

2 **SHB 2089** - S AMD - 372
3 By Senators Morton and Rasmusen

4 ADOPTED 4/16/97

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 16.57.015 and 1993 c 354 s 10 are each amended to
8 read as follows:

9 (1) The director shall establish a livestock identification
10 advisory board. The board shall be composed of six members appointed
11 by the director. One member shall represent each of the following
12 groups: Beef producers, public livestock market operators, horse
13 owners, dairy farmers, cattle feeders, and meat processors. In making
14 appointments, the director shall solicit nominations from organizations
15 representing these groups state-wide.

16 (2) The purpose of the board is to provide oversight of the
17 livestock identification programs and advice to the director regarding
18 livestock identification programs administered under this chapter and
19 regarding brand inspection fees and related licensing fees. The board
20 shall meet at least once every two months to receive a program status
21 briefing from the department, including a financial update and any
22 other financial information requested by the board, in order to provide
23 guidance to the department on the operation of the programs. The
24 director shall consult the board before hiring or dismissing
25 supervisory personnel, adopting, amending, or repealing a rule under
26 this chapter or altering a fee under RCW 16.58.050, 16.58.130,
27 16.65.030, or 16.65.090. If the director publishes in the state
28 register a proposed rule to be adopted under the authority of this
29 chapter or a proposed rule setting a fee under RCW 16.58.050,
30 16.58.130, 16.65.030, or 16.65.090 and the rule has not received the
31 approval of the advisory board, the director shall file with the board
32 a written statement setting forth the director's reasons for proposing
33 the rule without the board's approval.

34 (3) The members of the advisory board serve three-year terms.
35 However, the director shall by rule provide shorter initial terms for
36 some of the members of the board to stagger the expiration of the

1 initial terms. The members serve without compensation. The director
2 may authorize the expenses of a member to be reimbursed if the member
3 is selected to attend a regional or national conference or meeting
4 regarding livestock identification. Any such reimbursement shall be in
5 accordance with RCW 43.03.050 and 43.03.060.

6 **Sec. 2.** RCW 16.57.220 and 1995 c 374 s 49 are each amended to read
7 as follows:

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

34 **Sec. 3.** RCW 16.57.220 and 1997 c ... s 2 (section 2 of this act)
35 are each amended to read as follows:

36 The director shall cause a charge to be made for all brand
37 inspection of cattle and horses required under this chapter and rules

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

25 **Sec. 4.** RCW 16.58.050 and 1994 c 46 s 23 are each amended to read
26 as follows:

27 The application for an annual license to engage in the business of
28 operating one or more certified feed lots shall be accompanied by a
29 license fee of (~~six~~) seven hundred fifty dollars. Upon approval of
30 the application by the director and compliance with the provisions of
31 this chapter and rules adopted hereunder, the applicant shall be issued
32 a license or a renewal thereof.

33 **Sec. 5.** RCW 16.58.050 and 1997 c . . . s 4 (section 4 of this act)
34 are each amended to read as follows:

35 The application for an annual license to engage in the business of
36 operating one or more certified feed lots shall be accompanied by a
37 license fee of (~~seven~~) six hundred (~~fifty~~) dollars. Upon approval

1 of the application by the director and compliance with the provisions
2 of this chapter and rules adopted hereunder, the applicant shall be
3 issued a license or a renewal thereof.

4 **Sec. 6.** RCW 16.58.130 and 1994 c 46 s 24 are each amended to read
5 as follows:

6 Each licensee shall pay to the director a fee of (~~twelve~~) fifteen
7 cents for each head of cattle handled through the licensee's feed lot.
8 Payment of such fee shall be made by the licensee on a monthly basis.
9 Failure to pay as required shall be grounds for suspension or
10 revocation of a certified feed lot license. Further, the director
11 shall not renew a certified feed lot license if a licensee has failed
12 to make prompt and timely payments.

13 **Sec. 7.** RCW 16.58.130 and 1997 c . . . s 6 (section 6 of this act)
14 are each amended to read as follows:

15 Each licensee shall pay to the director a fee of (~~fifteen~~) twelve
16 cents for each head of cattle handled through the licensee's feed lot.
17 Payment of such fee shall be made by the licensee on a monthly basis.
18 Failure to pay as required shall be grounds for suspension or
19 revocation of a certified feed lot license. Further, the director
20 shall not renew a certified feed lot license if a licensee has failed
21 to make prompt and timely payments.

22 **Sec. 8.** RCW 16.65.037 and 1995 c 374 s 57 are each amended to read
23 as follows:

24 (1) Upon the approval of the application by the director and
25 compliance with the provisions of this chapter, the applicant shall be
26 issued a license or renewal thereof. Any license issued under the
27 provisions of this chapter shall only be valid at location and for the
28 sales day or days for which the license was issued.

29 (2) The license fee shall be based on the average gross sales
30 volume per official sales day of that market:

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

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

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

3 The fees for public market licenses shall be set by the director by
4 rule subsequent to a hearing under chapter 34.05 RCW and in conformance
5 with RCW 16.57.015.

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

10 **Sec. 9.** RCW 16.65.037 and 1997 c . . . s 8 (section 8 of this act)
11 are each amended to read as follows:

12 (1) Upon the approval of the application by the director and
13 compliance with the provisions of this chapter, the applicant shall be
14 issued a license or renewal thereof. Any license issued under the
15 provisions of this chapter shall only be valid at location and for the
16 sales day or days for which the license was issued.

17 (2) The license fee shall be based on the average gross sales
18 volume per official sales day of that market:

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

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

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

26 The fees for public market licenses shall be set by the director by
27 rule subsequent to a hearing under chapter 34.05 RCW and in conformance
28 with RCW 16.57.015.

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

33 **Sec. 10.** RCW 16.65.090 and 1994 c 46 s 22 are each amended to read
34 as follows:

35 The director shall provide for brand inspection. When such brand
36 inspection is required the licensee shall collect from the consignor
37 and pay to the department, as provided by law, a fee for brand

1 inspection for each animal consigned to the public livestock market or
2 special open consignment horse sale(~~(: PROVIDED, That)~~). However, if
3 in any one sale day the total fees collected for brand inspection do
4 not exceed (~~(seventy-two))~~ ninety dollars, then such licensee shall pay
5 (~~(seventy-two))~~ ninety dollars for such brand inspection or as much
6 thereof as the director may prescribe.

7 **Sec. 11.** RCW 16.65.090 and 1997 c . . . s 10 (section 10 of this
8 act) are each amended to read as follows:

9 The director shall provide for brand inspection. When such brand
10 inspection is required the licensee shall collect from the consignor
11 and pay to the department, as provided by law, a fee for brand
12 inspection for each animal consigned to the public livestock market or
13 special open consignment horse sale. However, if in any one sale day
14 the total fees collected for brand inspection do not exceed (~~(ninety))~~
15 seventy-two dollars, then such licensee shall pay (~~(ninety))~~ seventy-
16 two dollars for such brand inspection or as much thereof as the
17 director may prescribe.

18 NEW SECTION. **Sec. 12.** (1) Sections 2, 4, 6, 8, and 10 of this act
19 are necessary for the immediate preservation of the public peace,
20 health, or safety, or support of the state government and its existing
21 public institutions, and take effect July 1, 1997.

22 (2) Sections 3, 5, 7, 9, and 11 of this act take effect July 1,
23 1998."

24 **SHB 2089** - S AMD - 372
25 By Senators Morton and Rasmussen

26 ADOPTED 4/16/97

27 On page 1, line 1 of the title, after "livestock;" strike the
28 remainder of the title and insert "amending RCW 16.57.015, 16.57.220,
29 16.57.220, 16.58.050, 16.58.050, 16.58.130, 16.58.130, 16.65.037,
30 16.65.037, 16.65.090, and 16.65.090; providing effective dates; and
31 declaring an emergency."

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