization such as 4-H, FFA, or other
27 junior livestock group, when any class of livestock owned by the youth
28 members is assembled and offered for sale at a special sale under the
29 organization's management and responsibility and the special sale has
30 been approved by the director in writing at least fifteen days in
31 advance of the sale.

32 **Sec. 59.** RCW 16.65.020 and 1983 c 298 s 5 are each amended to read
33 as follows:

34 Public livestock markets and special open consignment horse sales
35 shall be under the direction and supervision of the director, and the
36 director(~~(, but not his duly authorized representative,)~~) may adopt

1 (~~such~~) those rules (~~and regulations~~) as are necessary to carry out
2 the purpose of this chapter. It shall be the duty of the director to
3 enforce and carry out the provisions of this chapter and rules (~~and~~
4 ~~regulations~~) adopted (~~hereunder~~) under this chapter. No person
5 shall interfere with the director when he or she is performing or
6 carrying out any duties imposed (~~upon him~~) by this chapter or rules
7 (~~and regulations~~) adopted (~~hereunder~~) under this chapter.

8 **Sec. 60.** RCW 16.65.030 and 1995 c 374 s 54 are each amended to
9 read as follows:

10 (1) (~~On and after June 10, 1959,~~) No person shall operate a
11 public livestock market without first having obtained a license from
12 the director. Application for (~~such~~) a license shall be in writing
13 on forms prescribed by the director, and shall include the following:

14 (a) A nonrefundable original license application fee of (~~fifteen~~
15 ~~hundred~~) two thousand dollars.

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

18 (c) A complete description and blueprints or plans of the public
19 livestock market physical plant, yards, pens, and all facilities the
20 applicant proposes to use in the operation of such public livestock
21 market.

22 (d) (~~A detailed statement showing all the assets and liabilities~~
23 ~~of the applicant which must reflect a sufficient net worth to construct~~
24 ~~or operate a public livestock market.~~) A financial statement, audited
25 by a certified or licensed public accountant, to determine whether or
26 not the applicant meets the minimum net worth requirements, established
27 by the director by rule, to construct and/or operate a public livestock
28 market. If the applicant is a subsidiary of a larger company,
29 corporation, society, or cooperative association, both the parent
30 company and the subsidiary company must submit a financial statement
31 to determine whether or not the applicant meets the minimum net worth
32 requirements. All financial statement information required by this
33 subsection is confidential information and not subject to public
34 disclosure.

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

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

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

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

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

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

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

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

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

24 ~~(3) Applications for renewal under RCW 16.65.040 shall include all~~
25 ~~information under subsection (1) of this section, except subsection~~
26 ~~(1)(a) of this section.)) If the director determines that the applicant
27 meets all the requirements of subsection (1) of this section, the
28 director shall conduct a public hearing as provided by chapter 34.05
29 RCW, and shall grant or deny an application for original license for a
30 public livestock market after considering evidence and testimony
31 relating to the requirements of this section and giving reasonable
32 consideration to:~~

33 (a) Benefits to the livestock industry to be derived from the
34 establishment and operation of the public livestock market proposed in
35 the application;

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

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

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

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

4 (f) Any other conditions affecting the orderly marketing of
5 livestock.

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

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

10 (b) Provide evidence of a custodial account, as required under RCW
11 16.65.140, for the consignor's proceeds;

12 (c) Pay the appropriate license fee; and

13 (d) Provide other information required under this chapter and rules
14 adopted under this chapter.

15 **Sec. 61.** RCW 16.65.037 and 1997 c 356 s 9 are each amended to read
16 as follows:

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

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

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

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

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

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

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

1 (b) The license fee for markets with an average gross sales volume
2 over ten thousand dollars and up to and including fifty thousand
3 dollars is three hundred fifty dollars.

4 (c) The license fee for markets with an average gross sales volume
5 over fifty thousand dollars is four hundred fifty dollars.

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

10 **Sec. 62.** RCW 16.65.040 and 1983 c 298 s 6 are each amended to read
11 as follows:

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

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

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

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

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

22 (d) The appropriate license fee.

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

29 **Sec. 63.** RCW 16.65.042 and 1983 c 298 s 3 are each amended to read
30 as follows:

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

34 ((~~A detailed statement showing all of the assets and~~
35 ~~liabilities of the applicant;~~

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

4 ~~((e))~~ (b) The specific date and exact location of the proposed
5 sale;

6 ~~((d))~~ (c) Projected quantity and approximate value of horses to
7 be handled; and

8 ~~((e))~~ (d) Such other information as the director may reasonably
9 require.

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

16 **Sec. 64.** RCW 16.65.050 and 1959 c 107 s 5 are each amended to read
17 as follows:

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

22 **Sec. 65.** RCW 16.65.080 and 1985 c 415 s 9 are each amended to read
23 as follows:

24 (1) The director ~~((is authorized to))~~ may deny, suspend, or revoke
25 a license ~~((in the manner prescribed herein,))~~ when ~~((there are~~
26 ~~findings by))~~ the director finds that ~~((any))~~ a licensee (a) has ~~((been~~
27 ~~guilty of fraud or misrepresentation as to))~~ misrepresented titles,
28 charges, numbers, brands, weights, proceeds of sale, or ownership of
29 livestock; (b) has attempted payment to a consignor or the department
30 by a check the licensee knows not to be backed by sufficient funds to
31 cover such check; (c) has violated any of the provisions of this
32 chapter or rules ~~((and regulations))~~ adopted ~~((hereunder))~~ under this
33 chapter; (d) has violated any laws of the state that require ~~((health~~
34 ~~or brand))~~ inspection of livestock for health or ownership purposes;
35 (e) has violated any condition of the bond, as provided in this

1 chapter. (~~However, the director may deny a license if the applicant~~
2 ~~refuses to accept the sales day or days allocated to him under the~~
3 ~~provisions of this chapter.~~)

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

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

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

29 **Sec. 66.** RCW 16.65.090 and 1997 c 356 s 11 are each amended to
30 read as follows:

31 The director shall provide for (~~brand~~) livestock inspection.
32 When (~~such brand~~) livestock inspection is required the licensee shall
33 collect from the consignor and pay to the department a fee, as provided
34 by law, (~~a fee for brand inspection~~) for each animal (~~consigned to~~
35 ~~the public livestock market or special open consignment horse sale~~)
36 inspected. However, if in any one sale day the total fees collected
37 for (~~brand~~) inspection do not exceed (~~seventy two~~) one hundred

1 dollars, then ~~((such))~~ the licensee shall pay ~~((seventy-two))~~ one
2 hundred dollars for ~~((such brand))~~ the inspection ~~((or as much thereof~~
3 ~~as the director may prescribe))~~ services.

4 **Sec. 67.** RCW 16.65.100 and 1983 c 298 s 9 are each amended to read
5 as follows:

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

12 **Sec. 68.** RCW 16.65.140 and 1971 ex.s. c 192 s 4 are each amended
13 to read as follows:

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

32 **Sec. 69.** RCW 16.65.170 and 1967 c 192 s 1 are each amended to read
33 as follows:

34 The licensee shall keep accurate records which shall be available

1 for inspection to all parties directly interested therein, and ((~~such~~))
2 the records shall contain the following information:

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

5 (2) The name and address of the buyer and seller of ((~~such~~)) the
6 livestock.

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

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

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

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

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

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

18 No person shall ((~~hereafter~~)) operate a public livestock market or
19 special open consignment horse sale unless ((~~such~~)) that person has
20 filed a schedule with the application for license to operate ((~~such~~))
21 a public livestock market or special open consignment horse sale.
22 ((~~Such~~)) The schedule shall show all rates and charges for stockyard
23 services to be furnished ((~~by such person~~)) at ((~~such~~)) the public
24 livestock market or special open consignment horse sale.

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

34 (2) No changes shall be made in rates or charges so filed and
35 published except after thirty days' notice to the director and to the
36 public filed and posted as ((~~aforsaid~~)) set forth under this section,

1 which shall plainly state the changes proposed to be made and the time
2 ((such)) the changes will go into effect.

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

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

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

1 if (~~such~~) the applicant meets all the other requirements of this
2 chapter.

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

19 **Sec. 72.** RCW 16.65.235 and 1973 c 142 s 3 are each amended to read
20 as follows:

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

26 **Sec. 73.** RCW 16.65.260 and 1983 c 298 s 14 are each amended to
27 read as follows:

28 In case of failure by a licensee to pay amounts due a vendor or
29 consignor creditor whose livestock was handled or sold through or at
30 the licensee's public livestock market or special open consignment
31 horse sale, as evidenced by a verified complaint filed with the
32 director, the director may proceed (~~forthwith~~) immediately to
33 ascertain the names and addresses of all vendor or consignor creditors
34 of (~~such~~) the licensee, together with the amounts due and owing to
35 them and each of them by (~~such~~) the licensee, and shall request all
36 (~~such~~) vendor and consignor creditors to file a verified statement of

1 their respective claims with the director. (~~Such~~) This request shall
2 be addressed to each known vendor or consignor creditor at his or her
3 last known address.

4 **Sec. 74.** RCW 16.65.270 and 1959 c 107 s 27 are each amended to
5 read as follows:

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

12 **Sec. 75.** RCW 16.65.280 and 1959 c 107 s 28 are each amended to
13 read as follows:

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

23 **Sec. 76.** RCW 16.65.300 and 1959 c 107 s 30 are each amended to
24 read as follows:

25 Upon the refusal of the surety company to pay the demand, the
26 director may (~~thereupon~~) bring an action on the bond in behalf of
27 (~~said~~) vendor and consignor creditors. Upon any action being
28 commenced on (~~said~~) the bond, the director may require the filing of
29 a new bond. Immediately upon the recovery in any action on (~~such~~)
30 the bond (~~such~~) the licensee shall file a new bond. Upon failure to
31 file the (~~same~~) new bond within ten days, (~~in either case,~~) such a
32 failure shall constitute grounds for the suspension or revocation of
33 (~~his~~) the license.

1 **Sec. 77.** RCW 16.65.340 and 1967 c 192 s 2 are each amended to read
2 as follows:

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

13 **Sec. 78.** RCW 16.65.350 and 1959 c 107 s 35 are each amended to
14 read as follows:

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

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

34 **Sec. 79.** RCW 16.65.380 and 1959 c 107 s 38 are each amended to
35 read as follows:

36 Public livestock market facilities shall include adequate space and

1 facilities necessary for (~~deputy~~) market, federal, or state
2 veterinarians to properly carry out their functions as prescribed by
3 law and rules (~~and regulations~~) adopted (~~hereunder~~) under law or as
4 prescribed by applicable federal law or regulation.

5 **Sec. 80.** RCW 16.65.390 and 1959 c 107 s 39 are each amended to
6 read as follows:

7 Public livestock market facilities shall include space and
8 facilities necessary for (~~brand~~) livestock inspectors and
9 veterinarians to properly carry out their duties, as provided by law
10 and rules (~~and regulations~~) adopted (~~hereunder~~) under law, in a
11 safe and expeditious manner.

12 **Sec. 81.** RCW 16.65.400 and 1983 c 298 s 15 are each amended to
13 read as follows:

14 (1) Each public livestock market licensee shall maintain and
15 operate approved weighing facilities for the weighing of livestock at
16 such licensee's public livestock market.

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

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

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

26 (5) The scale ticket shall have the weights mechanically imprinted
27 upon (~~such~~) the tickets when the weigh beam is in balance during the
28 process of weighing, and shall be issued in triplicate, for all
29 livestock weighed at a public livestock market. A copy of (~~such~~) the
30 weight tickets shall be issued to the buyer and seller of the livestock
31 weighed.

32 **Sec. 82.** RCW 16.65.420 and 1991 c 17 s 3 are each amended to read
33 as follows:

34 (1) Any application (~~for sales days or days for a new salesyard,~~
35 ~~and any application~~) for a change of sales day or days or additional

1 sales day or days for an existing (~~yard~~) salesyard shall be subject
2 to approval by the director, subsequent to a hearing (~~as provided for~~
3 ~~in this chapter~~) and the director is hereby authorized to (~~allocate~~)
4 approve these (~~dates and type~~) days and class of livestock which may
5 be sold on these (~~dates~~) days. In considering the (~~allocation~~)
6 approval or denial of (~~such~~) these sales days, the director shall
7 give appropriate consideration, among other relevant factors, to the
8 following:

- 9 (a) The geographical area which will be affected;
- 10 (b) The conflict, if any, with sales days already allocated in the
11 area;
- 12 (c) The amount and class of livestock available for marketing in
13 the area;
- 14 (d) Buyers available to such market;
- 15 (e) Any other conditions affecting the orderly marketing of
16 livestock.

17 (2) No special sales shall be conducted by the licensee unless the
18 licensee has applied to the director in writing fifteen days prior to
19 such proposed sale (~~and such sale date shall be approved at the~~
20 ~~discretion of the director~~). Each application must be accompanied by
21 a nonrefundable fee of fifty dollars.

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

26 **Sec. 83.** RCW 16.65.422 and 1963 c 232 s 17 are each amended to
27 read as follows:

28 A producer of purebred livestock may, upon obtaining a permit from
29 the director, conduct a public sale of the purebred livestock on an
30 occasional or seasonal basis on premises other than his or her own
31 farm. Application for (~~such~~) a special sale shall be in writing to
32 the director for his or her approval at least fifteen days before the
33 proposed public sale is scheduled to be held by (~~such~~) the producer
34 and must be accompanied by a nonrefundable fee of fifty dollars for
35 each application.

1 **Sec. 84.** RCW 16.65.424 and 1963 c 232 s 19 are each amended to
2 read as follows:

3 The director (~~((shall have))~~) has the authority to grant a licensee
4 an additional sales day₁ or days₁ limited to the sale of horses and/or
5 mules and may if requested grant the licensee, by permit, the authority
6 to have the sale at premises other than at his or her public livestock
7 market if the facilities are approved by the director as being adequate
8 for the protection of the health and safety of (~~((such))~~) the horses
9 and/or mules. For the purpose of such limited sale the facility
10 requirements of RCW 16.65.360 shall not be applicable.

11 **Sec. 85.** RCW 16.65.440 and 1959 c 107 s 44 are each amended to
12 read as follows:

13 Any person who (~~((shall))~~) violates any provisions or requirements of
14 this chapter or rules (~~((and regulations))~~) adopted by the director
15 (~~((pursuant to))~~) under this chapter (~~((shall be deemed))~~) is guilty of a
16 gross misdemeanor(~~((; and any subsequent violation thereafter shall be~~
17 ~~deemed a gross misdemeanor))~~).

18 **Sec. 86.** RCW 16.65.445 and 1989 c 175 s 55 are each amended to
19 read as follows:

20 The director shall hold public hearings upon ((a)) any proposal to
21 (~~((promulgate))~~) adopt any new or amended (~~((regulations))~~) rules and all
22 hearings for the denial, revocation, or suspension of a license issued
23 under this chapter or in any other adjudicative proceeding, and shall
24 comply in all respects with chapter 34.05 RCW, the Administrative
25 Procedure Act.

26 NEW SECTION. **Sec. 87.** A new section is added to chapter 42.17 RCW
27 to read as follows:

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

30 NEW SECTION. **Sec. 88.** The following acts or parts of acts are
31 each repealed:

32 (1) RCW 16.65.110 (Charge for examining, testing, inoculating,
33 etc.--Minimum fee) and 1959 c 107 s 11;

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

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

6 (4) RCW 16.58.130 (Feed lots--Fee for each head of cattle handled--
7 Failure to pay) and 1997 c 356 s 7, 1997 c 356 s 6, 1994 c 46 s 24,
8 1994 c 46 s 15, 1993 c 354 s 4, 1991 c 109 s 14, 1979 c 81 s 4, & 1971
9 ex.s. c 181 s 13.

10 NEW SECTION. **Sec. 89.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and takes effect
13 July 1, 2003, except for sections 3 and 9 of this act which take effect
14 January 1, 2004.

--- END ---