

Passed the House May 6, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 135

[Engrossed House Bill No. 727]

LIVESTOCK IDENTIFICATION

AN ACT Relating to livestock identification; amending section 2, chapter 54, Laws of 1959 as amended by section 1, chapter 66, Laws of 1965 and RCW 16.57.020; amending section 8, chapter 54, Laws of 1959 as last amended by section 3, chapter 66, Laws of 1965 and RCW 16.57.080; amending section 10, chapter 54, Laws of 1959 and RCW 16.57.100; amending section 16, chapter 54, Laws of 1959 and RCW 16.57.160; amending section 22, chapter 54, Laws of 1959 as amended by section 35, chapter 240, Laws of 1967 and RCW 16.57.220; adding a new section to chapter 54, Laws of 1959 and to chapter 16.57 RCW; repealing section 19, chapter 54, Laws of 1959 and RCW 16.57.190; and repealing section 25, chapter 54, Laws of 1959 and RCW 16.57.250.

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

Section 1. Section 2, chapter 54, Laws of 1959 as amended by section 1, chapter 66, Laws of 1965 and RCW 16.57.020 are each amended to read as follows:

The director shall be the recorder of livestock brands and such brands shall not be recorded elsewhere in this state. Any person desiring to register a livestock brand shall apply on a form prescribed by the director. Such application shall be accompanied by a facsimile of the brand applied for and ~~((an eight))~~ a twenty-five dollar recording fee. The director shall, upon his satisfaction that the application meets the requirements of this chapter and/or rules and regulations adopted hereunder, record such brand.

Sec. 2. Section 8, chapter 54, Laws of 1959 as last amended by section 3, chapter 66, Laws of 1965 and RCW 16.57.080 are each amended to read as follows:

The director shall, on or before the first day of September 1960, and every five years thereafter, notify by letter the owners of brands then of record, that on the payment of ~~((five))~~ ten dollars and application of renewal, the director shall issue a renewal receipt granting the brand owner exclusive ownership and use of such brand for another five year period. ~~((Failure of the registered owner to pay the renewal fee within six months shall cause the~~

director to notify the registered owner by certified mail at his last known address:)) The failure of the registered owner to pay the renewal fee ((within three months after notification by certified mail)) by December 31st of the renewal year shall cause such owner's brand to become a part of the public domain: PROVIDED, That for a period of ((three years)) one year following such reversion to the public domain, the brand shall not be reissued to any person other than the registered owner.

Sec. 3. Section 10, chapter 54, Laws of 1959 and RCW 16.57.100 are each amended to read as follows:

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

Sec. 4. Section 16, chapter 54, Laws of 1959 and RCW 16.57.160 are each amended to read as follows:

((1)) The director shall provide for brand inspection at public stockyards, public livestock markets and wherever necessary to enforce the provisions of this chapter:

(2) The director may provide for brand inspection at all slaughterhouses and brand inspect livestock being slaughtered therein:

(3) The director may designate points where he will carry on brand inspection and such livestock as shall require brand inspection shall be made available for inspection at such designated points:))

Brand inspection of cattle shall be mandatory at the following points:

(1) Prior to being moved out of state to any point where brand inspection is not maintained by the director, directly or in agreement with another state.

(2) Subsequent to delivery to a public livestock market and prior to sale at such public livestock market unless such cattle are exempt from brand inspection by law or regulations adopted by the director because of prior brand inspection or if such cattle are shipped directly to a public livestock market from another state and accompanied by a brand inspection certificate specifically identifying such cattle issued by the state of origin or a lawful agency thereof.

(3) Prior to slaughter at any point of slaughter unless such cattle are exempt from such brand inspection by law or regulations adopted by the director because of prior brand inspection or if such

cattle are immediate slaughter cattle shipped directly to a point of slaughter from another state and accompanied by a brand inspection certificate specifically identifying such cattle issued by the state of origin or a lawful agency thereof.

(4) Prior to the branding of any cattle except as otherwise provided by law or regulation.

(5) Prior to the sale of any cattle except as otherwise provided by law or regulation.

The director may by regulation adopted subsequent to a public hearing designate any other point for mandatory brand inspection of cattle or the furnishing of proof that cattle passing or being transported through such points have been brand inspected and are lawfully being moved. Further, the director may stop vehicles carrying cattle to determine if such cattle are identified or branded as immediate slaughter cattle, and if so that such cattle are not being diverted for other purposes to points other than the specified point of slaughter.

Sec. 5. Section 22, chapter 54, Laws of 1959 as amended by section 35, chapter 24C, Laws of 1967 and RCW 16.57.220 are each amended to read as follows:

The director shall cause a charge to be made for all brand inspection required under this chapter and ((for)) rules and regulations adopted hereunder. Such charges shall be paid to the department by the owner or person in possession ((of such livestock at the time of brand inspection)) unless requested by the purchaser and then such brand inspection shall be paid by the purchaser requesting such brand inspection. Such inspection charges shall be due and payable at the time brand inspection is performed and if not shall ((be)) constitute a prior lien on the livestock or livestock hides brand inspected until such charge is paid. ((Such charge)) The director in order to best utilize the services of the department in performing brand inspection shall establish schedules by days and hours when a brand inspector will be on duty or perform brand inspection at established inspection points. The fees for brand inspection performed at inspection points according to schedules established by the director shall be not less than twenty cents ((7)) nor more than thirty cents ((per head of livestock or livestock hides brand inspected and shall be set at the discretion of)) as prescribed by the director ((7)) subsequent to a hearing ((and satisfying the requirements of chapter 34.04 RCW (Administrative Procedure Act) for adopting rules and regulations)). Fees for brand inspection performed by the director at points other than those designated by the director or not in accord with the schedules established by him shall be based on a fee schedule not to exceed actual net cost to the department of performing the brand inspection service. Such schedule

of fees shall be established subsequent to a hearing and all regulations concerning fees shall be adopted in accord with the provisions of chapter 34.04 RCW, the Administrative Procedure Act, concerning the adoption of rules as enacted or hereafter amended.

NEW SECTION. Sec. 6. There is added to chapter 54, Laws of 1959 and to chapter 16.57 RCW a new section to read as follows:

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

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

- (1) Section 19, chapter 54, Laws of 1959 and RCW 16.57.190; and
- (2) Section 25, chapter 54, Laws of 1959 and RCW 16.57.250.

Passed the House May 5, 1971.

Passed the Senate May 3, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 136
[House Bill No. 765]
COUNTIES--
BUDGET PROCESS, DATES

AN ACT Relating to counties; providing an alternative date for a budget hearing, adding a new section to chapter 4, Laws of 1963 and to chapter 36.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4, Laws of 1963 and to chapter 36.40 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, the board of county commissioners may meet for the purpose of holding a budget hearing, provided for in 36.40.070, on the first Monday in December. The board of county commissioners may also set other dates relating to the budget process, including but not limited to the dates set in 36.40.010, 36.40.050, and 36.81.130 to conform to the alternate date for the budget hearing.