

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2089

Chapter 356, Laws of 1997

(partial veto)

55th Legislature
1997 Regular Session

LIVESTOCK IDENTIFICATION--FEES

EFFECTIVE DATE: Sections 2, 4, 6, 8, and 10 become effective 7/1/97; and sections 3, 5, 7, 9, and 11 become effective 7/1/98.

Passed by the House April 21, 1997
Yeas 96 Nays 1

CLYDE BALLARD
Speaker of the
House of Representatives

Passed by the Senate April 16, 1997
Yeas 48 Nays 1

IRV NEWHOUSE
President of the Senate

Approved May 14, 1997, with the
exception of section 1, which is
vetoed.

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2089** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 14, 1997 - 2:07 p.m.

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 2089

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Honeyford)

Read first time 03/05/97.

1 AN ACT Relating to identification of livestock; amending RCW
2 16.57.015, 16.57.220, 16.57.220, 16.58.050, 16.58.050, 16.58.130,
3 16.58.130, 16.65.037, 16.65.037, 16.65.090, and 16.65.090; providing
4 effective dates; and declaring an emergency.

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

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

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

15 *(2) The purpose of the board is to provide oversight of the*
16 *livestock identification programs and advice to the director regarding*
17 *livestock identification programs administered under this chapter and*
18 *regarding brand inspection fees and related licensing fees. The board*
19 *shall meet at least once every two months to receive a program status*

1 briefing from the department, including a financial update and any
2 other financial information requested by the board, in order to provide
3 guidance to the department on the operation of the programs. The
4 director shall consult the board before hiring or dismissing
5 supervisory personnel, adopting, amending, or repealing a rule under
6 this chapter or altering a fee under RCW 16.58.050, 16.58.130,
7 16.65.030, or 16.65.090. If the director publishes in the state
8 register a proposed rule to be adopted under the authority of this
9 chapter or a proposed rule setting a fee under RCW 16.58.050,
10 16.58.130, 16.65.030, or 16.65.090 and the rule has not received the
11 approval of the advisory board, the director shall file with the board
12 a written statement setting forth the director's reasons for proposing
13 the rule without the board's approval.

14 (3) The members of the advisory board serve three-year terms.
15 However, the director shall by rule provide shorter initial terms for
16 some of the members of the board to stagger the expiration of the
17 initial terms. The members serve without compensation. The director
18 may authorize the expenses of a member to be reimbursed if the member
19 is selected to attend a regional or national conference or meeting
20 regarding livestock identification. Any such reimbursement shall be in
21 accordance with RCW 43.03.050 and 43.03.060.

22 *Sec. 1 was vetoed. See message at end of chapter.

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

25 The director shall cause a charge to be made for all brand
26 inspection of cattle and horses required under this chapter and rules
27 adopted hereunder. Such charges shall be paid to the department by the
28 owner or person in possession unless requested by the purchaser and
29 then such brand inspection shall be paid by the purchaser requesting
30 such brand inspection. Except as provided by rule, such inspection
31 charges shall be due and payable at the time brand inspection is
32 performed and shall be paid upon billing by the department and if not
33 shall constitute a prior lien on the cattle or cattle hides or horses
34 or horse hides brand inspected until such charge is paid. The director
35 in order to best utilize the services of the department in performing
36 brand inspection may establish schedules by days and hours when a brand
37 inspector will be on duty to perform brand inspection at established
38 inspection points. The fees for brand inspection performed at

1 inspection points according to schedules established by the director
2 shall be (~~sixty~~) seventy-five cents per head for cattle and not more
3 than (~~two~~) three dollars (~~and forty cents~~) per head for horses as
4 prescribed by the director subsequent to a hearing under chapter 34.05
5 RCW and in conformance with RCW 16.57.015. Fees for brand inspection
6 of cattle and horses at points other than those designated by the
7 director or not in accord with the schedules established by the
8 director shall be based on a fee schedule not to exceed actual net cost
9 to the department of performing the brand inspection service. For the
10 purpose of this section, actual costs shall mean fifteen dollars per
11 hour and the current mileage rate set by the office of financial
12 management.

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

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

1 hour and the current mileage rate set by the office of financial
2 management.

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

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

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

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

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

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

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

30 Each licensee shall pay to the director a fee of (~~fifteen~~) twelve
31 cents for each head of cattle handled through the licensee's feed lot.
32 Payment of such fee shall be made by the licensee on a monthly basis.
33 Failure to pay as required shall be grounds for suspension or
34 revocation of a certified feed lot license. Further, the director

1 shall not renew a certified feed lot license if a licensee has failed
2 to make prompt and timely payments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 The director shall provide for brand inspection. When such brand
27 inspection is required the licensee shall collect from the consignor
28 and pay to the department, as provided by law, a fee for brand
29 inspection for each animal consigned to the public livestock market or
30 special open consignment horse sale. However, if in any one sale day
31 the total fees collected for brand inspection do not exceed (~~ninety~~)
32 seventy-two dollars, then such licensee shall pay (~~ninety~~) seventy-
33 two dollars for such brand inspection or as much thereof as the
34 director may prescribe.

35 NEW SECTION. **Sec. 12.** (1) Sections 2, 4, 6, 8, and 10 of this act
36 are necessary for the immediate preservation of the public peace,

1 health, or safety, or support of the state government and its existing
2 public institutions, and take effect July 1, 1997.

3 (2) Sections 3, 5, 7, 9, and 11 of this act take effect July 1,
4 1998.

Passed the House April 21, 1997.

Passed the Senate April 16, 1997.

Approved by the Governor May 14, 1997, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 14, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 1,
3 Substitute House Bill No. 2089 entitled:

4 "AN ACT Relating to identification of livestock;"

5 Substitute House Bill No. 2089 evolved from an ongoing effort among
6 the Washington State Department of Agriculture ("WSDA") and various
7 sectors of the livestock industry to agree on a combination of fees and
8 responsibilities for operating the Livestock Identification Program.

9 SHB 2089 maintains fees charged by the Livestock Identification
10 Advisory Board at their current level until July 1, 1998. This will
11 allow the parties to continue efforts to resolve their differences and
12 bring a constructive proposal to the 1998 Legislature.

13 Section 1 of this bill would amend the responsibilities of the
14 Advisory Board. While I agree with most of the proposed changes, one
15 change is not appropriate. That change is the requirement that the
16 WSDA director consult the Advisory Board before hiring or dismissing
17 supervisory personnel. Personnel actions are the purview of agency
18 managers who are legally responsible for the decisions they make, and
19 who must defend any challenges to those decisions. It is an
20 unwarranted and inappropriate intrusion into agency operations for a
21 citizen advisory board to have a statutory role in such decisions.

22 For this reason, I have vetoed section 1 of Substitute House Bill
23 2089.

24 With the exception of section 1, I am approving Substitute House
25 Bill No. 2089."