
SENATE BILL 5967

State of Washington**66th Legislature****2019 Regular Session****By** Senator Rolfes; by request of Department of Agriculture

1 AN ACT Relating to removing the authority of the department of
2 agriculture to conduct livestock brand inspections; amending RCW
3 16.24.110, 16.24.120, 16.24.130, 16.24.160, 16.57.160, 16.57.280, and
4 16.65.015; reenacting and amending RCW 16.57.010; creating a new
5 section; and repealing RCW 16.57.170, 16.57.180, 16.57.200,
6 16.57.210, 16.57.220, 16.57.223, 16.57.230, 16.57.240, 16.57.243,
7 16.57.245, 16.57.260, 16.57.267, 16.57.270, 16.57.290, 16.57.300,
8 16.57.310, 16.57.320, 16.57.330, 16.57.400, 16.57.430, 16.57.440,
9 16.58.010, 16.58.020, 16.58.030, 16.58.040, 16.58.050, 16.58.060,
10 16.58.070, 16.58.080, 16.58.095, 16.58.100, 16.58.110, 16.58.120,
11 16.58.130, 16.58.140, 16.58.150, 16.58.160, 16.58.170, 16.58.900,
12 16.65.090, 16.65.100, and 16.65.390.

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

14 NEW SECTION. **Sec. 1.** The legislature finds that industry fees
15 for the Washington state department of agriculture's livestock
16 identification program have not been increased since 2006 and that a
17 department of agriculture agency request bill that would have
18 improved the program's fee structure failed to pass in the 2017
19 legislative session. The legislature further finds that the livestock
20 identification program ended fiscal year 2018 with a deficit of
21 nearly one-half million dollars and currently has a deficit of more

1 than one-half million dollars projected through the end of fiscal
2 year 2019, and that such deficits are untenable because they
3 ultimately must be covered by and come at the expense of other
4 department programs and priorities and agricultural sectors.
5 Therefore, the legislature intends to terminate the livestock
6 identification program's brand inspection activities unless and until
7 legislation is enacted with fees that fully recover the department's
8 costs to operate the program.

9 **Sec. 2.** RCW 16.24.110 and 1989 c 286 s 11 are each amended to
10 read as follows:

11 Any horses, mules, donkeys, or cattle of any age running at large
12 or trespassing in violation of chapter 16.24 RCW as now or hereafter
13 amended, which are not restrained as provided by RCW 16.04.010, are
14 declared to be a public nuisance. The sheriff of the county where
15 found (~~and the nearest brand inspector~~) shall have authority to
16 impound such animals which are not restrained as provided by RCW
17 16.04.010.

18 **Sec. 3.** RCW 16.24.120 and 2012 c 25 s 5 are each amended to read
19 as follows:

20 Upon taking possession of any livestock at large contrary to the
21 provisions of this chapter, or any unclaimed livestock submitted or
22 impounded, by any person, at any public livestock market or any other
23 facility approved by the director, the sheriff (~~or brand inspector~~)
24 shall cause it to be transported to and impounded at the nearest
25 public livestock market licensed under chapter 16.65 RCW or at such
26 place as approved by the director. (~~If the sheriff has impounded an
27 animal in accordance with this section, he or she shall forthwith
28 notify the nearest brand inspector of the department of agriculture,
29 who shall examine the animal and, by brand, tattoo, or other
30 identifying characteristic, shall attempt to ascertain the ownership
31 thereof.~~)

32 **Sec. 4.** RCW 16.24.130 and 1995 c 374 s 69 are each amended to
33 read as follows:

34 The (~~brand inspector~~) sheriff shall cause to be published once
35 in a newspaper published in the county where the animal was found, a
36 notice of the impounding.

37 The notice shall state:

1 (1) A description of the animal, including brand, tattoo or other
2 identifying characteristics;

3 (2) When and where found;

4 (3) Where impounded; and

5 (4) That if unclaimed, the animal will be sold at a public
6 livestock market sale or other public sale, and the date of such
7 sale: PROVIDED, That if no newspaper shall be published in such
8 county, copies of the notice shall be posted at four commonly
9 frequented places therein.

10 If the animal is marked with a brand or tattoo which is
11 registered with the director of agriculture, the (~~brand inspector~~)
12 sheriff, on or before the date of publication or posting, shall send
13 a copy of the notice to the owner of record by registered mail.

14 **Sec. 5.** RCW 16.24.160 and 1985 c 415 s 17 are each amended to
15 read as follows:

16 The proceeds of the sale of animals impounded under this chapter,
17 after deducting the costs of sale, shall be impounded (~~in the estray~~
18 ~~fund of the department of agriculture~~) by the sheriff of the county
19 where found, and if no valid claim is made within one year from the
20 date of sale, the (~~director of the department of agriculture~~)
21 sheriff shall (~~transfer~~) keep the proceeds of sale (~~to the brand~~
22 ~~fund of the department~~) to be used for the enforcement of this
23 chapter.

24 **Sec. 6.** RCW 16.57.010 and 2010 c 66 s 5 are each reenacted and
25 amended to read as follows:

26 The definitions in this section apply throughout this chapter
27 unless the context clearly requires otherwise.

28 (1) "Brand" means a permanent fire brand or any artificial
29 mark (~~, other than an individual identification symbol,~~) approved by
30 the director to be used in conjunction with a brand or by itself.

31 (2) (~~"Certificate of permit" means a form prescribed by and~~
32 ~~obtained from the director that is completed by the owner or a person~~
33 ~~authorized to act on behalf of the owner to show the ownership of~~
34 ~~livestock. It is used to document ownership of livestock while in~~
35 ~~transit within the state or on consignment to any public livestock~~
36 ~~market, special sale, slaughter plant or certified feed lot. It does~~
37 ~~not evidence inspection of livestock.~~

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

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

5 ~~((5))~~ (4) "Horses" means horses, burros, and mules.

6 ~~((6) "Individual identification certificate" means an inspection
7 certificate that authorizes the livestock owner to transport the
8 animal out of state multiple times within a set period of time.~~

9 ~~(7) "Individual identification symbol" means a permanent mark
10 placed on a horse for the purpose of individually identifying and
11 registering the horse and which has been approved for use as such by
12 the director.~~

13 ~~(8)~~) (5) "Inspection certificate" means a certificate issued by
14 the director or a veterinarian certified by the director documenting
15 the ownership of an animal based on an inspection of the animal. ~~((It
16 includes an individual identification certificate.~~

17 ~~(9)~~) (6) "Livestock" includes, but is not limited to, horses,
18 mules, cattle, sheep, swine, and goats.

19 ~~((10))~~ (7) "Livestock inspection" or "inspection" means the
20 examination of livestock or livestock hides for brands or any means
21 of identifying livestock or livestock hides including the examination
22 of documents providing evidence of ownership.

23 ~~((11))~~ (8) "Microchipping" means the implantation of an
24 identification microchip or similar electronic identification device
25 to establish the identity of an individual animal:

26 (a) In the pipping muscle of a chick ratite or the implantation
27 of a microchip in the tail muscle of an otherwise unidentified adult
28 ratite;

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

31 (c) In locations of other livestock species as specified by rule
32 of the director when requested by an association of producers of that
33 species of livestock.

34 ~~((12))~~ (9) "Person" means a natural person, individual, firm,
35 partnership, corporation, company, society, and association, and
36 every officer, agent or employee thereof. This term shall import
37 either the singular or the plural as the case may be.

38 ~~((13))~~ (10) "Production record brand" means a number brand
39 which shall be used for production identification purposes only.

1 ~~((14))~~ (11) "Ratite" means, but is not limited to, ostrich,
2 emu, rhea, or other flightless bird used for human consumption,
3 whether live or slaughtered.

4 ~~((15))~~ (12) "Registering agency" means any person issuing an
5 individual identification symbol for the purpose of individually
6 identifying and registering a horse.

7 ~~((16) "Self-inspection certificate" means a form prescribed by
8 and obtained from the director that was completed and signed by the
9 buyer and seller of livestock to document a change in ownership
10 before June 10, 2010.))~~

11 **Sec. 7.** RCW 16.57.160 and 2015 c 197 s 2 are each amended to
12 read as follows:

13 (1) The director may adopt rules:

14 (a) Designating any point for mandatory inspection of cattle or
15 horses or the furnishing of proof that cattle or horses passing or
16 being transported through the point have been inspected or identified
17 and are lawfully being transported;

18 (b) ~~((Providing for issuance of individual horse and cattle
19 identification certificates or other means of horse and cattle
20 identification;~~

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

25 ~~((d))~~ (c) Designating when inspection certificates,
26 certificates of permit, or other transportation documents required by
27 law or rule must designate a physical address of a destination.
28 Cattle and horses must be delivered or transported directly to the
29 physical address of that destination.

30 (2) The director may establish a process to electronically report
31 transactions involving ~~((unbranded dairy))~~ cattle under RCW 16.57.450
32 as an alternative to the mandatory cattle inspections required by
33 department rule adopted pursuant to this section.

34 ~~((3) A self-inspection certificate may be accepted as
35 satisfactory proof of ownership for cattle if the director determines
36 that the self-inspection certificate, together with other available
37 documentation, sufficiently establishes ownership. Self-inspection
38 certificates completed after June 10, 2010, are not satisfactory
39 proof of ownership for cattle.~~

1 ~~(4) (a) Upon request by a milk producer licensed under chapter~~
2 ~~15.36 RCW, the department must issue an official individual~~
3 ~~identification tag to be placed by the producer before the first~~
4 ~~point of sale on bull calves and free-martins (infertile female~~
5 ~~calves) under thirty days of age. The fee for each tag is the cost to~~
6 ~~the department for manufacture, purchase, and distribution of the tag~~
7 ~~plus the applicable beef commission assessment. As used in this~~
8 ~~subsection (4), "green tag" means the official individual~~
9 ~~identification issued by the department.~~

10 ~~(b) Transactions involving unbranded dairy breed bull calves or~~
11 ~~free-martins (infertile female calves) not being moved or transported~~
12 ~~out of Washington are exempt from inspection requirements under this~~
13 ~~chapter only if:~~

14 ~~(i) The animal is under thirty days old and has not been~~
15 ~~previously bought or sold;~~

16 ~~(ii) The seller holds a valid milk producer's license under~~
17 ~~chapter 15.36 RCW;~~

18 ~~(iii) The sale does not take place at or through a public~~
19 ~~livestock market or special sale authorized by chapter 16.65 RCW;~~

20 ~~(iv) Each animal is officially identified as provided in (a) of~~
21 ~~this subsection; and~~

22 ~~(v) A certificate of permit and a bill of sale listing each~~
23 ~~animal's green tag accompanies the animal to the buyer's location.~~
24 ~~These documents do not constitute proof of ownership under this~~
25 ~~chapter.~~

26 ~~(c) All fees received under (a) of this subsection, except for~~
27 ~~the beef commission assessment, must be deposited in the animal~~
28 ~~disease traceability account in the agricultural local fund created~~
29 ~~in RCW 43.23.230.)~~

30 **Sec. 8.** RCW 16.57.280 and 2010 c 66 s 11 are each amended to
31 read as follows:

32 (1) No person shall knowingly have possession of any cattle or
33 horse marked with a recorded brand of another person unless the:

34 (a) Cattle or horse lawfully bears the person's own healed
35 recorded brand;

36 (b) ~~((Cattle or horse is accompanied by a certificate of permit~~
37 ~~from the owner of the recorded brand;~~

38 ~~(e))~~ Cattle or horse is accompanied by an inspection
39 certificate; or

1 (~~(d) Cattle are accompanied by a self-inspection certificate~~
2 ~~meeting the requirements of RCW 16.57.010;~~

3 ~~(e))~~ (c) Horse is accompanied by a bill of sale from the
4 previous owner(~~;~~ ~~or~~

5 ~~(f) Cattle or horse is accompanied by other satisfactory proof of~~
6 ~~ownership as designated in rule)).~~

7 (2) A violation of this section constitutes a gross misdemeanor.

8 **Sec. 9.** RCW 16.65.015 and 2003 c 326 s 63 are each amended to
9 read as follows:

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

12 (a) A farmer selling his or her own livestock.

13 (b) A farmers' cooperative association or an association of
14 livestock breeders when any class of their own livestock is assembled
15 and offered for sale at a special sale under the association's
16 management and responsibility.

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

21 (2) Any farmer, farmers' cooperative association, livestock
22 breeders' association, or youth livestock organization under
23 subsection (1) of this section, may, upon obtaining a permit from the
24 director, conduct a public sale of his or her or its members
25 livestock on an occasional or seasonal basis. Application for the
26 permit shall be in writing to the director for his or her approval at
27 least fifteen days before the proposed public sale is scheduled to be
28 held. The application must be complete and accompanied by a
29 nonrefundable fee of fifty dollars for each sale, except that the fee
30 is waived for youth livestock organizations. The sale is subject to
31 (~~the livestock and~~) health inspection requirements as provided in
32 this chapter for sales at public livestock markets, unless otherwise
33 prescribed by rule.

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

36 (1) RCW 16.57.170 (Inspection of livestock, hides, records) and
37 2003 c 326 s 20 & 1959 c 54 s 17;

- 1 (2) RCW 16.57.180 (Search warrants) and 2003 c 326 s 21 & 1959 c
2 54 s 18;
- 3 (3) RCW 16.57.200 (Duty of owner or agent—Livestock inspection)
4 and 2003 c 326 s 22 & 1959 c 54 s 20;
- 5 (4) RCW 16.57.210 (Arrest without warrant) and 2003 c 326 s 23 &
6 1959 c 54 s 21;
- 7 (5) RCW 16.57.220 (Livestock inspection—Fee schedule—
8 Certificates) and 2010 c 66 s 7, 2006 c 156 s 1, 2003 c 326 s 24,
9 1997 c 356 s 3, 1997 c 356 s 2, & 1995 c 374 s 49;
- 10 (6) RCW 16.57.223 (Payment of inspection fee—Due at inspection—
11 Lien—Late fee) and 2003 c 326 s 25;
- 12 (7) RCW 16.57.230 (Charges for livestock inspection—Actual
13 inspection required) and 2003 c 326 s 26, 1995 c 374 s 50, & 1959 c
14 54 s 23;
- 15 (8) RCW 16.57.240 (Certificates of permit, inspection, self-
16 inspection) and 2010 c 66 s 8, 2003 c 326 s 27, 1995 c 374 s 51, 1991
17 c 110 s 4, 1985 c 415 s 8, 1981 c 296 s 18, & 1959 c 54 s 24;
- 18 (9) RCW 16.57.243 (Moving or transporting cattle—Certificate or
19 proof of ownership must accompany—Exceptions) and 2010 c 66 s 9 &
20 2003 c 326 s 28;
- 21 (10) RCW 16.57.245 (Authority to stop vehicles carrying cattle or
22 horses) and 2010 c 66 s 10 & 2003 c 326 s 29;
- 23 (11) RCW 16.57.260 (Removal of cattle or horses from state—
24 Inspection certificate required) and 2003 c 326 s 30, 1981 c 296 s
25 19, & 1959 c 54 s 26;
- 26 (12) RCW 16.57.267 (Failure to present animal for inspection) and
27 2003 c 326 s 31;
- 28 (13) RCW 16.57.270 (Unlawful to refuse assistance in establishing
29 identity and ownership of livestock) and 2003 c 326 s 32 & 1959 c 54
30 s 27;
- 31 (14) RCW 16.57.290 (Impounding cattle and horses—No certificate
32 or proof of ownership when offered for sale—Disposition) and 2010 c
33 66 s 12, 2003 c 326 s 35, 1995 c 374 s 53, 1989 c 286 s 23, 1981 c
34 296 s 20, 1979 c 154 s 18, 1967 ex.s. c 120 s 6, & 1959 c 54 s 29;
- 35 (15) RCW 16.57.300 (Proceeds from sale of impounded cattle and
36 horses—Paid to director) and 2013 c 313 s 4, 2003 c 326 s 36, 1989 c
37 286 s 24, 1981 c 296 s 21, & 1959 c 54 s 30;
- 38 (16) RCW 16.57.310 (Notice of sale—Claim on proceeds) and 2003 c
39 326 s 38 & 1959 c 54 s 31;

1 (17) RCW 16.57.320 (Disposition of proceeds of sale when no proof
2 of ownership—Penalty for accepting proceeds after sale, barter,
3 trade) and 2003 c 326 s 39, 1991 c 110 s 6, & 1959 c 54 s 32;

4 (18) RCW 16.57.330 (Disposition of proceeds of sale—No claim made
5 —No proof of ownership provided) and 2003 c 326 s 40 & 1959 c 54 s
6 33;

7 (19) RCW 16.57.400 (Horse and cattle identification—Inspection
8 when consigned for sale) and 2003 c 326 s 44, 1994 c 46 s 20, 1993 c
9 354 s 9, 1981 c 296 s 23, & 1974 ex.s. c 38 s 3;

10 (20) RCW 16.57.430 (Replacement copies of brand inspection
11 documents—Rules—Fees) and 2010 c 66 s 13;

12 (21) RCW 16.57.440 (Unlawful transport or delivery of cattle or
13 horses) and 2011 c 204 s 14;

14 (22) RCW 16.58.010 (Purpose) and 1979 c 81 s 1 & 1971 ex.s. c 181
15 s 1;

16 (23) RCW 16.58.020 (Definitions) and 2003 c 326 s 46 & 1971 ex.s.
17 c 181 s 2;

18 (24) RCW 16.58.030 (Rules—Interference with director proscribed)
19 and 2003 c 326 s 47 & 1971 ex.s. c 181 s 3;

20 (25) RCW 16.58.040 (Certified feed lot license—Required—
21 Application, contents) and 2003 c 326 s 48 & 1971 ex.s. c 181 s 4;

22 (26) RCW 16.58.050 (Certified feed lot license—Fee—Issuance or
23 renewal—Inspection prior to issuance of original license) and 2003 c
24 326 s 49, 1997 c 356 s 5, 1997 c 356 s 4, 1994 c 46 s 23, 1994 c 46 s
25 14, 1993 c 354 s 3, 1979 c 81 s 2, & 1971 ex.s. c 181 s 5;

26 (27) RCW 16.58.060 (Certified feed lot license—Expiration—Late
27 renewal) and 2003 c 326 s 50, 1991 c 109 s 10, & 1971 ex.s. c 181 s
28 6;

29 (28) RCW 16.58.070 (Certified feed lot license—Denial,
30 suspension, or revocation—Hearings) and 2003 c 326 s 51, 1989 c 175 s
31 54, & 1971 ex.s. c 181 s 7;

32 (29) RCW 16.58.080 (Livestock inspection—Facilities required—
33 Help to be furnished) and 2003 c 326 s 52 & 1971 ex.s. c 181 s 8;

34 (30) RCW 16.58.095 (Inspection required for cattle not having
35 inspection certificate) and 2003 c 326 s 53, 1991 c 109 s 11, & 1979
36 c 81 s 6;

37 (31) RCW 16.58.100 (Audits—Purpose) and 2011 c 204 s 4, 2003 c
38 326 s 54, 1979 c 81 s 3, & 1971 ex.s. c 181 s 10;

1 (32) RCW 16.58.110 (Records—Contents—Examination) and 2003 c 326
2 s 55, 1991 c 109 s 12, & 1971 ex.s. c 181 s 11;
3 (33) RCW 16.58.120 (Records required at each certified feed lot)
4 and 1991 c 109 s 13 & 1971 ex.s. c 181 s 12;
5 (34) RCW 16.58.130 (Feed lots—Fee for each head of cattle handled
6 —Failure to pay) and 2006 c 156 s 2, 2003 c 326 s 56, 1997 c 356 s 7,
7 1997 c 356 s 6, 1994 c 46 s 24, 1994 c 46 s 15, 1993 c 354 s 4, 1991
8 c 109 s 14, 1979 c 81 s 4, & 1971 ex.s. c 181 s 13;
9 (35) RCW 16.58.140 (Disposition of fees) and 2003 c 326 s 57,
10 1979 c 81 s 5, & 1971 ex.s. c 181 s 14;
11 (36) RCW 16.58.150 (Situations when no inspection required—Fee—
12 Suspension of license—Hearing) and 2003 c 326 s 58 & 1971 ex.s. c 181
13 s 15;
14 (37) RCW 16.58.160 (Suspension of license awaiting investigation—
15 Hearing) and 2003 c 326 s 59, 1991 c 109 s 15, & 1971 ex.s. c 181 s
16 16;
17 (38) RCW 16.58.170 (General penalties—Subsequent offenses) and
18 2003 c 326 s 60, 2003 c 53 s 115, & 1971 ex.s. c 181 s 17;
19 (39) RCW 16.58.900 (Chapter as cumulative and nonexclusive) and
20 1971 ex.s. c 181 s 18;
21 (40) RCW 16.65.090 (Livestock inspection—Consignor's fee—
22 Inspection fee) and 2003 c 326 s 71, 1997 c 356 s 11, 1997 c 356 s
23 10, 1994 c 46 s 22, 1994 c 46 s 13, 1993 c 354 s 2, 1983 c 298 s 8,
24 1971 ex.s. c 192 s 3, & 1959 c 107 s 9;
25 (41) RCW 16.65.100 (Livestock inspection—Purchaser's fee) and
26 2003 c 326 s 72, 1983 c 298 s 9, & 1959 c 107 s 10; and
27 (42) RCW 16.65.390 (Adequate space and facilities required for
28 livestock inspectors and veterinarians to function) and 2003 c 326 s
29 85 & 1959 c 107 s 39.

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