
HOUSE BILL 2774

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Chandler and Rayburn

Read first time 01/24/94. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to livestock; amending RCW 16.65.030, 16.65.090,
2 16.58.050, 16.58.130, and 16.57.220; reenacting RCW 16.65.030,
3 16.65.090, 16.58.050, 16.58.130, 16.57.080, 16.57.090, 16.57.140, and
4 16.57.220; creating new sections; providing an effective date; and
5 declaring an emergency.

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

7 **Sec. 1.** RCW 16.65.030 and 1993 c 354 s 1 are each reenacted to
8 read as follows:

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

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

16 (b) A complete description and blueprints or plans of the public
17 livestock market physical plant, yards, pens, and all facilities the
18 applicant proposes to use in the operation of such public livestock
19 market.

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

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

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

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

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

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

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

16 (2) The director shall, after public hearing as provided by chapter
17 34.05 RCW, grant or deny an application for original license for a
18 public livestock market after considering evidence and testimony
19 relating to all of the requirements of this section and giving
20 reasonable consideration at the same hearing to:

21 (a) Benefits to the livestock industry to be derived from the
22 establishment and operation of the public livestock market proposed in
23 the application; and

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

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

28 (a) Markets with an average gross sales volume up to and including
29 ten thousand dollars, a fee of no less than one hundred dollars or more
30 than one hundred fifty dollars;

31 (b) Markets with an average gross sales volume over ten thousand
32 dollars and up to and including fifty thousand dollars, a fee of no
33 less than two hundred dollars or more than three hundred fifty dollars;
34 and

35 (c) Markets with an average gross sales volume over fifty thousand
36 dollars, a fee of no less than three hundred dollars or more than four
37 hundred fifty dollars.

1 The fees for public livestock market licensees shall be set by the
2 director by rule subsequent to a hearing under chapter 34.05 RCW and in
3 conformance with RCW 16.57.015.

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

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

13 **Sec. 2.** RCW 16.65.090 and 1993 c 354 s 2 are each reenacted to
14 read 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. The director shall set by rule,
20 adopted after a hearing under chapter 34.05 RCW and in conformance with
21 RCW 16.57.015, a minimum daily inspection fee that shall be paid to the
22 department by the licensee. Such a fee shall be not less than sixty
23 dollars and not more than ninety dollars.

24 **Sec. 3.** RCW 16.58.050 and 1993 c 354 s 3 are each reenacted to
25 read as follows:

26 The application for an annual license to engage in the business of
27 operating one or more certified feed lots shall be accompanied by a
28 license fee of no less than five hundred dollars or no more than seven
29 hundred fifty dollars. The actual license fee for a certified feed lot
30 license shall be prescribed by the director by rule subsequent to a
31 hearing under chapter 34.05 RCW and in conformance with RCW 16.57.015.
32 Upon approval of the application by the director and compliance with
33 the provisions of this chapter and rules adopted hereunder, the
34 applicant shall be issued a license or a renewal thereof.

35 **Sec. 4.** RCW 16.58.130 and 1993 c 354 s 4 are each reenacted to
36 read as follows:

1 Each licensee shall pay to the director a fee of no less than ten
2 cents but no more than fifteen cents for each head of cattle handled
3 through the licensee's feed lot. The fee shall be set by the director
4 by rule after a hearing under chapter 34.05 RCW and in conformance with
5 RCW 16.57.015. Payment of such fee shall be made by the licensee on a
6 monthly basis. Failure to pay as required shall be grounds for
7 suspension or revocation of a certified feed lot license. Further, the
8 director shall not renew a certified feed lot license if a licensee has
9 failed to make prompt and timely payments.

10 **Sec. 5.** RCW 16.57.080 and 1993 c 354 s 5 are each reenacted to
11 read as follows:

12 The director shall establish by rule a schedule for the renewal of
13 registered brands. The fee for renewal of the brands shall be no less
14 than twenty-five dollars for each two-year period of brand ownership,
15 except that the director may, in adopting a renewal schedule, provide
16 for the collection of renewal fees on a prorated basis and may by rule
17 increase the registration and renewal fee for brands by no more than
18 fifty percent subsequent to a hearing under chapter 34.05 RCW and in
19 conformance with RCW 16.57.015. At least one hundred twenty days
20 before the expiration of a registered brand, the director shall notify
21 by letter the owner of record of the brand that on the payment of the
22 requisite application fee and application of renewal the director shall
23 issue the proof of payment allowing the brand owner exclusive ownership
24 and use of the brand for the subsequent registration period. The
25 failure of the registered owner to pay the renewal fee by the date
26 required by rule shall cause such owner's brand to revert to the
27 department. The director may for a period of one year following such
28 reversion, reissue such brand only to the prior registered owner upon
29 payment of the registration fee and a late filing fee to be prescribed
30 by the director by rule subsequent to a hearing under chapter 34.05 RCW
31 and in conformance with RCW 16.57.015, for renewal subsequent to the
32 regular renewal period. The director may at the director's discretion,
33 if such brand is not reissued within one year to the prior registered
34 owner, issue such brand to any other applicant.

35 **Sec. 6.** RCW 16.57.090 and 1993 c 354 s 6 are each reenacted to
36 read as follows:

1 A brand is the personal property of the owner of record. Any
2 instrument affecting the title of such brand shall be acknowledged in
3 the presence of the recorded owner and a notary public. The director
4 shall record such instrument upon presentation and payment of a
5 recording fee not to exceed fifteen dollars to be prescribed by the
6 director by rule subsequent to a hearing under chapter 34.05 RCW and in
7 conformance with RCW 16.57.015. Such recording shall be constructive
8 notice to all the world of the existence and conditions affecting the
9 title to such brand. A copy of all records concerning the brand,
10 certified by the director, shall be received in evidence to all intent
11 and purposes as the original instrument. The director shall not be
12 personally liable for failure of the director's agents to properly
13 record such instrument.

14 **Sec. 7.** RCW 16.57.140 and 1993 c 354 s 7 are each reenacted to
15 read as follows:

16 The owner of a brand of record may procure from the director a
17 certified copy of the record of the owner's brand upon payment of a fee
18 not to exceed seven dollars and fifty cents to be prescribed by the
19 director by rule subsequent to a hearing under chapter 34.05 RCW and in
20 conformance with RCW 16.57.015.

21 **Sec. 8.** RCW 16.57.220 and 1993 c 354 s 8 are each reenacted to
22 read as follows:

23 The director shall cause a charge to be made for all brand
24 inspection of cattle and horses required under this chapter and rules
25 adopted hereunder. Such charges shall be paid to the department by the
26 owner or person in possession unless requested by the purchaser and
27 then such brand inspection shall be paid by the purchaser requesting
28 such brand inspection. Such inspection charges shall be due and
29 payable at the time brand inspection is performed and shall be paid
30 upon billing by the department and if not shall constitute a prior lien
31 on the cattle or cattle hides or horses or horse hides brand inspected
32 until such charge is paid. The director in order to best utilize the
33 services of the department in performing brand inspection may establish
34 schedules by days and hours when a brand inspector will be on duty to
35 perform brand inspection at established inspection points. The fees
36 for brand inspection shall be not less than fifty cents nor more than
37 seventy-five cents per head for cattle and not less than two dollars

1 nor more than three dollars per head for horses as prescribed by the
2 director by rule subsequent to a hearing under chapter 34.05 RCW and in
3 conformance with RCW 16.57.015. Fees for brand inspection of cattle
4 and horses performed by the director at points other than those
5 designated by the director or not in accord with the schedules
6 established by the director shall be based on a fee schedule not to
7 exceed actual net cost to the department of performing the brand
8 inspection service. Such schedule of fees shall be established
9 subsequent to a hearing and all regulations concerning fees shall be
10 adopted in accord with the provisions of chapter 34.05 RCW, the
11 Administrative Procedure Act, concerning the adoption of rules as
12 enacted or hereafter amended.

13 **Sec. 9.** RCW 16.65.030 and 1993 c 354 s 1 are each amended to read
14 as follows:

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

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

22 (b) A complete description and blueprints or plans of the public
23 livestock market physical plant, yards, pens, and all facilities the
24 applicant proposes to use in the operation of such public livestock
25 market.

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

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

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

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

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

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

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

4 (2) The director shall, after public hearing as provided by chapter
5 34.05 RCW, grant or deny an application for original license for a
6 public livestock market after considering evidence and testimony
7 relating to all of the requirements of this section and giving
8 reasonable consideration at the same hearing to:

9 (a) Benefits to the livestock industry to be derived from the
10 establishment and operation of the public livestock market proposed in
11 the application; and

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

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

16 (a) Markets with an average gross sales volume up to and including
17 ten thousand dollars, a ~~((fee of no less than))~~ one hundred dollar~~((s~~
18 ~~or more than one hundred fifty dollars))~~ fee;

19 (b) Markets with an average gross sales volume over ten thousand
20 dollars and up to and including fifty thousand dollars, a ~~((fee of no~~
21 ~~less than))~~ two hundred dollar~~((s or more than three hundred fifty~~
22 ~~dollars))~~ fee; and

23 (c) Markets with an average gross sales volume over fifty thousand
24 dollars, a ~~((fee of no less than))~~ three hundred dollar~~((s or more than~~
25 ~~four hundred fifty dollars))~~ fee.

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

29 (4) 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 license fee.

33 (5) Upon the approval of the application by the director and
34 compliance with the provisions of this chapter, the applicant shall be
35 issued a license or renewal thereof. Any license issued under the
36 provisions of this chapter shall only be valid at location and for the
37 sales day or days for which the license was issued.

1 **Sec. 10.** RCW 16.65.090 and 1993 c 354 s 2 are each amended to read
2 as follows:

3 The director shall provide for brand inspection. When such brand
4 inspection is required the licensee shall collect from the consignor
5 and pay to the department, as provided by law, a fee for brand
6 inspection for each animal consigned to the public livestock market or
7 special open consignment horse sale: PROVIDED, That if in any one sale
8 day the total fees collected for brand inspection do not exceed sixty
9 dollars, then such licensee shall pay sixty dollars for such brand
10 inspection or as much thereof as the director may prescribe. ((The
11 director shall set by rule, adopted after a hearing under chapter 34.05
12 RCW and in conformance with RCW 16.57.015, a minimum daily inspection
13 fee that shall be paid to the department by the licensee. Such a fee
14 shall be not less than sixty dollars and not more than ninety
15 dollars.))

16 **Sec. 11.** RCW 16.58.050 and 1993 c 354 s 3 are each amended to read
17 as follows:

18 The application for an annual license to engage in the business of
19 operating one or more certified feed lots shall be accompanied by a
20 license fee of ((no less than)) five hundred dollars ((or no more than
21 seven hundred fifty dollars. The actual license fee for a certified
22 feed lot license shall be prescribed by the director by rule subsequent
23 to a hearing under chapter 34.05 RCW and in conformance with RCW
24 16.57.015)). Upon approval of the application by the director and
25 compliance with the provisions of this chapter and rules adopted
26 hereunder, the applicant shall be issued a license or a renewal
27 thereof.

28 **Sec. 12.** RCW 16.58.130 and 1993 c 354 s 4 are each amended to read
29 as follows:

30 Each licensee shall pay to the director a fee of ((no less than))
31 ten cents ((but no more than fifteen cents)) for each head of cattle
32 handled through the licensee's feed lot. ((The fee shall be set by the
33 director by rule after a hearing under chapter 34.05 RCW and in
34 conformance with RCW 16.57.015.)) Payment of such fee shall be made by
35 the licensee on a monthly basis. Failure to pay as required shall be
36 grounds for suspension or revocation of a certified feed lot license.

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

3 **Sec. 13.** RCW 16.57.220 and 1993 c 354 s 8 are each amended to read
4 as follows:

5 The director shall cause a charge to be made for all brand
6 inspection of cattle and horses required under this chapter and rules
7 adopted hereunder. Such charges shall be paid to the department by the
8 owner or person in possession unless requested by the purchaser and
9 then such brand inspection shall be paid by the purchaser requesting
10 such brand inspection. Such inspection charges shall be due and
11 payable at the time brand inspection is performed and shall be paid
12 upon billing by the department and if not shall constitute a prior lien
13 on the cattle or cattle hides or horses or horse hides brand inspected
14 until such charge is paid. The director in order to best utilize the
15 services of the department in performing brand inspection may establish
16 schedules by days and hours when a brand inspector will be on duty to
17 perform brand inspection at established inspection points. The fees
18 for brand inspection performed at inspection points according to
19 schedules established by the director shall be not less than thirty
20 cents nor more than fifty cents (~~((nor more than seventy-five cents))~~)
21 per head for cattle and not (~~((less))~~) more than two dollars (~~((nor more~~
22 ~~than three dollars))~~) per head for horses as prescribed by the director
23 (~~((by rule))~~) subsequent to a hearing under chapter 34.05 RCW and in
24 conformance with RCW 16.57.015. Fees for brand inspection of cattle
25 and horses performed by the director at points other than those
26 designated by the director or not in accord with the schedules
27 established by the director shall be based on a fee schedule not to
28 exceed actual net cost to the department of performing the brand
29 inspection service. Such schedule of fees shall be established
30 subsequent to a hearing and all regulations concerning fees shall be
31 adopted in accord with the provisions of chapter 34.05 RCW, the
32 Administrative Procedure Act, concerning the adoption of rules as
33 enacted or hereafter amended.

34 NEW SECTION. **Sec. 14.** The reenactment of sections 1 through 8 of
35 this act constitutes approval of fee increases for which prior
36 legislative approval is required by RCW 43.135.055 (section 8, chapter
37 2, Laws of 1994, Initiative No. 601).

1 NEW SECTION. **Sec. 15.** A task force on livestock brand inspection
2 is hereby created. The task force shall be composed of: Two members
3 of the house of representatives appointed by the speaker of the house
4 of representatives, one from each political party caucus in the house
5 of representatives; two members of the senate appointed by the
6 president of the senate, one from each political party caucus in the
7 senate; the director of agriculture or the director's designee; and
8 citizen members appointed by the speaker of the house of
9 representatives and the president of the senate representing the
10 livestock industry including those who are beef producers, horseowners,
11 dairy farmers, cattle feeders, public livestock market operators, and
12 meat processors.

13 The task force shall examine means of providing a cost-efficient
14 and effective livestock brand inspection program and shall report its
15 recommendations regarding such a program to the legislature by December
16 1, 1994.

17 This section shall expire on June 1, 1995.

18 NEW SECTION. **Sec. 16.** Sections 1 through 8 and 14 of this act are
19 necessary for the immediate preservation of the public peace, health,
20 or safety, or support of the state government and its existing public
21 institutions, and shall take effect immediately.

22 NEW SECTION. **Sec. 17.** Sections 9 through 13 of this act shall
23 take effect June 1, 1995.

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