
SENATE BILL 5443

State of Washington

53rd Legislature

1993 Regular Session

By Senators M. Rasmussen, Barr and Loveland; by request of Department of Agriculture

Read first time 01/28/93. Referred to Committee on Agriculture.

1 AN ACT Relating to livestock identification, public livestock
2 markets, and certified feed lots; amending RCW 16.65.030, 16.65.090,
3 16.58.050, 16.58.130, 16.57.080, 16.57.090, 16.57.140, 16.57.220, and
4 16.57.400; and adding a new section to chapter 16.57 RCW.

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

6 **Sec. 1.** RCW 16.65.030 and 1991 c 17 s 1 are each amended to read
7 as follows:

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

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

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

1 (c) A detailed statement showing all the assets and liabilities of
2 the applicant which must reflect a sufficient net worth to construct or
3 operate a public livestock market.

4 (d) The schedule of rates and charges the applicant proposes to
5 impose on the owners of livestock for services rendered in the
6 operation of such livestock market.

7 (e) The weekly or monthly sales day or days on which the applicant
8 proposes to operate his or her public livestock market sales.

9 (f) Projected source and quantity of livestock, by county,
10 anticipated to be handled.

11 (g) Projected income and expense statements for the first year's
12 operation.

13 (h) Facts upon which are based the conclusion that the trade area
14 and the livestock industry will benefit because of the proposed market.

15 (i) Such other information as the director may reasonably require.

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

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

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

26 (3) Such application shall be accompanied by a license fee based on
27 the average gross sales volume per official sales day of that market:

28 (a) Markets with an average gross sales volume up to and including
29 ten thousand dollars, a fee of no less than one hundred ((dollar-fee))
30 dollars or more than one hundred fifty dollars;

31 (b) Markets with an average gross sales volume over ten thousand
32 dollars and up to and including fifty thousand dollars, a fee of no
33 less than two hundred ((dollar-fee)) dollars or more than three hundred
34 fifty dollars; and

35 (c) Markets with an average gross sales volume over fifty thousand
36 dollars, a fee of no less than three hundred ((dollar-fee)) dollars or
37 more than four hundred fifty dollars.

38 The fees for public livestock market licensees shall be set by the
39 director subsequent to a hearing under chapter 34.05 RCW and based upon

1 the recommendation of the livestock identification advisory board,
2 established by section 10 of this act.

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

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

12 **Sec. 2.** RCW 16.65.090 and 1983 c 298 s 8 are each amended to read
13 as follows:

14 The director shall provide for brand inspection. When such brand
15 inspection is required the licensee shall collect from the consignor
16 and pay to the department, as provided by law, a fee for brand
17 inspection for each animal consigned to the public livestock market or
18 special open consignment horse sale(~~(:—PROVIDED, That))~~). If in any
19 one sale day the total fees collected for brand inspection do not
20 exceed an amount of not less than sixty dollars or no more than ninety
21 dollars, then such licensee shall pay ((sixty dollars)) the minimum
22 amount prescribed by the director subsequent to a hearing under chapter
23 34.05 RCW and based upon the recommendation of the livestock
24 identification advisory board, established by section 10 of this act,
25 for such brand inspection ((or as much thereof as the director may
26 prescribe)).

27 **Sec. 3.** RCW 16.58.050 and 1979 c 81 s 2 are each amended to read
28 as follows:

29 The application for an annual license to engage in the business of
30 operating one or more certified feed lots shall be accompanied by a
31 license fee of no less than five hundred dollars or no more than seven
32 hundred fifty dollars. The actual license fee for a certified feed lot
33 license shall be prescribed by the director subsequent to a hearing
34 under chapter 34.05 RCW and based upon the recommendation of the
35 livestock identification advisory board, established by section 10 of
36 this act. Upon approval of the application by the director and
37 compliance with the provisions of this chapter and rules ((and

1 regulations)) adopted hereunder, the applicant shall be issued a
2 license or a renewal thereof.

3 **Sec. 4.** RCW 16.58.130 and 1991 c 109 s 14 are each amended to read
4 as follows:

5 Each licensee shall pay to the director a fee of no less than ten
6 cents but no more than fifteen cents for each head of cattle handled
7 through the licensee's feed lot. Payment of such fee shall be made by
8 the licensee on a monthly basis. Failure to pay as required shall be
9 grounds for suspension or revocation of a certified feed lot license.
10 Further, the director shall not renew a certified feed lot license if
11 a licensee has failed to make prompt and timely payments.

12 **Sec. 5.** RCW 16.57.080 and 1991 c 110 s 1 are each amended to read
13 as follows:

14 The director shall establish by rule a schedule for the renewal of
15 registered brands. The fee for renewal of the brands shall be no less
16 than twenty-five dollars for each two-year period of brand ownership,
17 except that the director may, in adopting a renewal schedule, provide
18 for the collection of renewal fees on a prorated basis and may increase
19 the registration and renewal fee for brands by no more than fifty
20 percent subsequent to a hearing under chapter 34.05 RCW and based upon
21 the recommendation of the livestock identification advisory board,
22 established by section 10 of this act. At least one hundred twenty
23 days before the expiration of a registered brand, the director shall
24 notify by letter the owner of record of the brand that on the payment
25 of the requisite application fee and application of renewal the
26 director shall issue the proof of payment allowing the brand owner
27 exclusive ownership and use of the brand for the subsequent
28 registration period. The failure of the registered owner to pay the
29 renewal fee by the date required by rule shall cause such owner's brand
30 to revert to the department. The director may for a period of one year
31 following such reversion, reissue such brand only to the prior
32 registered owner upon payment of ~~((twenty-five dollars and an~~
33 ~~additional fee of ten dollars))~~ the registration fee and a late filing
34 fee to be prescribed by the director subsequent to a hearing under
35 chapter 34.05 RCW and based upon the recommendation of the livestock
36 identification advisory board, established by section 10 of this act,
37 for renewal subsequent to the regular renewal period. The director may

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

4 **Sec. 6.** RCW 16.57.090 and 1974 ex.s. c 64 s 3 are each amended to
5 read as follows:

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

20 **Sec. 7.** RCW 16.57.140 and 1974 ex.s. c 64 s 4 are each amended to
21 read as follows:

22 The owner of a brand of record may procure from the director a
23 certified copy of the record of ((his)) the owner's brand upon payment
24 of ((five dollars)) a fee not to exceed seven dollars and fifty cents
25 to be prescribed by the director subsequent to a hearing under chapter
26 34.05 RCW and based upon the recommendation of the livestock
27 identification advisory board, established by section 10 of this act.

28 **Sec. 8.** RCW 16.57.220 and 1981 c 296 s 17 are each amended to read
29 as follows:

30 The director shall cause a charge to be made for all brand
31 inspection of cattle and horses required under this chapter and rules
32 ((and regulations)) adopted hereunder. Such charges shall be paid to
33 the department by the owner or person in possession unless requested by
34 the purchaser and then such brand inspection shall be paid by the
35 purchaser requesting such brand inspection. Such inspection charges
36 shall be due and payable at the time brand inspection is performed and

1 shall be paid upon billing by the department and if not shall
2 constitute a prior lien on the cattle or cattle hides or horses or
3 horse hides brand inspected until such charge is paid. The director in
4 order to best utilize the services of the department in performing
5 brand inspection (~~((shall))~~) may establish schedules by days and hours
6 when a brand inspector will be on duty to perform brand inspection at
7 established inspection points. The fees for brand inspection
8 (~~((performed at inspection points according to schedules established by~~
9 ~~the director))~~) shall be not less than (~~((thirty cents nor more than))~~)
10 fifty cents nor more than seventy-five cents per head for cattle and
11 not less than two dollars nor more than three dollars per head for
12 horses as prescribed by the director subsequent to a hearing under
13 chapter 34.05 RCW and based upon the recommendations of the livestock
14 identification advisory board, established by section 10 of this act.
15 Fees for brand inspection of cattle and horses performed by the
16 director at points other than those designated by the director or not
17 in accord with the schedules established by (~~((him))~~) the director shall
18 be based on a fee schedule not to exceed actual net cost to the
19 department of performing the brand inspection service. Such schedule
20 of fees shall be established subsequent to a hearing and all
21 regulations concerning fees shall be adopted in accord with the
22 provisions of chapter 34.05 RCW, the Administrative Procedure Act,
23 concerning the adoption of rules as enacted or hereafter amended.

24 **Sec. 9.** RCW 16.57.400 and 1981 c 296 s 23 are each amended to read
25 as follows:

26 The director may provide by rules and regulations adopted pursuant
27 to chapter 34.05 RCW for the issuance of individual horse and cattle
28 identification certificates or other means of horse and cattle
29 identification deemed appropriate. Such certificates or other means of
30 identification shall be valid only for the use of the horse and cattle
31 owner in whose name it is issued.

32 Horses and cattle identified pursuant to the provisions of this
33 section and the rules and regulations adopted hereunder shall not be
34 subject to brand inspection except when sold at points provided for in
35 RCW 16.57.380. The director shall charge a fee for the certificates or
36 other means of identification authorized pursuant to this section and
37 no identification shall be issued until the director has received the

1 fee. The schedule of fees shall be established in accordance with the
2 provisions of chapter 34.05 RCW.

3 NEW SECTION. **Sec. 10.** A new section is added to chapter 16.57 RCW
4 to read as follows:

5 The director shall establish an advisory board for the livestock
6 identification program that will consist of six members, one each
7 representing the following organizations:

8 (1) Washington cattlemen's association.

9 (2) Washington livestock marketing association.

10 (3) Washington state horse council.

11 (4) Washington state dairy federation.

12 (5) Washington cattle feeders association.

13 (6) Northwest meat processors association.

14 Should any of the organizations identified in this section merge
15 with any of the other listed organizations, there shall continue to be
16 a position held for each segment of the livestock industry currently
17 represented by the organizations listed in this section and each
18 representative will continue to be selected from the segment of the
19 industry that person represents. The representatives of these
20 organizations shall be selected by the director from nominations
21 received from the representative organizations. Each representative
22 may serve for one or more three year terms. A staggered schedule of
23 these terms shall be adopted by rule. No funds shall be provided to
24 any member of this advisory board for their participation in committee
25 meetings, unless the director determines that some reimbursement should
26 be provided to any board member who may be selected by the board to
27 attend a national or regional conference or meeting related to
28 livestock identification.

29 The purpose of this board shall be to provide the director with
30 recommendations for any changes in any of the fees to be charged for
31 the licensing of public livestock markets, brand recording, brand
32 inspection of cattle or horses, certified feed lots, and for any
33 inspection fees to be paid by public livestock market operators and any
34 assessments to be paid by certified feed lots and the director shall
35 give those recommendations appropriate consideration before making any
36 changes in the rules regarding the fees to be paid by public livestock
37 market operators, the fees for brand recording or brand inspection, and
38 the fees to be paid by certified feed lot operators. The board shall

1 also be empowered to offer the director advice regarding the
2 administration of the livestock identification program and to offer
3 opinions regarding program policies and any proposed law or rule
4 changes affecting the livestock identification program.

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