

SENATE BILL 5036

State of Washington

52nd Legislature

1991 Regular Session

By Senators Barr, Conner, Bailey and Hansen.

Read first time January 16, 1991. Referred to Committee on Agriculture & Water Resources.

1 AN ACT Relating to a livestock market net worth requirement;
2 amending RCW 16.65.030, 16.65.370, 16.65.420, and 16.65.450; and adding
3 a new section to chapter 16.65 RCW.

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

5 **Sec. 1.** RCW 16.65.030 and 1979 ex.s. c 91 s 1 are each amended to
6 read as follows:

7 (1) On and after June 10, 1959, no person shall operate a public
8 livestock market without first having obtained a license from the
9 director. Application for such license or renewal thereof shall be in
10 writing on forms prescribed by the director, and shall include the
11 following:

12 (a) A legal description of the property upon which the public
13 livestock market shall be located.

1 (b) A complete description and blueprints or plans of the public
2 livestock market physical plant, yards, pens and all facilities the
3 applicant proposes to use in the operation of such public livestock
4 market.

5 (c) A detailed statement showing all the assets and liabilities of
6 the applicant which must reflect a sufficient net worth to construct or
7 operate a public livestock market.

8 (d) The schedule of rates and charges the applicant proposes to
9 impose on the owners of livestock for services rendered in the
10 operation of such livestock market.

11 (e) The weekly or monthly sales day or days on which the applicant
12 proposes to operate his public livestock market sales.

13 (f) Projected source and quantity of livestock, by county,
14 anticipated to be handled.

15 (g) Projected income and expense statements for the first year's
16 operation.

17 (h) Facts upon which are based the conclusion that the trade area
18 and the livestock industry will benefit because of the proposed market.

19 (i) Such other information as the director may reasonably require.

20 (2) The director shall, after public hearing as provided by chapter
21 34.05 RCW, grant or deny an application for original license for a
22 public livestock market after considering evidence and testimony
23 relating to all of the requirements of this section and giving
24 reasonable consideration at the same hearing to:

25 (a) Benefits to the livestock industry to be derived from the
26 establishment and operation of the public livestock market proposed in
27 the application; and

28 (b) The present market services elsewhere available to the trade
29 area proposed to be served.

1 (3) Such application shall be accompanied by a license fee based on
2 the average gross sales volume per official sales day of that market:

3 (a) Markets with an average gross sales volume up to and including
4 ten thousand dollars, a one hundred dollar fee;

5 (b) Markets with an average gross sales volume over ten thousand
6 dollars and up to and including fifty thousand dollars, a two hundred
7 dollar fee; and

8 (c) Markets with an average gross sales volume over fifty thousand
9 dollars, a three hundred dollar fee.

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

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

19 **Sec. 2.** RCW 16.65.370 and 1959 c 107 s 37 are each amended to read
20 as follows:

21 Pens used to hold livestock for a period of twenty-four hours or
22 more in a public livestock market shall have watering and feeding
23 facilities for livestock held in such pens(~~(+)~~). It shall be unlawful
24 for a public livestock market to hold livestock for a period longer
25 than twenty-four hours (~~(in such pens)~~) without feeding and watering
26 such livestock. An operator of a public livestock market may also
27 refuse to accept the consignment of any livestock that the licensee may
28 believe to have been inadequately fed or otherwise inadequately cared

1 for prior to the delivery of the livestock in question to the public
2 livestock market.

3 **Sec. 3.** RCW 16.65.420 and 1963 c 232 s 16 are each amended to read
4 as follows:

5 (1) Any application for sales days or days for a new salesyard, and
6 any application for a change of sales day or days or additional sales
7 day or days for an existing yard shall be subject to approval by the
8 director, subsequent to a hearing as provided for in this chapter and
9 the director is hereby authorized to allocate these dates and type and
10 class of livestock which may be sold on these dates. In considering
11 the allocation of such sales days, the director shall give appropriate
12 consideration, among other relevant factors, to the following:

13 (a) The geographical area which will be affected;

14 (b) The conflict, if any, with sales days already allocated in the
15 area;

16 (c) The amount and class of livestock available for marketing in
17 the area;

18 (d) Buyers available to such market;

19 (e) Any other conditions affecting the orderly marketing of
20 livestock.

21 (2) No special sales shall be conducted by the licensee unless the
22 licensee has applied to the director in writing fifteen days prior to
23 such proposed sale and such sale date shall be approved at the
24 discretion of the director.

25 (3) In any case that a licensee fails to conduct sales on the sales
26 days allocated to the licensee, the director shall, subsequent to a
27 hearing, be authorized to revoke an allocation for nonuse. The rate of
28 usage required to maintain an allocation shall be established by rule.

1 **Sec. 4.** RCW 16.65.450 and 1959 c 107 s 46 are each amended to read
2 as follows:

3 Any licensee or applicant (~~((who has had his or its license revoked,~~
4 ~~suspended or denied by the director and))~~ who feels (~~((himself or~~
5 ~~itself))~~) aggrieved by (~~((said))~~) an order of the director may appeal to
6 the superior court of the county in the state of Washington of the
7 residence of the licensee or applicant where the trial on such appeal
8 shall be held de novo.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 16.65 RCW
10 to read as follows:

11 It is lawful for the operator of a public livestock market or an
12 open consignment horse sale, upon receiving a request to do so, to
13 allow the announcement of the correct and accurate name of the
14 consignor of any cattle or horses being presented for sale to potential
15 buyers.