

SEC. 4. This act shall not be construed to repeal or limit any existing power of any city or park district, but to grant powers in addition thereto.

Existing powers not repealed.

Passed the Senate March 8, 1949:

Passed the House March 7, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 98.

[S. B. 99.]

LIVESTOCK.

AN ACT relating to the inspection for livestock brands; providing for the inspection of meats and hides; fixing fees for brand inspection, re-recording of brands, and community sales and slaughtering; prescribing penalties for illegal branding; providing for reciprocal agreements with other states on brand inspection; amending section 5, chapter 156, Laws of 1935; sections 6, 10, and 12, chapter 75, Laws of 1937; section 3, chapter 198, Laws of 1939; and sections 2 and 4, chapter 187, Laws of 1947, and repealing section 8, chapter 75, Laws of 1937.

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

SECTION 1. As used in this act, unless clearly indicated otherwise by the context:

Definitions.

(1) "Director" means the Director of Agriculture;

"Director."

(2) "Meat food animal" means cattle, horses, mules, asses, swine, sheep and goats;

"Meat food animal."

(3) "Carcass" means all parts, including viscera, of a dead meat food animal;

"Carcass."

(4) For the purpose of procuring a farm slaughter permit "bona fide farmer" means any person chiefly engaged in producing agricultural products on whose farm the number of meat food animals is in keeping with the size of the farm and who has owned the dam of eighty per cent of the meat food animals slaughtered or to be slaughtered under farm slaughter permit, but does not mean any person who actively engages in buying or trading meat food animals, or actively engages, directly or indirectly,

"Bona fide farmer."

in conducting a business which includes the slaughter of meat food animals, but excepting persons who slaughter the livestock of a bona fide farmer at his request and for his own use, or actively engages, directly or indirectly, in buying or selling meat or meat food products other than those sold under his farm slaughter permit, or sells less than a quarter of a meat food animal, or slaughters, or permits any person to slaughter, on his farm meat food animals which are not actually owned by him.

Amendment.

SEC. 2. Section 5, chapter 156, Laws of 1935 (sec. 3055-5, Rem. Rev. Stat. Supp.), is amended to read:

Notice for renewal of brand.

Section 5. On or before the first day of September, 1940 and every five years thereafter the Director shall notify by registered letter the owners of all recorded brands or tattoo marks then of record to renew same. A fee of two dollars shall be charged for renewing brands and tattoo marks. Upon receipt of said fee the Director shall issue a renewal certificate to the owner thereof granting the exclusive right to continue the use of said brand or tattoo mark. If any owner of a brand or tattoo mark which is on record shall fail to pay such renewal fee within six months after being notified as herein provided, such brand shall become forfeited and stricken from said records.

Fee for renewal.

Forfeiture of brand.

Obliteration or removal of brand from cattle.

SEC. 3. No person shall obliterate, disfigure, extend, deface, or remove from any livestock a recorded livestock brand; or brand any livestock with a brand recorded for the exclusive use of the State of Washington without first having secured permission from the Director.

Penalty for violation.

SEC. 4. The violation of any provision of section 3 shall be a gross misdemeanor.

Amendment.

SEC. 5. Section 3, chapter 198, Laws of 1939 (sec. 3169-10a, Rem. Rev. Stat. Supp.), is amended to read:

Inspection fee.

Section 3. Compensation for the services of inspectors or agents so appointed shall be paid by the

owner or person in charge of such livestock or hides when inspected. The fee or charge for the inspection of livestock or hides shall be twenty cents per head and such fee or charge shall be a lien upon the livestock or hides inspected until the same shall be paid.

SEC. 6. Section 4, chapter 187, Laws of 1947 (sec. 3207-7, Rem. Supp. 1947), is amended to read: Amendment.

Section 4. The operator of each community livestock sale shall collect from the consignor and pay to the Director a fee for brand and/or clinical health inspection for each animal consigned to the sale on the following basis: Fees for livestock sale.

- Cattle, twenty cents per head;
- Horses, twenty cents per head;
- Mules, twenty cents per head;
- Sheep, three cents per head;
- Swine, five cents per head;
- Poultry, two cents per head;
- Rabbits, two cents per head;

Provided, That, if the total fees collected from the consignor on brand and/or clinical health inspection on all livestock inspected, in any one day, does not amount to ten dollars, then the minimum fee of ten dollars per day shall be paid by the community sale operator: *And providing further*, That fees necessary for the testing, vaccinating, or brand inspection to the purchaser shall be in addition to said fee charged to the consignor for brand and/or health inspection, shall be collected by the sales operator, shall be paid to the Director, and shall not apply on the ten dollar minimum fee. Maximum fee to be collected.

SEC. 7. Section 2, chapter 187, Laws of 1947 (sec. 3207-5, Rem. Supp. 1947), is amended to read: Amendment.

Section 2. No person, firm or corporation shall operate a community livestock sale unless he has first secured a written permit from the Director to operate the sale. Such permits shall be issued annually without charge and shall be subject to revocation with notice by the Director for failure to com- Permit to operate livestock sale.

ply with laws and regulations relating to the sale of livestock and the sanitation and supervision of community livestock sales.

Laws
affecting
inspection
of meat.

SEC. 8. The inspection of meat and meat food products at licensed slaughtering establishments shall comply with existing statutes, United States Bureau of Animal Industry meat inspection regulations, where applicable, and rules and regulations promulgated by the Director.

Amendment.

SEC. 9. Section 12, chapter 75, Laws of 1937 (sec. 3169-12, Rem. Rev. Stat. Supp.), is amended to read:

Inspection
waived,
when.

Section 12. No person, firm or corporation shall be required to have his or her livestock inspected, nor be required to execute the certificates of permit called for in this act when the transportation or movement from one point to another within the state is entirely upon lands exclusively within the control of the party transporting such livestock, or when such livestock are being moved for temporary grazing or feeding purposes: *Provided*, That such livestock being moved for temporary grazing or feeding purposes must bear the healed, registered brand of the person moving such livestock or be accompanied by a certificate of permit. In the event the owner or his agent is requested by any peace officer or deputy appointed by the Director of Agriculture to furnish evidence that he is the legal owner of the livestock being so moved, it shall be his duty to assist the officer or deputy to establish the identity and rightful ownership of such stock being so moved or transported, and it shall be a violation of this act to refuse assistance or to interfere with such officer or deputy in the inspection thereof.

Cooperation
with officers.

Amendment.

SEC. 10. Section 10, chapter 75, Laws of 1937 (sec. 3169-10, Rem. Rev. Stat. Supp.), is amended to read:

Section 10. The Director may appoint brand inspectors at any public stockyard in the state if he

deems it necessary for the enforcement of this act. For the purposes of this act a public stock yard shall be defined as any stock yard operating under the "Federal Packers and Stockyards Act."

Brand inspectors at public stockyards.

SEC. 11. Section 6, chapter 75, Laws of 1937 (sec. 3169-12, Rem. Rev. Stat. Supp.), is amended to read:

Amendment.

Section 6. Any person, firm or corporation engaged in the slaughtering of animals not coming within the definition of section 5, and not operating from a recognized permanent location from which such business is carried on shall not offer for sale or transport on the public highways dressed carcasses of meat food animals unless such carcasses are accompanied by the hides thereof with tails and ears attached and must execute a certificate of permit stating that he is the rightful owner or agent thereof, entitled to the possession of such carcasses, and copies of certificates of permit shall be handled in the manner prescribed in Section 2.

Slaughtering when location not permanent.

SEC. 12. Any person transporting hides of meat food animals on the public highways of the state must have, at all times, in his possession a copy of an original certificate of permit or an official brand certificate to such hides giving name and address of consignor, number, kind, color, and brands of hides and to whom consigned.

Transporting hides on public highways.

No person shall remove hides of meat food animals from one county to another county within the state or to remove such hides from the state without first having secured an official certificate of brand inspection or in lieu thereof to have the hides tagged and marked in the manner prescribed by the Director.

Removal of hides to another county or out of state.

SEC. 13. Inspectors or agents employed by the Director shall have the right to enter, during business hours, any meat shop, restaurant or refrigerated locker plant, or any other place where meat is commercially stored or sold to make inspections of

Right to inspect meat.

carcasses and to examine the books and records required by law to be kept therein and to compare the carcasses with such records.

Reciprocal agreements to prevent livestock theft.

SEC. 14. The Director shall have authority to enter into reciprocal agreements with any or all western states in the prevention of livestock theft. When the laws of such states require an official brand certificate for interstate shipment of livestock, livestock from such states that enter Washington without official brand certificates may be declared estrays and handled in the same manner as Washington estrays. The Director or his authorized agent shall have authority to hold animals or hold proceeds from the sale of said estrays and transmit proceeds to the proper state authority of the state of origin.

Estrays.

Brands must be plainly visible.

SEC. 15. It shall be the responsibility of the owner of livestock or the person in charge thereof, with the assistance of the brand inspector, to make all brands plainly visible at the time of brand inspection.

Repealing clause.

SEC. 16. Section 8, chapter 75, Laws of 1937 (sec. 3169-8, Rem. Rev. Stat. Supp.), is repealed.

Rules and regulations.

SEC. 17. The Director of Agriculture is authorized to make and promulgate rules and regulations for the enforcement of this act but no such rules and regulations shall be inconsistent with the provisions herein prescribed.

Penalty for violations.

SEC. 18. Violations of this act, not otherwise provided for, shall be a misdemeanor.

Partial invalidity.

SEC. 19. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional.

Passed the Senate March 8, 1949.

Passed the House March 5, 1949.

Approved by the Governor March 16, 1949.