

Enrolled Senate Bill 32

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CHAPTER

AN ACT

Relating to livestock; amending ORS 604.027, 604.041, 604.046, 604.066 and 604.620; and declaring an emergency.

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

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 *[a prorated]* **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. 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 ~~[\$40]~~ **\$50**.

(3) A recorded brand expires if the department does not receive the brand renewal fee by January 4 next following the attempt to notify the brand holder of the need to renew the brand. Within 60 days after a brand expires, the department shall give written notice of the expiration by mail addressed to the person who held the expired brand at the last address shown on the department's records. The fee to activate an expired brand is equal to the brand recording fee plus a *[prorated]* renewal fee. If the person fails to activate the expired brand within one year after expiration of the brand, the brand is considered abandoned and any person may apply for recordation and use of that brand.

(4) When issuing or renewing a brand recordation, the department shall adjust certificate expiration dates as necessary to ensure that an approximately equal number of brand recordation expire

in each year of a four-year cycle. The department shall prorate a brand renewal fee to reflect an adjustment of a certificate expiration date.

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

SECTION 2. ORS 604.041 is amended to read:

604.041. (1) Except as provided in subsection (2) of this section, in order to transfer a recorded brand by sale, assignment or otherwise, the transferor shall submit a written, signed and witnessed document of transfer to the State Department of Agriculture, accompanied by an application of the transferee as prescribed in ORS 604.027 (1), accompanied by a brand transfer fee [*of \$25*], **not to exceed \$50**. Upon determining that the brand transfer documents are in order, the department shall issue its certificate of recordation to the transferee.

(2) In the event of the death of a holder of a recorded brand, the person to whom it is transferred, either by will or the laws of descent and distribution, may have the brand recorded to the transferee or to another person upon submitting to the department within six months of the death of the holder of the recorded brand, either a copy of an order of a court having jurisdiction of the decedent's estate directing such transfer accompanied by an application of the transferee as prescribed in ORS 604.027 (1) and the brand transfer fee prescribed in subsection (1) of this section, or if no court has jurisdiction of the decedent's estate, an affidavit of the person entitled by the laws of descent and distribution to have the brand recorded to the person accompanied by an application of the transferee as prescribed in ORS 604.027 (1) and the brand transfer fee prescribed in subsection (1) of this section. The affidavit shall include:

(a) The name and address of the decedent and the date and place of death;

(b) The name and address of the affiant, and if the intended transferee is another person, the name and address of such person with a statement of intent to transfer to the person;

(c) A description of the recorded brand as prescribed in ORS 604.027 (1); and

(d) A statement that the affiant is entitled to have the described brand transferred to the affiant or to the other named person, and that the affiant agrees to the termination of the brand recordation should the affidavit be found false in any material respect.

(3) If the transfer documents prescribed in subsection (2) of this section are not submitted within six months after the death of the holder of the recorded brand, the brand recordation shall terminate and thereafter be available for recording by any person.

SECTION 3. ORS 604.046 is amended to read:

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

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

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

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

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

(2) Brand inspection may be performed, upon request of the owner or person in possession of livestock, at either a regular brand inspection location or a place designated by the person requesting the brand inspection. The State Department of Agriculture may require payment of its time and travel costs as a condition to performing the brand inspection. The department may also assess and collect a service fee, not to exceed [*\$25*] **\$35**.

(3) In addition to brand inspections under subsections (1) and (2) of this section, the department may establish and carry out a system of brand inspection at the times and places as an intrastate, regional movement of cattle takes place, or as a change of ownership takes place. In establishing

any system authorized by this subsection, the department shall consider the customs, practices and theft or ownership problems of the cattle industry, the economic feasibility of carrying out a system, the volume of cattle movement within the state or within specific areas of the state, the laws and regulations of the United States and the desirability for a system as evidenced by a majority of persons who would be affected by the system. Such a system, established in accordance with the provisions of ORS chapter 183, may include:

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

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

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

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

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

(4) In addition to brand inspections under subsections (1) to (3) of this section, the department may inspect any hides or livestock at any time, and at any public or private place, building or livestock carrier, if there is a need to identify diseased or suspected diseased livestock, or if the department reasonably suspects that any provisions of this chapter, the administrative rules adopted under this chapter or any criminal laws relating to the possession of livestock, are being violated. This authority is in addition to any authority granted police officers, the department's brand inspectors, livestock police officers and investigative officers under ORS 133.525 to 133.703 relating to search and seizures. The department may undertake any of the actions described in ORS 604.056 (1) if:

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

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

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

(5) In lieu of the brand inspection and the issuance of a brand inspection certificate required by subsection (1) of this section:

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

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

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

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

- (b) The use of tags, stamps or other devices evidencing ownership of the cattle slaughtered; and
- (c) The methods, locations and times for cattle hide inspection.

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

SECTION 4. ORS 604.066 is amended to read:

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

- (a) \$30 for a lifetime brand inspection for Equidae;
- (b) \$10 per head for a brand inspection for Equidae, if the brand inspection certificate utilized is valid for more than eight days but less than a lifetime; or
- (c) \$10 per head for a brand inspection on livestock other than Equidae, if the brand inspection certificate utilized is valid for more than eight days.

(2) In accordance with the provisions of ORS chapter 183, the department shall establish a brand inspection fee on cattle and cattle hides for which a brand inspection certificate is valid for eight days. The fee shall be not less than [85 cents] **\$1** and not more than [1] **\$1.35** per head of cattle and not more than \$2 per hide.

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

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

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

SECTION 5. ORS 604.620 is amended to read:

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

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

(3) In accordance with the provisions of ORS chapter 183, the department may suspend, revoke or refuse to issue or renew a license to any applicant or licensee whose establishment construction or methods of operation do not comply with the requirements established by the department.

SECTION 6. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by Senate June 21, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 24, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State