CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5439**

68th Legislature

2023 Regular Session

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| Passed by the Senate March 2, 2023  Yeas 49 Nays 0  **President of the Senate**  Passed by the House March 24, 2023  Yeas 96 Nays 0  **Speaker of the House of Representatives** | 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.  Secretary |
| Approved |  |
| **Governor of the State of Washington** | **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)

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

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

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

(1) The director shall establish a livestock identification advisory committee. The committee shall be composed of ((~~twelve~~)) 12 voting members appointed by the director as follows: Two beef producers, two cattle feeders, two dairy producers, two livestock market owners, two meat processors, and two horse producers. Organizations representing the groups represented on the committee may submit nominations for these appointments to the director for the director's consideration. No more than two members at the time of their appointment or during their term may reside in the same county. Members may be reappointed and vacancies must be filled in the same manner as original appointments are made. As used in this subsection, "meat processor" means a person licensed to operate a slaughtering establishment under chapter 16.49 RCW or the federal meat inspection act (21 U.S.C. Sec. 601 et seq.). In making appointments, the director shall solicit nominations from organizations representing these groups statewide. The committee shall elect a member to serve as chair of the committee. The committee must meet at least twice a year. The committee shall meet at the call of the director, chair, or a majority of the committee. A quorum of the committee consists of a majority of members. If a member has not been designated for a position set forth in this section, that position may not be counted for purposes of determining a quorum. A member may appoint an alternate who meets the same qualifications as the member to serve during the member's absence. The director may remove a member from the committee if that member has two or more unexcused absences during a single calendar year.

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

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

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

(1) The director shall establish a livestock identification advisory committee. The committee shall be composed of six members appointed by the director. One member shall represent each of the following groups: Beef producers, public livestock market operators, horse owners, dairy farmers, cattle feeders, and meat processors. As used in this subsection, "meat processor" means a person licensed to operate a slaughtering establishment under chapter 16.49 RCW or the federal meat inspection act (21 U.S.C. Sec. 601 et seq.). In making appointments, the director shall solicit nominations from organizations representing these groups statewide. The committee shall elect a member to serve as chair of the committee.

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

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

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

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

(2) When cattle are identified with the owner's brand, electronic official individual identification, or other form of identification specified by the director by rule, the fee for livestock inspection is ((~~one dollar and twenty-one cents~~)) $1.21 per head, with a call out fee of ((~~twenty dollars~~)) $20.

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

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

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

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

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

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

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

(1) The department shall submit a livestock inspection program report pursuant to RCW 43.01.036 by ((~~September 1, 2020~~)) November 1, 2023, and annually thereafter, to the appropriate committees of the legislature having oversight over agriculture and fiscal matters. The report must also be submitted to the livestock identification advisory committee created in RCW 16.57.015. The report must include amounts collected, a report on program expenditures, and any recommendations for making the program more efficient, improving the program, or modifying livestock inspection fees to cover the costs of the program. The report must also address the financial status of the program, including whether there is a need to review fees so that the program continues to be supported by fees.

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

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

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

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

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

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

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

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

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

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