

CHAPTER 182.

[S. B. 312.]

PUBLIC LIVESTOCK MARKETS.

AN ACT relating to public livestock markets; amending section 1, chapter 107, Laws of 1959 and RCW 16.65.010; amending section 3, chapter 107, Laws of 1959 and RCW 16.65.030; amending section 8, chapter 107, Laws of 1959 and RCW 16.65.080; repealing and reenacting section 20, chapter 107, Laws of 1959 and RCW 16.65.200; amending section 40, chapter 107, Laws of 1959 and RCW 16.65.400; repealing and reenacting section 42, chapter 107, Laws of 1959 and RCW 16.65.420; adding three new sections to chapter 16.65 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 1, chapter 107, Laws of 1959 and RCW 16.65.010 are each amended to read as follows:

RCW 16.65.010
amended.

For the purposes of this chapter:

(1) The term "public livestock market" means any place, establishment or facility commonly known as a "public livestock market", "livestock auction market", "livestock sales ring", yards selling on commission, or the like, conducted or operated for compensation or profit as a public livestock market, consisting of pens or other enclosures, and their appurtenances in which livestock is received, held, sold, kept for sale or shipment: *Provided*, That it does not include a farmer selling his own livestock on his own premises by auction or any other method, or a farmers cooperative association or an association of livestock breeders when any class of their own livestock is assembled and offered for sale at a special sale on an occasional and seasonal basis under such association's management and responsibility, and such special sale has been approved by the director in writing: *Provided*, That such special sale shall be subject to brand and health inspection re-

"Public
livestock
market".

quirements as herein provided for sales at public livestock markets.

"Department". (2) "Department" means the department of agriculture of the state of Washington.

"Director". (3) "Director" means the director of the department or his duly authorized representative.

"Licensee". (4) "Licensee" means any person licensed under the provisions of this chapter.

"Livestock". (5) "Livestock" includes horses, mules, burros, cattle, sheep, swine, and goats.

"Person". (6) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

"Stockyard". (7) "Stockyard" means any place, establishment, or facility commonly known as a stockyard consisting of pens or other enclosures and their appurtenances in which livestock services such as feeding, watering, weighing, sorting, receiving and shipping are offered to the public: *Provided*, That stockyard shall not include any facilities where livestock is offered for sale at public auction, feed lots, or quarantined registered feed lots.

"Packer". (8) "Packer" means any person engaged in the business of slaughtering, manufacturing, preparing meat or meat products for sale, marketing meat, meat food products or livestock products.

"Deputy state veterinarian". (9) "Deputy state veterinarian" means a graduate veterinarian authorized to practice in the state of Washington and appointed or deputized by the director as his duly authorized representative.

RCW 16.65.030 amended. SEC. 2. Section 3, chapter 107, Laws of 1959 and RCW 16.65.030 are each amended to read as follows:

Public livestock markets. License required—Application, contents—Fee. On and after the effective date of this chapter no person shall operate a public livestock market without first having obtained a license from the director. Application for such license or renewal

thereof shall be in writing on forms prescribed by the director, and shall include the following:

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

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

(3) A detailed statement showing all the assets and liabilities of the applicant.

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

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

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

Such application shall be accompanied by a license fee of one hundred dollars. Any applicant operating more than one public livestock market shall make a separate application for a license to operate each such public livestock market, and each such application shall be accompanied by a license fee of one hundred dollars. Upon the approval of the application by the director and compliance with the provisions of this act, the applicant shall be issued a license or renewal thereof. Any license issued under the provisions of this act shall only be valid at location and for the sales day or days for which the license was issued.

SEC. 3. Section 8, chapter 107, Laws of 1959 and RCW 16.65.080 are each amended to read as follows:

(1) The director is authorized to deny, suspend, or revoke a license in the manner prescribed herein, when there are findings by the director that any

RCW 16.65.080
amended.

Denial, sus-
pension,
revocation of
license—
Procedure—
Appeal.

licensee (a) has been guilty of fraud or misrepresentation as to titles, charges, numbers, brands, weights, proceeds of sale, or ownership of livestock; (b) has violated any of the provisions of this chapter or rules and regulations adopted hereunder; (c) has violated any laws of the state that require health or brand inspection of livestock; (d) has violated any condition of the bond, as provided in this chapter. However, the director may deny a license if the applicant refuses to accept the sales day or days allocated to him under the provisions of this act.

(2) In all proceedings for revocation, suspension, or denial of a license the licensee or applicant shall be given an opportunity to be heard in regard to such revocation, suspension or denial of a license. The director shall give the licensee or applicant twenty days' notice in writing and such notice shall specify the charges or reasons for such revocation, suspension or denial. The notice shall also state the date, time and place where such hearing is to be held. Such hearings shall be held in the city where the licensee has his principal place of business, or where the applicant resides, unless some other place be agreed upon by the parties, and the defendant may be represented by counsel.

(3) The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents anywhere in the state. The applicant or licensee shall have opportunity to be heard, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be recorded, and may be taken by deposition under such rules as the director may prescribe.

(4) The director shall hear and determine the charges, make findings and conclusions upon the evidence produced, and file them in his office, to-

gether with a transcript of all of the evidence, and serve upon the accused a copy of such findings and conclusions.

SEC. 4. Section 20, chapter 107, Laws of 1959 and RCW 16.65.200 are each repealed and reenacted to read as follows:

RCW 16.65.200
repealed,
reenacted.

Before the license is issued to operate a public livestock market, the applicant shall execute and deliver to the director a surety bond in a sum as herein provided for, executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this act and the rules and/or regulations adopted hereunder. Said bond shall be to the state in favor of every consignor and/or vendor creditor whose livestock was handled or sold through or at the licensee's public livestock market: *Provided*, That if such applicant is bonded as a market agency under the provisions of the packers and stockyards act, (7 U.S.C. 181) as amended, on the effective date of this act, in a sum equal to or greater than the sum required under the provisions of this act, and such applicant furnishes the director with a bond approved by the United States secretary of agriculture naming the department as trustee, the director may accept such bond in lieu of the bond provided for herein and issue a license if such applicant meets all the other requirements of this act.

Licensee's
bond to
operate
market.

The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the license of the licensee is revoked

for cause or otherwise cancelled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond upon compliance with the provisions of chapter 19.72.110 RCW concerning notice and proof of service, as enacted or hereafter amended, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in chapter 19.72.110 RCW concerning notice and proof of service as enacted or hereafter amended, and unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license.

RCW 16.65.400 amended.

Weighing of livestock.

SEC. 5. Section 40, chapter 107, Laws of 1959 and RCW 16.65.400 are each amended to read as follows:

(1) Each licensee shall maintain and operate approved weighing facilities for the weighing of livestock at such licensee's public livestock market.

(2) All dial scales used by the licensee shall be of adequate size to be readily visible to all interested parties and shall be equipped with a mechanical weight recorder.

(3) All beam scales used by the licensee shall be equipped with a balance indicator, a weigh beam and a mechanical weight recorder, all readily visible to all interested parties.

(4) All scales used by the licensee shall be checked for balance at short intervals during the process of selling and immediately prior to the beginning of each sale day.

(5) The scale ticket shall have the weights mechanically imprinted upon such tickets when the weigh beam is in balance during the process of weighing, and shall be issued in triplicate, for all livestock weighed at a public livestock market. A

copy of such weight tickets shall be issued to the buyer and seller of the livestock weighed.

SEC. 6. Section 42, chapter 107, Laws of 1959 and RCW 16.65.420 are each repealed and reenacted as follows:

RCW 16.65.420 repealed, re-enacted.

(1) Any application for a sales day or days for a new salesyard, and any application for a change of sales day or days or additional sales day or days for an existing yard shall be subject to approval by the director, subsequent to a hearing as provided for in this act and the director is hereby authorized to allocate these dates. In considering the allocation of such sales days, the director shall give appropriate consideration, among other relevant factors, to the following:

Change of sale date—Application for special sale.

- (a) The geographical area which will be affected;
- (b) The conflict, if any, with sales days already allocated in the area;
- (c) The amount and class of livestock available for marketing in the area;
- (d) Buyers available to such market;
- (e) Any other conditions affecting the orderly marketing of livestock.

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

SEC. 7. There is hereby added to chapter 16.65 RCW the following new section:

New section.

The director shall hold public hearings upon a proposal to promulgate any new or amended regulations and all hearings for the denial, revocation, or suspension of a license issued under this act or in any other contested case, and shall comply in all respects with chapter 34.04 RCW (administrative procedures act) as now enacted or hereafter amended.

Chapter 30.04 RCW to apply to hearings.

Emergency.

SEC. 8. This act is necessary for the immediate preservation of the public health, safety and welfare, the support of the agricultural industry of the state, and shall take effect immediately.

Passed the Senate February 24, 1961.

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 183.

[S. B. 331.]

JUVENILE CORRECTIONAL INSTITUTION IN KING COUNTY.

AN ACT relating to the establishment and construction of a correctional institution for juveniles committed to the department of institutions, division of children and youth services.

Be it enacted by the Legislature of the State of Washington:

Correctional institution established—Where—Preliminary procedure.

SECTION 1. There is hereby established under the supervision and control of the director of the department of institutions a correctional institution for the confinement and rehabilitation of juveniles committed by the juvenile courts to the department of institutions, division of children and youth services. Such institution shall be situated upon lands within King county, to be selected by the director of institutions under conditions as herein provided. The director shall cause preliminary plans, specifications and estimates of cost for the construction of such institution to be made and for this purpose may retain architectural and engineering services.

Acquisition of site.

SEC. 2. As a site for the juvenile correctional institution, the director is hereby authorized to use any suitable tract or parcel of real property which is: (1) publicly owned and/or (2) acquired by gift. And for that purpose the director may enter into contracts to take title to real property in the name