

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5439**

68th Legislature  
2023 Regular Session

Passed by the Senate March 2, 2023  
Yeas 49 Nays 0

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**President of the Senate**

Passed by the House March 24, 2023  
Yeas 96 Nays 0

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5439** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5439**

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Passed Legislature - 2023 Regular Session

**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Warnick, Dozier, Hasegawa, Lovelett, Salomon, Schoesler, and Van De Wege)

READ FIRST TIME 02/13/23.

1       AN ACT Relating to livestock identification; amending RCW  
2 16.57.015, 16.57.015, 16.57.220, 16.57.460, 16.58.130, and 16.65.090;  
3 amending 2022 c 158 s 1 (uncodified); providing an effective date;  
4 and providing expiration dates.

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

6       **Sec. 1.** RCW 16.57.015 and 2019 c 92 s 1 are each amended to read  
7 as follows:

8       (1) The director shall establish a livestock identification  
9 advisory committee. The committee shall be composed of (~~twelve~~) 12  
10 voting members appointed by the director as follows: Two beef  
11 producers, two cattle feeders, two dairy producers, two livestock  
12 market owners, two meat processors, and two horse producers.  
13 Organizations representing the groups represented on the committee  
14 may submit nominations for these appointments to the director for the  
15 director's consideration. No more than two members at the time of  
16 their appointment or during their term may reside in the same county.  
17 Members may be reappointed and vacancies must be filled in the same  
18 manner as original appointments are made. As used in this subsection,  
19 "meat processor" means a person licensed to operate a slaughtering  
20 establishment under chapter 16.49 RCW or the federal meat inspection  
21 act (21 U.S.C. Sec. 601 et seq.). In making appointments, the

1 director shall solicit nominations from organizations representing  
2 these groups statewide. The committee shall elect a member to serve  
3 as chair of the committee. The committee must meet at least twice a  
4 year. The committee shall meet at the call of the director, chair, or  
5 a majority of the committee. A quorum of the committee consists of a  
6 majority of members. If a member has not been designated for a  
7 position set forth in this section, that position may not be counted  
8 for purposes of determining a quorum. A member may appoint an  
9 alternate who meets the same qualifications as the member to serve  
10 during the member's absence. The director may remove a member from  
11 the committee if that member has two or more unexcused absences  
12 during a single calendar year.

13 (2) The purpose of the committee is to provide advice to the  
14 director regarding livestock identification programs administered  
15 under this chapter and regarding inspection fees and related  
16 licensing fees. The advisory committee must review the costs and  
17 operations of the livestock identification program. The director  
18 shall consult the committee before adopting, amending, or repealing a  
19 rule under this chapter or altering a fee under RCW 16.58.050,  
20 16.65.030, 16.65.037, or 16.65.090. If the director publishes in the  
21 (~~state register~~) Washington State Register a proposed rule to be  
22 adopted under the authority of this chapter and the rule has not  
23 received the approval of the advisory committee, the director shall  
24 file with the committee a written statement setting forth the  
25 director's reasons for proposing the rule without the committee's  
26 approval.

27 (3) The members of the advisory committee serve three-year terms.  
28 However, the director shall by rule provide shorter initial terms for  
29 some of the members of the committee to stagger the expiration of the  
30 initial terms. The members serve without compensation. The director  
31 may authorize the expenses of a member to be reimbursed if the member  
32 is selected to attend a regional or national conference or meeting  
33 regarding livestock identification. Any such reimbursement shall be  
34 in accordance with RCW 43.03.050 and 43.03.060.

35 **Sec. 2.** RCW 16.57.015 and 2011 1st sp.s. c 21 s 51 are each  
36 amended to read as follows:

37 (1) The director shall establish a livestock identification  
38 advisory committee. The committee shall be composed of six members  
39 appointed by the director. One member shall represent each of the

1 following groups: Beef producers, public livestock market operators,  
2 horse owners, dairy farmers, cattle feeders, and meat processors. As  
3 used in this subsection, "meat processor" means a person licensed to  
4 operate a slaughtering establishment under chapter 16.49 RCW or the  
5 federal meat inspection act (21 U.S.C. Sec. 601 et seq.). In making  
6 appointments, the director shall solicit nominations from  
7 organizations representing these groups statewide. The committee  
8 shall elect a member to serve as chair of the committee.

9 (2) The purpose of the committee is to provide advice to the  
10 director regarding livestock identification programs administered  
11 under this chapter and regarding inspection fees and related  
12 licensing fees. The advisory committee must review the costs and  
13 operations of the livestock identification program. The director  
14 shall consult the committee before adopting, amending, or repealing a  
15 rule under this chapter or altering a fee under RCW 16.58.050,  
16 16.65.030, 16.65.037, or 16.65.090. If the director publishes in the  
17 (~~state register~~) Washington State Register a proposed rule to be  
18 adopted under the authority of this chapter and the rule has not  
19 received the approval of the advisory committee, the director shall  
20 file with the committee a written statement setting forth the  
21 director's reasons for proposing the rule without the committee's  
22 approval.

23 (3) The members of the advisory committee serve three-year terms.  
24 However, the director shall by rule provide shorter initial terms for  
25 some of the members of the committee to stagger the expiration of the  
26 initial terms. The members serve without compensation. The director  
27 may authorize the expenses of a member to be reimbursed if the member  
28 is selected to attend a regional or national conference or meeting  
29 regarding livestock identification. Any such reimbursement shall be  
30 in accordance with RCW 43.03.050 and 43.03.060.

31 **Sec. 3.** RCW 16.57.220 and 2019 c 92 s 5 are each amended to read  
32 as follows:

33 (1) Except as provided for in RCW 16.65.090 and otherwise in this  
34 section, the fee for livestock inspection is (~~four dollars~~) \$4 per  
35 head for cattle and (~~three dollars and eighty-five cents~~) \$3.85 for  
36 horses, with a call out fee of (~~twenty dollars~~) \$20.

37 (2) When cattle are identified with the owner's brand, electronic  
38 official individual identification, or other form of identification  
39 specified by the director by rule, the fee for livestock inspection

1 is (~~one dollar and twenty-one cents~~) \$1.21 per head, with a call  
2 out fee of (~~twenty dollars~~) \$20.

3 (3) No inspection fee is charged for a calf that is inspected  
4 before moving out-of-state under an official temporary grazing permit  
5 if the calf is part of a cow-calf unit and the calf is identified  
6 with the owner's Washington-recorded brand or other form of  
7 identification specified by the director by rule.

8 (4) The fee for inspection of cattle at a processing plant with a  
9 daily capacity of no more than (~~five hundred~~) 500 head of cattle  
10 where the United States department of agriculture maintains a meat  
11 inspection program is (~~four dollars and forty cents~~) \$4.40 per  
12 head, with a call out fee of (~~twenty dollars~~) \$20.

13 (5) When a single inspection certificate is issued for (~~thirty~~)  
14 30 or more horses belonging to one person, the fee for livestock  
15 inspection is (~~two dollars and twenty cents~~) \$2.20 per head, with a  
16 call out fee of (~~twenty dollars~~) \$20.

17 (6) The fee for individual identification certificates is  
18 (~~twenty-two dollars~~) \$22 for an annual certificate and (~~sixty-~~  
19 ~~three dollars~~) \$63 for a lifetime certificate, with a call out fee  
20 of (~~twenty dollars~~) \$20. However, the fee for an annual certificate  
21 listing (~~thirty~~) 30 or more animals belonging to one person is  
22 (~~five dollars and fifty cents~~) \$5.50 per head, with a call out fee  
23 of (~~twenty dollars~~) \$20. A lifetime certificate shall not be issued  
24 until the fee has been paid to the director.

25 (7) The minimum fee for the issuance of an inspection certificate  
26 by the director is (~~five dollars and fifty cents~~) \$5.50. The  
27 minimum fee does not apply to livestock consigned to a public  
28 livestock market or special sale or inspected at a cattle processing  
29 plant.

30 (8) No call out fee is charged for an inspection done by a  
31 certified veterinarian or field livestock inspector.

32 **Sec. 4.** RCW 16.57.460 and 2022 c 158 s 2 are each amended to  
33 read as follows:

34 (1) The department shall submit a livestock inspection program  
35 report pursuant to RCW 43.01.036 by (~~September 1, 2020~~) November 1,  
36 2023, and annually thereafter, to the appropriate committees of the  
37 legislature having oversight over agriculture and fiscal matters. The  
38 report must also be submitted to the livestock identification  
39 advisory committee created in RCW 16.57.015. The report must include

1 amounts collected, a report on program expenditures, and any  
2 recommendations for making the program more efficient, improving the  
3 program, or modifying livestock inspection fees to cover the costs of  
4 the program. The report must also address the financial status of the  
5 program, including whether there is a need to review fees so that the  
6 program continues to be supported by fees.

7 (2) This section expires July 1, (~~2024~~) 2026.

8 **Sec. 5.** RCW 16.58.130 and 2019 c 92 s 8 are each amended to read  
9 as follows:

10 Each licensee shall pay to the director a fee of (~~twenty-eight~~)  
11 28 cents for each head of cattle handled through the licensee's feed  
12 lot. The licensee must pay a call out fee of (~~twenty-dollars~~) \$20  
13 to the department for each day and for each livestock inspector(~~(7~~  
14 ~~certified veterinarian, or field livestock inspector)~~) who performs  
15 inspections at each certified feed lot. Payment of the fees shall be  
16 made by the licensee on a monthly basis. Failure to pay as required  
17 shall be grounds for suspension or revocation of a certified feed lot  
18 license. The director shall not renew a certified feed lot license if  
19 a licensee has failed to make prompt and timely payments. No call out  
20 fee is charged for an inspection done by a certified veterinarian or  
21 field livestock inspector.

22 **Sec. 6.** RCW 16.65.090 and 2019 c 92 s 11 are each amended to  
23 read as follows:

24 When livestock inspection is required the licensee shall collect  
25 from the consignor and pay to the department an inspection fee, as  
26 provided by law, for each animal inspected. However, if in any one  
27 sale day the total fees collected for inspection do not exceed (~~one~~  
28 ~~hundred fifty-dollars~~) \$150, then the licensee shall pay (~~one~~  
29 ~~hundred fifty-dollars~~) \$150 for the inspection services. The  
30 licensee must pay a call out fee of (~~twenty-dollars~~) \$20 to the  
31 department for each day and for each livestock inspector(~~(7~~  
32 ~~certified veterinarian, or field livestock inspector)~~) who performs inspections  
33 at a public livestock market. No call out fee is charged for an  
34 inspection done by a certified veterinarian or field livestock  
35 inspector.

36 **Sec. 7.** 2022 c 158 s 1 (uncodified) is amended to read as  
37 follows:

1 Sections 1, 5, 8, and 11 of this act expire July 1, ((2024))  
2 2026.

3 NEW SECTION. **Sec. 8.** Sections 1, 3, 5, and 6 of this act expire  
4 July 1, 2026.

5 NEW SECTION. **Sec. 9.** Section 2 of this act takes effect July 1,  
6 2026.

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