

Senate Bill 1019

Sponsored by Senator NASH

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act increases the maximum for fees related to brands on livestock. The Act says that certain brand program requirements do not apply to dairy cows. The Act repeals the brand program later. (Flesch Readability Score: 64.9).

Increases the maximum fee for activating a brand.

Increases the maximum brand inspection fee on cattle for which a brand inspection certificate is valid for eight days.

Exempts dairy cattle from certain brand program requirements.

Repeals the brand program on January 2, 2028. Authorizes counties to establish brand programs.

A BILL FOR AN ACT

Relating to brands; creating new provisions; amending ORS 114.535, 561.144, 577.512, 603.095, 604.027, 604.046, 604.051, 604.066, 604.620, 604.630, 604.670, 604.992 and 619.031; and repealing ORS 577.532, 599.273, 603.075, 604.005, 604.015, 604.021, 604.027, 604.035, 604.036, 604.041, 604.046, 604.051, 604.056, 604.061, 604.066, 604.071, 604.076, 604.610, 604.640 and 604.650.

Be It Enacted by the People of the State of Oregon:

BRAND PROGRAM FEES

SECTION 1. ORS 604.027 is amended to read:

604.027. (1) A person desiring to record a brand on any species of livestock shall submit a written and signed application therefor to the State Department of Agriculture, setting forth a facsimile and description of the brand, the species of livestock upon which it will be used and the specific intended location on the animal. The application must be accompanied by a brand recording fee of \$25 for each brand on each species of livestock on which the brand is to be used. The person must also pay an activation fee matching the cycle set for the approved brand under subsection (4) of this section prior to recordation of the brand. The activation fee may not exceed [*\$100*] **\$150**. Upon receipt of an application and the required fees, if the department determines that the brand applied for is available, the department shall issue a certificate of recordation of the distinctive brand, the approved location on the animal and the species of livestock to which it applies.

(2) During September of each year the department shall attempt to notify all holders of an expiring recorded brand of the need to renew the brand. The department shall attempt the notification by sending a renewal notice to the holder's last address as shown on the department's records. The holder of a recorded brand may renew the brand by submitting to the department a brand renewal fee for each brand on each species of livestock on which the brand is to be used. The brand renewal fee may not exceed \$100. However, if the species of livestock is sheep, the fee may not exceed \$50.

(3) A recorded brand expires if the department does not receive the brand renewal fee by Jan-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 uary 4 next following the attempt to notify the brand holder of the need to renew the brand. Within
 2 60 days after a brand expires, the department shall give written notice of the expiration by mail
 3 addressed to the person who held the expired brand at the last address shown on the department's
 4 records. The fee to activate an expired brand is equal to the brand recording fee plus a renewal fee.
 5 If the person fails to activate the expired brand within one year after expiration of the brand, the
 6 brand is considered abandoned and any person may apply for recordation and use of that brand.

7 (4) When issuing or renewing a brand recordation, the department shall adjust certificate expi-
 8 ration dates as necessary to ensure that an approximately equal number of brand recordation expire
 9 in each year of a four-year cycle. The department shall prorate a brand renewal fee to reflect an
 10 adjustment of a certificate expiration date.

11 (5) The department shall establish the amount of brand activation fees and brand renewal fees
 12 by rule.

13 **SECTION 2.** ORS 604.066 is amended to read:

14 604.066. (1) Except as provided in subsection (2) of this section, the State Department of Agri-
 15 culture shall charge and collect a brand inspection fee in accordance with the following:

16 (a) \$30 for a lifetime brand inspection for Equidae;

17 (b) \$10 per head for a brand inspection for Equidae, if the brand inspection certificate utilized
 18 is valid for more than eight days but less than a lifetime; or

19 (c) \$10 per head for a brand inspection on livestock other than Equidae, if the brand inspection
 20 certificate utilized is valid for more than eight days.

21 (2) In accordance with the provisions of ORS chapter 183, the department shall establish a brand
 22 inspection fee on cattle and cattle hides for which a brand inspection certificate is valid for eight
 23 days. The fee shall be not less than \$1 and not more than [~~\$1.35~~] **\$1.75** per head of cattle and not
 24 more than \$2 per hide.

25 (3) Except as provided in this subsection or subsection (4) of this section, the person requesting
 26 or requiring brand inspection to be performed shall pay the State Department of Agriculture a brand
 27 inspection fee and the assessments authorized under ORS 577.512. Livestock auction markets,
 28 slaughterhouses and custom slaughtering establishments at which brand inspection is performed
 29 shall collect the fees and assessments and forward them to the department. The person requesting
 30 or requiring brand inspection for cattle delivered to a livestock auction market is not required to
 31 pay a brand inspection fee on cattle whose value is \$10 or less. The person requesting or requiring
 32 brand inspection is not required to pay a brand inspection fee on cattle not more than 90 days of
 33 age that are to be transported with their mothers to a range or pastureland outside of this state.

34 (4) The person requesting or requiring brand inspection is not required to pay a brand in-
 35 spection fee or pay assessments when Oregon cattle are being transported from any place in this
 36 state to any place outside of this state and then returned to this state, if the movement is continuous
 37 without unloading enroute, is done in the usual course of ranch operations and is not related to a
 38 change of ownership.

39 (5) Except as provided in ORS 577.512, the department shall deposit all fees paid to it under this
 40 chapter in the State Treasury to the credit of the Department of Agriculture Service Fund, and such
 41 fees are continuously appropriated to the department for administering and enforcing this chapter.
 42 The provisions of ORS 561.144 apply to such fees.

43
 44 **DAIRY CATTLE EXEMPTION**
 45

1 **SECTION 3.** ORS 604.046 is amended to read:

2 604.046. (1) Brand inspection and the issuance of a brand inspection certificate is required in
3 this state for:

4 (a) Cattle to be transported from any place in this state to or through any place outside of this
5 state;

6 (b) Cattle to be transported from any place in this state to a range or pastureland outside of this
7 state and destined to be ultimately returned to this state;

8 (c) Except as provided in subsection [(5)(b)] **(6)(b)** of this section, cattle destined for sale or
9 slaughter at any livestock auction market or other sales facility or slaughterhouse in this state, and
10 prior to such sale or slaughter; and

11 (d) Except as provided in subsection [(5)(a)] **(6)(a)** of this section, cattle transported from any
12 place outside of this state to any livestock auction market or other sales facility or slaughterhouse
13 in this state for sale within this state.

14 (2) Brand inspection may be performed, upon request of the owner or person in possession of
15 livestock, at either a regular brand inspection location or a place designated by the person re-
16 questing the brand inspection. The State Department of Agriculture may require payment of its time
17 and travel costs as a condition to performing the brand inspection. The department may also assess
18 and collect a service fee, not to exceed \$35.

19 (3) In addition to brand inspections under subsections (1) and (2) of this section, the department
20 may establish and carry out a system of brand inspection at the times and places as an intrastate,
21 regional movement of cattle takes place, or as a change of ownership takes place. In establishing
22 any system authorized by this subsection, the department shall consider the customs, practices and
23 theft or ownership problems of the cattle industry, the economic feasibility of carrying out a system,
24 the volume of cattle movement within the state or within specific areas of the state, the laws and
25 regulations of the United States and the desirability for a system as evidenced by a majority of
26 persons who would be affected by the system. Such a system, established in accordance with the
27 provisions of ORS chapter 183, may include:

28 (a) That the brand inspection may be in addition to or in lieu of other brand inspections required
29 or allowed by this chapter and the circumstances or conditions under which the alternatives shall
30 be allowed;

31 (b) The times and places the brand inspection shall take place in relation to the time of move-
32 ment or location change, or the change of ownership;

33 (c) The establishment of a brand inspection fee and the person responsible for payment thereof;

34 (d) The establishment of geographic, regional or political areas within the state in which brand
35 inspection is required; and

36 (e) The circumstances or conditions under which an exemption from or modification of the
37 system's requirements may be allowed, considering their feasibility in relation to movement or sale
38 of minimum numbers of cattle.

39 **(4) Notwithstanding subsections (1) to (3) of this section, dairy cattle, as defined in ORS**
40 **599.205, are not subject to the provisions of subsections (1) to (3) of this section or rules**
41 **adopted thereunder.**

42 [(4)] **(5)** In addition to brand inspections under subsections (1) to (3) of this section, the depart-
43 ment may inspect any hides or livestock at any time, and at any public or private place, building
44 or livestock carrier, if there is a need to identify diseased or suspected diseased livestock, or if the
45 department reasonably suspects that any provisions of this chapter, the administrative rules adopted

1 under this chapter or any criminal laws relating to the possession of livestock, are being violated.
 2 This authority is in addition to any authority granted police officers, the department's brand in-
 3 spectors, livestock police officers and investigative officers under ORS 133.525 to 133.703 relating
 4 to search and seizures. The department may undertake any of the actions described in ORS 604.056
 5 (1) if:

6 (a) An inspection results in a finding that a brand inspection certificate accompanying the hides
 7 or livestock is false, erroneous or incomplete in any material respect;

8 (b) There is a question whether the person in possession of the hides or livestock is the owner
 9 or a lawful possessor; or

10 (c) The person in possession of the livestock fails to submit evidence requested under ORS
 11 604.051 (1).

12 [(5)] (6) In lieu of the brand inspection and the issuance of a brand inspection certificate re-
 13 quired by subsection (1) of this section:

14 (a) Cattle that are transported to any slaughterhouse in this state from any place outside this
 15 state, if entering this state may be accompanied by a brand inspection certificate or similar docu-
 16 ment issued by the other state, provided that such other state has brand inspection comparable to
 17 the inspection of this state; or

18 (b) Cattle, in lots not to exceed 15 head, presented by one person for slaughter at a
 19 slaughterhouse may be accompanied by a special slaughterhouse certificate issued by the depart-
 20 ment for which a fee, equal to the brand inspection fee established by the department under ORS
 21 604.066 (2), has been paid.

22 [(6)] (7) Brand inspection at slaughtering establishments or other facilities where cattle are
 23 slaughtered or cattle hides are received, may be required of cattle hides under a system established
 24 by the department in accordance with the provisions of ORS chapter 183. In establishing any system
 25 authorized by this subsection, the department shall consider theft or ownership problems associated
 26 with slaughtered cattle, the economic feasibility of carrying out the system, the attitudes of the af-
 27 fected members of the cattle industry of this state, the volume of slaughtered cattle within the state
 28 or within specific areas of the state, and the laws and regulations of the United States. Any system
 29 established under this subsection may include:

30 (a) The designation of geographic, regional or political areas within the state in which cattle
 31 hide inspection is required;

32 (b) The use of tags, stamps or other devices evidencing ownership of the cattle slaughtered; and

33 (c) The methods, locations and times for cattle hide inspection.

34 [(7)] (8) By written agreement with the appropriate agencies in the States of California, Nevada,
 35 Idaho or Washington, the department may recognize brand inspections performed in any of such
 36 other states in lieu of the brand inspections required by this chapter. Any such agreement shall
 37 provide that recognition of brand inspections of any such other state shall be effective only while
 38 brand inspections performed pursuant to this chapter are recognized in such other state.

39 **SECTION 3a.** ORS 604.051 is amended to read:

40 604.051. (1) Whenever livestock or hides are subject to brand inspection under ORS 604.046, the
 41 person in possession shall submit evidence of ownership or right to possession of the livestock or
 42 hides at the request of the State Department of Agriculture. The evidence may consist of any docu-
 43 ments and statements that tend to establish such ownership or right to possession. The prima facie
 44 character of a recorded brand and the disputable presumption against unrecorded brands set forth
 45 in ORS 604.035 (2), shall be given recognition by the department.

1 (2) The department shall examine livestock or hides, review any evidence submitted pursuant to
 2 subsection (1) of this section and otherwise perform brand inspection to determine whether the
 3 person in possession is the owner or lawful possessor thereof. Except for brand inspections made
 4 under ORS 604.046 [(4)] (5), if the department determines the person is the owner or lawful
 5 possessor, it shall issue an appropriate brand inspection certificate. However, if the department de-
 6 termines there is a question of ownership or right to possession of the livestock or hides, or if the
 7 person in possession of the livestock or hides fails to submit the evidence requested under sub-
 8 section (1) of this section, the department shall refuse to issue its brand inspection certificate and
 9 may undertake any of the actions described in ORS 604.056.

10 DELAYED REPEAL OF BRAND PROGRAM

11
 12
 13 **SECTION 4. ORS 577.532, 599.273, 603.075, 604.005, 604.015, 604.021, 604.027, 604.035, 604.036,**
 14 **604.041, 604.046, 604.051, 604.056, 604.061, 604.066, 604.071, 604.076, 604.610, 604.640 and 604.650**
 15 **are repealed.**

16 **SECTION 5. (1) As used in this section:**

17 (a) **“Brand” means a distinctive design, mark or other means of identification applied to**
 18 **a designated location of the hide, wool or skin of livestock.**

19 (b) **“Brand inspection” means the:**

20 (A) **Examination of the brands, tags, breed, flesh marks including dewlaps and wattles,**
 21 **earmarks, coloring, sex, age or other distinguishing characteristics of livestock;**

22 (B) **Examination of documents and other evidence of ownership or right to possession**
 23 **of livestock; and**

24 (C) **Issuance or refusal to issue a brand inspection certificate.**

25 (2) **A county may establish a brand program under which brand inspections occur.**

26 **SECTION 6.** ORS 604.620 is amended to read:

27 604.620. [(1) *No person shall be entitled to utilize the brand inspection and inventory procedures*
 28 *prescribed in ORS 604.630 to 604.650 and 604.670 without first obtaining and maintaining a license*
 29 *as a licensed feedlot.*]

30 (1) **As used in this section and ORS 604.630, “large feedlot” means a beef cattle feedlot**
 31 **that has more than 500 head of cattle being fed for slaughter at one time during a calendar**
 32 **year.**

33 (2) **A large feedlot may operate only with a license under this section.**

34 [(2)] (3) An application for a license or renewal thereof shall be made to the State Department
 35 of Agriculture on forms prescribed by the department, and shall be accompanied by the annual li-
 36 cense fee, not to exceed \$100. The license is personal and nontransferable. A new license is required
 37 at any time there is a change in ownership, legal entity or establishment location. All such licenses
 38 shall expire on January 1 next succeeding the date of issuance or on such date as may be specified
 39 by department rule.

40 [(3)] (4) In accordance with the provisions of ORS chapter 183, the department may suspend,
 41 revoke or refuse to issue or renew a license to any applicant or licensee whose establishment con-
 42 struction or methods of operation do not comply with the requirements established by the depart-
 43 ment.

44 **SECTION 7.** ORS 604.630 is amended to read:

45 604.630. (1) At the time a license is issued **to a large feedlot under ORS 604.620**, the State

1 Department of Agriculture and the licensee shall jointly make and record a physical inventory of
 2 all cattle in the **large** feedlot of the licensee.

3 (2) Thereafter, such inventory record shall be maintained by the licensee and shall be subject
 4 to review or audit by the department at any time during the normal business hours of the licensee
 5 at least once a month for the purpose of reconciling the same with the records of the department.

6 **SECTION 8.** ORS 604.670 is amended to read:

7 604.670. The State Department of Agriculture, under the provisions of ORS chapter 183 may
 8 promulgate such rules as are necessary to administer and enforce the provisions of ORS [604.610 to
 9 604.670] **604.620 and 604.630**, including but not limited to:

10 (1) The time and manner of maintaining inventory records; and

11 (2) Controls and minimum standards of construction and methods of operation by licensees.

12 **SECTION 9.** ORS 604.992 is amended to read:

13 604.992. [(1)] Violation of any of the provisions of this chapter, or the administrative rules or
 14 orders promulgated thereunder, is a Class B misdemeanor.

15 [(2) *Notwithstanding ORS 14.030 to 14.080, an action for violation of brand inspection requirements*
 16 *may be commenced and tried in either the county where the cattle movement originated or the county*
 17 *where the cattle movement terminated.*]

18 **SECTION 10.** Section 5 of this 2025 Act, the amendments to ORS 604.620, 604.630, 604.670
 19 and 604.992 by sections 6 to 9 of this 2025 Act and the repeal of ORS 577.532, 599.273, 603.075,
 20 604.005, 604.015, 604.021, 604.027, 604.035, 604.036, 604.041, 604.046, 604.051, 604.056, 604.061,
 21 604.066, 604.071, 604.076, 604.610, 604.640 and 604.650 by section 4 of this 2025 Act become op-
 22 erative on January 2, 2028.

23
 24 **CONFORMING AMENDMENTS FOR DELAYED REPEAL**

25
 26 **SECTION 11.** ORS 114.535 is amended to read:

27 114.535. (1) The affiant may deliver a certified copy of a simple estate affidavit to any person
 28 who has possession of personal property belonging to the estate or who was indebted to the
 29 decedent. Except as provided in this section, upon receipt of the certified copy, the person shall pay
 30 the debt or transfer, deliver, provide access to and allow possession of the personal property to the
 31 affiant.

32 (2) Subject to ORS 114.537, if a certified copy of a simple estate affidavit is delivered under
 33 subsection (1) of this section to a person that controls access to personal property belonging to the
 34 estate of the decedent, including personal property held in a safe deposit box for which the decedent
 35 was the sole lessee or the last surviving lessee, the person shall:

36 (a) Provide the affiant with access to the decedent's personal property; and

37 (b) Allow the affiant to take possession of the personal property.

38 (3) Subject to ORS 114.537, if a certified copy of a simple estate affidavit is delivered under
 39 subsection (1) of this section to a person who owes a debt to the decedent or has received property
 40 of the decedent under ORS 446.616, 708A.430, 723.466 or 803.094, or a similar statute providing for
 41 the transfer of property of an estate that is not being probated, the person shall pay the debt or
 42 transfer, deliver, provide access to or allow possession of the property to the affiant if the person
 43 would be required to pay the debt or transfer, deliver, provide access to or allow possession of the
 44 property to a personal representative of the estate.

45 (4) Any person that pays a debt owing to the decedent or transfers, delivers, provides access to

1 or allows possession of property of a decedent in the manner provided by this section is discharged
2 and released from any liability or responsibility for the debt or property in the same manner and
3 with the same effect as if the debt had been paid or the property had been transferred or delivered
4 to a personal representative of the estate of the decedent.

5 (5) The affiant may deliver a certified copy of a simple estate affidavit to a transfer agent of any
6 corporate security registered in the name of the decedent. The transfer agent shall change the reg-
7 istered ownership on the books of the corporation to the affiant or the person named in the affidavit
8 entitled to it, as directed by the affiant.

9 (6) If the decedent was a holder of a recorded brand, the affiant may deliver a certified copy
10 of a simple estate affidavit to the State Department of Agriculture. [*Subject to the requirements under*
11 *ORS 604.041,*] The department shall change the registered ownership of the recorded brand to the
12 affiant or the person named in the affidavit entitled to it, as directed by the affiant.

13 (7)(a) If a person to whom a certified copy of a simple estate affidavit is delivered under this
14 section refuses to pay a debt or deliver, transfer, provide access to or allow possession of personal
15 property as required by this section, the affiant may serve a written demand by certified mail on the
16 person to pay the debt or deliver, transfer, provide access to or allow possession of the personal
17 property. The demand must state that, if the person fails to pay the debt or deliver, transfer, provide
18 access to or allow possession of the personal property, the affiant may file a motion to compel
19 payment of the debt or delivery of, transfer of or access to the personal property.

20 (b) If the person fails to pay the debt or deliver, transfer, provide access to or allow possession
21 of the personal property within 30 days after service of a demand under paragraph (a) of this sub-
22 section, the affiant may file a motion to compel payment of the debt or delivery of, transfer of or
23 access to the personal property. The court may enter a judgment awarding reasonable attorney fees
24 to the prevailing party if the court finds that the affiant filed the motion without an objectively
25 reasonable basis or the person refused to pay the debt or deliver, transfer, provide access to or al-
26 low possession of any personal property without an objectively reasonable basis.

27 (8) If a simple estate affidavit was signed by the Director of Human Services, the Director of the
28 Oregon Health Authority or an attorney approved under ORS 114.517, the Director of Human Ser-
29 vices, the Director of the Oregon Health Authority or the attorney may certify a copy of the affi-
30 davit for the purposes described in this section.

31 (9) Notwithstanding ORS chapters 270, 273 and 274, an estate administrator of the State Treas-
32 urer appointed under ORS 113.235 or the Director of Human Services or Director of the Oregon
33 Health Authority serving as an affiant may deal with property of the estate as an affiant under this
34 section.

35 **SECTION 12.** ORS 561.144 is amended to read:

36 561.144. (1) The State Treasurer shall establish a Department of Agriculture Service Fund, which
37 shall be a trust fund separate and distinct from the General Fund. The State Department of Agri-
38 culture shall deposit all license and service fees paid to it under the provisions of the statutes
39 identified in subsection (3) of this section in the Department of Agriculture Service Fund. The State
40 Treasurer is the custodian of this trust fund, which shall be deposited by the treasurer in such de-
41 positories as are authorized to receive deposits of the General Fund, and which may be invested by
42 the treasurer in the same manner as authorized by ORS 293.701 to 293.857.

43 (2) Interest received on deposits credited to the Department of Agriculture Service Fund shall
44 accrue to and become a part of the Department of Agriculture Service Fund.

45 (3) The license and service fees subject to this section are those described in ORS 561.400,

1 561.740, 570.710, 571.057, 571.063, 571.145, 586.270, 596.030, 596.100, 596.311, 599.235, 599.269, 599.406,
 2 599.610, 601.040, 602.090, 603.025, [603.075,] 616.706, 618.115, 618.136, 619.031, 621.072, 621.166,
 3 621.266, 621.297, 621.335, 621.730, 622.080, 625.180, 628.240, 632.211, 632.600, 632.720, 632.730, 632.741,
 4 632.940, 632.945, 633.015, 633.029, 633.318, 633.362, 633.462, 633.465, 633.680, 633.700, 633.720, 634.016,
 5 634.116, 634.122, 634.126, 634.132, 634.136, 634.212 and 635.030.

6 **SECTION 13.** ORS 577.512 is amended to read:

7 577.512. (1) If the United States Secretary of Agriculture orders an assessment pursuant to the
 8 Beef Promotion and Research Act of 1985, 7 U.S.C. 2901 to 2918, that applies to sales of cattle in
 9 this state, the Oregon Beef Council may act pursuant to any authority granted under that order to
 10 provide for collection of the assessment. The council may order the collection of an assessment un-
 11 der this subsection only on cattle sold for payment that are subject to the federal assessment order
 12 and for which the assessment has not otherwise been paid. [*The council may collect the federal as-*
 13 *essment on cattle that are exempt from the brand inspection fee under ORS 604.066 (3).*]

14 (2) [*In addition to any assessment collected under subsection (1) of this section or any fee for brand*
 15 *inspection services, the council, by rule, shall levy an assessment of not less than 50 cents per head and*
 16 *not more than \$1 per head, on the same cattle, cattle hides and calves for which the council makes*
 17 *brand inspections and collects brand inspection fees.*] Moneys from [*the assessments*] **an assessment**
 18 are continuously appropriated to the council for expenditure as provided in ORS 577.295 [*and*
 19 *577.532*].

20 (3) The operator of a stockyard, slaughterhouse, packing plant or livestock auction market shall
 21 deduct any assessment ordered collected by the council pursuant to subsection (1) [*or (2)*] of this
 22 section from the proceeds of sale owed to the operator by the owner of an animal. The operator
 23 shall pay the assessment to the State Department of Agriculture. When the operator provides a
 24 written statement of sale proceeds to the owner of an animal, the operator shall include a statement
 25 of the amount deducted from the proceeds for [*state and*] federal assessments [*and for brand in-*
 26 *spection services*].

27 (4) The department shall act as agent for the council to collect any assessment ordered collected
 28 by the council pursuant to subsection (1) **of this section.** [*or (2) of this section and any brand in-*
 29 *spection fees on cattle or cattle hides adopted by department rule pursuant to ORS 604.066. The de-*
 30 *partment shall collect any assessment that the council orders collected under subsection (1) or (2) of this*
 31 *section in the same time, manner and place that the department collects brand inspection fees on cattle,*
 32 *cattle hides and calves.*] This subsection does not apply to:

- 33 (a) Cattle and calves leaving this state solely for the purpose of pasturing in another state;
- 34 (b) Cattle presented at a recognized livestock show or rodeo;
- 35 (c) Cattle presented at a livestock auction market but not sold;
- 36 (d) Cattle delivered outside this state, provided ownership of the cattle remains unchanged;
- 37 (e) Cattle slaughtered for personal consumption; and
- 38 (f) Cattle resold within 10 days after purchase.

39 (5) The department shall transfer or pay to the council, not less frequently than once every two
 40 months, the amounts collected by the department on behalf of the council, reduced by:

41 (a) The collection and administrative costs to the department in carrying out the requirements
 42 of this section, as determined by the department; and

43 (b) Refunds by the department of amounts improperly collected under this section.

44 (6) A person who believes that an assessment collected from the person under this section is
 45 incorrect may apply to the department for a refund not later than 60 days after the department

1 collects the assessment.

2 (7) To the extent consistent with this section, the council shall assess, levy and collect an as-
3 sessment under this section using the same process used by a commodity commission under ORS
4 576.325 for the assessment, levying and collection of an assessment on an agricultural commodity.

5 **SECTION 14.** ORS 603.095 is amended to read:

6 603.095. [*Except as provided in ORS 603.075,*] All moneys received by the State Department of
7 Agriculture pursuant to ORS 599.269 and this chapter shall be paid into the Department of Agri-
8 culture Service Fund. Such moneys are continuously appropriated to the department for the purpose
9 of administering ORS 599.269, ORS chapters 604, 616 and 619 and this chapter and for the purpose
10 of administering such provisions of ORS chapters 162, 164 and 607 as apply to theft of livestock.

11 **SECTION 15.** ORS 619.031 is amended to read:

12 619.031. (1) A person may not operate an animal food slaughtering establishment or processing
13 establishment without first obtaining a license for the establishment from the State Department of
14 Agriculture.

15 (2) The department may adopt rules establishing license fee schedules for establishments li-
16 censed under this section. The department may determine the license fee for an establishment based
17 upon the annual gross dollar volume of sales and services by the applicant. In establishing the
18 amount of the license fee for an applicant, the department shall use the annual gross dollar volume
19 of sales and services by that applicant within Oregon during the prior calendar year or, if the ap-
20 plicant maintains sales and service records on a fiscal basis, the prior fiscal year. If the applicant
21 applying for an original license or for a renewal license cannot provide the annual gross dollar
22 volume of sales and services for a full calendar year, the department shall base the fee on estimated
23 annual gross sales and services by the applicant. If an applicant whose previous year's fee was de-
24 termined using an estimated gross sales and services figure applies for renewal of that license, the
25 fee for the previous license year shall be adjusted to reflect the actual gross dollar volume of sales
26 and services by the applicant. The license shall expire on June 30 next following the date of issu-
27 ance or on such date as may be specified by department rule.

28 (3) Except as provided in this subsection, the department may not adopt a rule to establish a
29 license fee that is more than three percent higher than the license fee charged during the preceding
30 year for an establishment of the same type and having the same volume of gross sales and services.
31 When adopting a rule establishing a license fee, notwithstanding the three percent limit, the de-
32 partment may round the fee amount to the next higher whole dollar amount. Fee schedules adopted
33 under this section may not change the amount of the same license fee more frequently than once
34 each year.

35 (4) The provisions of ORS 603.025 (2) and (5), 603.034 (1) and (2),] **and** 603.045 (7) [*and 603.075*]
36 shall apply to animal food slaughtering establishments or processing establishments. Except as
37 provided in this subsection, the remainder of the provisions of ORS chapter 603 do not apply to such
38 establishments.

39 (5) Notwithstanding subsection (1) of this section, a person licensed by the department under
40 ORS chapter 603 to slaughter meat animals and subject to federal meat inspection, or a person li-
41 censed by the department under ORS chapter 603 to slaughter only poultry and rabbits and subject
42 to federal poultry inspection, or a person licensed by the department under ORS chapter 603 as a
43 nonslaughtering processor may, without being required to obtain an additional license, also sell or
44 dispose of meat products as animal food provided that such licensees also comply with the provisions
45 of subsection (6) of this section, ORS 619.010 to 619.026 and 619.036 to 619.066.

1 (6) In accordance with the provisions of ORS chapter 183, the department may promulgate rules
2 necessary to carry out and enforce any procedures or measures to protect the health of the animals
3 that are fed or intended to be fed the meat products sold or disposed of by animal food slaughtering
4 establishments or processing establishments, and to protect the health of other animals in this state.
5 In addition to the provisions of ORS 619.046, for the purposes of this section the department shall
6 take into consideration:

7 (a) The provisions of ORS chapter 596.

8 (b) The procedures necessary to ensure that meat products that are only fit for or destined for
9 animal consumption are not sold for human consumption.

10 (7) A person licensed as provided by this section:

11 (a) May not sell, hold or offer for sale any carcass of a meat animal or part thereof that is unfit
12 for or unwholesome as animal food.

13 (b) May not sell, hold or offer for sale a carcass of a meat animal or part thereof for human
14 consumption.

15 (c) Shall keep complete and accurate records of the meat animals purchased for slaughter, in-
16 cluding but not limited to their description, brands if any, date of purchase and the name and ad-
17 dress of the person from whom the animals were purchased.

18 (d) Shall keep complete and accurate records of the sale of all meat animal carcasses or parts
19 of meat animal carcasses, including the name and address of the purchaser.

20 (e) Shall comply with the provisions of ORS 619.026.

21 **SECTION 16.** ORS 619.031, as amended by section 38, chapter 64, Oregon Laws 2012, and sec-
22 tion 3, chapter 386, Oregon Laws 2019, is amended to read:

23 619.031. (1) A person may not operate an animal food slaughtering establishment or processing
24 establishment without first obtaining a license for the establishment from the State Department of
25 Agriculture.

26 (2) The department may adopt rules establishing license fee schedules for establishments li-
27 censed under this section. The department may determine the license fee for an establishment based
28 upon the annual gross dollar volume of sales and services by the applicant. In establishing the
29 amount of the license fee for an applicant, the department shall use the annual gross dollar volume
30 of sales and services by that applicant within Oregon during the prior calendar year or, if the ap-
31 plicant maintains sales and service records on a fiscal basis, the prior fiscal year. If the applicant
32 applying for an original license or for a renewal license cannot provide the annual gross dollar
33 volume of sales and services for a full calendar year, the department shall base the fee on estimated
34 annual gross sales and services by the applicant. If an applicant whose previous year's fee was de-
35 termined using an estimated gross sales and services figure applies for renewal of that license, the
36 fee for the previous license year shall be adjusted to reflect the actual gross dollar volume of sales
37 and services by the applicant. The license shall expire on June 30 next following the date of issu-
38 ance or on such date as may be specified by department rule.

39 (3) The department may not adopt or enforce a rule under this section establishing a license fee
40 that is higher than the license fee charged for the license year that began July 1, 2025, for an es-
41 tablishment of the same type and having the same volume of gross sales and services. Fee schedules
42 adopted under this section may not change the amount of the same license fee more frequently than
43 once each year.

44 (4) The provisions of ORS 603.025 (2) and (5), 603.034 (1) and (2)[,] **and** 603.045 (7) [*and* 603.075]
45 shall apply to animal food slaughtering establishments or processing establishments. Except as

1 provided in this subsection, the remainder of the provisions of ORS chapter 603 do not apply to such
 2 establishments.

3 (5) Notwithstanding subsection (1) of this section, a person licensed by the department under
 4 ORS chapter 603 to slaughter meat animals and subject to federal meat inspection, or a person li-
 5 censed by the department under ORS chapter 603 to slaughter only poultry and rabbits and subject
 6 to federal poultry inspection, or a person licensed by the department under ORS chapter 603 as a
 7 nonslaughtering processor may, without being required to obtain an additional license, also sell or
 8 dispose of meat products as animal food provided that such licensees also comply with the provisions
 9 of subsection (6) of this section, ORS 619.010 to 619.026 and 619.036 to 619.066.

10 (6) In accordance with the provisions of ORS chapter 183, the department may promulgate rules
 11 necessary to carry out and enforce any procedures or measures to protect the health of the animals
 12 that are fed or intended to be fed the meat products sold or disposed of by animal food slaughtering
 13 establishments or processing establishments, and to protect the health of other animals in this state.
 14 In addition to the provisions of ORS 619.046, for the purposes of this section the department shall
 15 take into consideration:

16 (a) The provisions of ORS chapter 596.

17 (b) The procedures necessary to ensure that meat products that are only fit for or destined for
 18 animal consumption are not sold for human consumption.

19 (7) A person licensed as provided by this section:

20 (a) May not sell, hold or offer for sale any carcass of a meat animal or part thereof that is unfit
 21 for or unwholesome as animal food.

22 (b) May not sell, hold or offer for sale a carcass of a meat animal or part thereof for human
 23 consumption.

24 (c) Shall keep complete and accurate records of the meat animals purchased for slaughter, in-
 25 cluding but not limited to their description, brands if any, date of purchase and the name and ad-
 26 dress of the person from whom the animals were purchased.

27 (d) Shall keep complete and accurate records of the sale of all meat animal carcasses or parts
 28 of meat animal carcasses, including the name and address of the purchaser.

29 (e) Shall comply with the provisions of ORS 619.026.

30 **SECTION 17. The amendments to ORS 114.535, 561.144, 577.512, 603.095 and 619.031 by**
 31 **sections 11 to 16 of this 2025 Act become operative on January 2, 2028.**

32
 33 **CAPTIONS**

34
 35 **SECTION 18. The unit captions used in this 2025 Act are provided only for the conven-**
 36 **ience of the reader and do not become part of the statutory law of this state or express any**
 37 **legislative intent in the enactment of this 2025 Act.**