

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 30, 1971.

Passed the Senate May 7, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

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CHAPTER 181

[House Bill No. 676]

LIVESTOCK IDENTIFICATION--

REGULATION OF COMMERCIAL FEED LOTS

AN ACT Relating to animals; providing for livestock identification and auditing at commercial feed lots; providing for a licensing and audit fees; adding a new chapter to Title 16 RCW; and providing penalties.

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

NEW SECTION. Section 1. The purpose of this act is to expedite the movement of cattle from producers to the point of slaughter without losing the ownership identity of such cattle, and further to provide for fair and economical methods of identification of cattle in such commercial feed lots based on the necessary actual costs to the department of agriculture.

NEW SECTION. Sec. 2. For the purpose of this act:

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

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

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

(4) "Licensee" means any persons licensed under the provisions of this act.

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

NEW SECTION. Sec. 3. The director may adopt such rules and

regulations as are necessary to carry out the purpose of this act. The adoption of such rules shall be subject to the provisions of this act and rules and regulations adopted hereunder. No person shall interfere with the director when he is performing or carrying out any duties imposed upon him by this act or rules and regulations adopted hereunder.

NEW SECTION. Sec. 4. On or after the effective date of this act, any person desiring to engage in the business of operating one or more certified feed lots shall obtain an annual license from the director for such purpose. The application for a license shall be on a form prescribed by the director and shall include the following:

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

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

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

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

(5) Any other information necessary to carry out the purpose and provisions of this act and rules or regulations adopted hereunder.

NEW SECTION. Sec. 5. The application for an annual license to engage in the business of operating one or more certified feed lots shall be accompanied by a license fee of one hundred dollars. The annual license application shall also be accompanied by a prepaid audit fee of one hundred and fifty dollars applicable to the first two thousand head of cattle audited by the director for an applicant during the license period. Upon approval of the application by the director and compliance with the provisions of this act and rules and regulations adopted hereunder, the applicant shall be issued a license or a renewal thereof.

NEW SECTION. Sec. 6. All certified feed lot licenses shall expire on June 30th, subsequent to the date of issue. Any person who fails, refuses, or neglects to apply for renewal of a preexisting license on or before the date of expiration shall be assessed an additional twenty-five dollars which shall be added to the regular license fee and shall be paid before the director may issue a license to the applicant: PROVIDED, That such additional fee shall not be assessed if the applicant furnishes an affidavit certifying that he has not engaged in the business of operating a certified feed lot subsequent to the expiration of his license.

NEW SECTION. Sec. 7. The director is authorized to deny, suspend, or revoke a license in accord with the provisions of chapter 34.04 RCW if he finds that there has been a failure to comply with

any requirement of this act or rules and regulations adopted hereunder. Hearings for the revocation, suspension, or denial of a license shall be subject to the provisions of chapter 34.04 RCW concerning contested cases.

NEW SECTION. Sec. 8. Every certified feed lot shall be equipped with a facility or a livestock pen, approved by the director as to location and construction within the said feed lot so that necessary brand inspection can be carried on in a proper, expeditious and safe manner. Each licensee shall furnish the director with sufficient help necessary to carry out brand inspection in the manner set forth above.

NEW SECTION. Sec. 9. Any cattle or lot of cattle owned or fed by a certified feed lot and delivered to or received from such certified feed lot and accompanied by a brand inspection certificate issued by the director, another state or any agency authorized by law to issue such brand inspection certificates, shall not be subject to brand inspection if the director is given written assurance, upon a form provided by the director, by said certified feed lot that such cattle or lot of cattle have not been commingled with uninspected cattle.

NEW SECTION. Sec. 10. The director shall each year conduct an audit of the cattle received, fed, handled, and shipped by the licensee at each certified feed lot. Such audit shall be for the purpose of determining if such cattle correlate with the brand inspection certificates issued in their behalf and that the certificate of assurance furnished the director by the licensee correlates with his assurance that brand inspected cattle were not commingled with uninspected cattle.

NEW SECTION. Sec. 11. All certified feed lots shall furnish the director with records as requested by him from time to time on all cattle entering or on feed in said certified feed lots and dispersed therefrom. All such records shall be subject to audit by the director for the purpose of maintaining the integrity of the identity of all such cattle. The director shall cause such audits to be made only during regular business hours except in an emergency to protect the interest of the owners of such cattle.

NEW SECTION. Sec. 12. The licensee shall maintain sufficient records as required by the director so that a true audit can be properly performed at each certified feed lot, if said licensee operates more than one certified feed lot.

NEW SECTION. Sec. 13. Each licensee shall pay to the director the actual necessary costs he incurs in performing audits at certified feed lots in excess of the first two thousand head of cattle as prepaid under section 5 of this act. The cost charged by the director shall be actual and necessary and shall be established

by regulation subsequent to a public hearing. Payment for such audit shall be made by the licensee within fifteen days of billing by the director. Failure to pay as required shall be grounds for suspension or revocation of a certified feed lot license. Further, the director shall not renew a certified feed lot license if an applicant is in arrears as to his audit payments.

NEW SECTION. Sec. 14. All fees provided for in this act shall be retained by the director for the purpose of enforcing and carrying out the purpose and provisions of this act.

NEW SECTION. Sec. 15. No brand inspection shall be required when cattle are moved or transferred from one certified feed lot to another or the transfer of cattle from a certified feed lot to a point within this state, or out of state where this state maintains brand inspection, for the purpose of immediate slaughter.

NEW SECTION. Sec. 16. The director shall, when a certified feed lot's conditions become such that the integrity of an audit conducted of the cattle therein becomes doubtful, suspend such certified feed lot's license until such time as the director can conduct a valid audit as required to carry out the purpose of this act.

NEW SECTION. Sec. 17. Any person who violates the provisions of this act or any rule or regulation adopted hereunder shall be guilty of a misdemeanor and shall be guilty of a gross misdemeanor for any second or subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 18. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy.

NEW SECTION. Sec. 19. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances shall not be affected.

NEW SECTION. Sec. 20. Sections 1 through 18 of this act shall constitute a new chapter in Title 16 RCW.

Passed the House March 18, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 20, 1971.

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