

SUBJECT: Revising brand law and allowing electronic identification of livestock

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 4 ayes — Hardcastle, B. Brown, Burnam, Swinford

0 nays

3 absent — Miller, D. Jones, Laney

SENATE VOTE: On final passage, May 6 — 31-0, on Local and Uncontested Calendar

WITNESSES: *(On House companion bill, HB 2372:)*

For — Ed Small, Texas and Southwestern Cattleraisers Association

Against — None

BACKGROUND: Brand law in Texas dates back to 1848 and is set forth in Agriculture Code, ch. 144 and 146. In general, each person who owns cattle, hogs, sheep, or goats must have at least one earmark and at least one brand that differs from the marks and brands of the person's neighbors. Acceptable marks and brands for horses include fire or electric heat brands, freeze brands, acid brands, hoof brands, earmarks, tattoos, electronic devices, or other generally accepted identification methods. Each livestock owner must register his or her marks and brands with the county clerk and update them every 10 years.

Under 7 U.S.C., sec. 217a, the U.S. Department of Agriculture designates a state agency or livestock association in each state to inspect livestock at stockyards, auctions, and slaughterhouses. In Texas, that entity is the Texas and Southwest Cattleraisers Association.

The federal Farm Security and Rural Investment Act of 2002 requires mandatory country-of-origin labeling (COOL) beginning in 2004 for beef, lamb, pork, fish, perishable agricultural commodities, and peanuts, after a two-year voluntary program phase-in.

DIGEST: CSSB 1389 would amend Texas brand law to allow livestock owners to use tattoos and electronic devices to distinguish their cattle, hogs, sheep, or goats from their neighbors' livestock. Livestock owners would have to record new tattoos and electronic devices with the county clerk and would have to update that information every 10 years. Within 30 days after the date a county clerk received a new cattle record, the clerk would have to forward the information to the Texas and Southwest Cattleraisers Association.

The bill would repeal provisions related to driving cattle without a road brand, marking or branding an animal outside a pen, and recording a bill of sale and a list of animals with the county clerk before driving. It would repeal Agriculture Code, ch. 144, subchapters B and D, regarding county brands and other provisions that apply only to counties. It also would repeal ch. 146, subchapter C, regarding inspection, sale, and shipment of hides and animals in certain counties.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: CSSB 1389 would repeal obsolete provisions in Texas brand law and would recognize technological advances in animal ownership identification by including electronic devices and tattoos as acceptable methods of branding all livestock. Horse owners already use electronic devices to tag their animals, and even small-animal veterinarians offer such a service for cat and dog owners. The Texas and Southwestern Cattleraisers Association has a scanner to read the new information, and the bill would provide a legal means for Texas ranchers to use this electronic identification.

The bill would update state brand law to prepare Texas ranchers and farmers for more sophisticated record keeping. Under COOL requirements enacted in the 2002 federal farm bill, ranchers and farmers will have to keep records sufficient to trace and verify claims of origin. Under this new system, which becomes mandatory in 2004, the entire production system, from birth to retail, must have appropriate record keeping in place. For example, even in the relatively simple situation in which a calf is born and raised on a farm in Virginia, finished in a feedlot in the Texas Panhandle, and slaughtered and processed by a Kansas packing plant, record keeping will be needed to establish country of origin. In each of these steps the animal is owned and managed by different parties, and even the component cuts of the animal are

marketed to different retail outlets. At some point in the not too distant future, electronic record keeping no longer will be optional. CSSB 1389 would bring Texas' brand law into the 21st century.

Electronic branding already provides valuable information to modern ranching operations. Owners who track branded beef from birth to retail can collect information on how a particular animal is graded by meat inspectors, such as whether it was sold as prime beef or something else. This information goes back to the owner, who can keep track of which bull sired that animal and, thus, which breeds of cattle are genetically more likely to be graded prime than others. Other records that can be kept on an electronic chip include date of birth, sire and dam for purebreds, health and vaccination records, and the premises where an animal was bred, fed, or slaughtered. CSSB 1389 would facilitate a positive trend toward technological innovation in the Texas ranching industry.

Texas and Southwestern Cattleraisers Association pays county clerks 15 cents plus postage for each brand filing forwarded to the association. So while it may represent a paperwork burden, this function also generates revenue for counties.

**OPPONENTS
SAY:**

CSSB 1389 would create a paperwork burden for county clerks, who would have to forward copies of registered brand records to the Texas Southwestern Cattleraisers Association within 30 days. Many rural county clerks are employed part-time and already are overburdened with paperwork. Under the House companion bill, county clerks only would have had to make records available to the association, not to forward them. The House version set forth a more practical way to implement the legislation.

NOTES:

The companion bill, HB 2372 by Hardcastle, would have required county clerks to make copies of branding records available to the Texas and Southwestern Cattleraisers Association, rather than forwarding copies to them. HB 2372 was placed on the House General State Calendar on May 7 but was postponed.

The engrossed version of SB 1389 would have made the following changes in addition to those in the House committee substitute:

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- amended the definition of “livestock” in Agriculture Code, sec. 1.003 and repealed conflicting definitions elsewhere;
- amended the definition of “Texas agriculture product” in the Agriculture Code;
- specified that tattoos or electronic devices were being used in place of a brand;
- required a slaughterer to keep a record of all livestock purchased or slaughtered; and
- amended the definition of “wild” in the Parks and Wildlife Code.