

House Bill 2292

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Presession filed (at the request of Governor Theodore R. Kulongoski for State Department of Agriculture)

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**.

Eliminates sunset on State Department of Agriculture power to review, approve and disapprove plans and projects of commodity commissions.

Eliminates sunset for requirement that commodity commissions have public member. Eliminates sunset for exception allowing Oregon Grains Commission and Oregon Alfalfa Seed Commission to offer refunds in lieu of having public member.

Eliminates sunset for requirement that Oregon Beef Council have public member.

Delays sunset on department power to review, approve and disapprove plans and projects of Oregon Wheat Commission.

Delays sunset for requirement that Oregon Wheat Commission have public member. Delays sunset for exception allowing Oregon Wheat Commission to offer refund in lieu of having public member.

A BILL FOR AN ACT

1
2 Relating to bodies promoting agricultural products; amending ORS 576.066, 576.206, 576.372 and
3 577.210 and sections 79, 84, 90 and 94, chapter 604, Oregon Laws 2003.

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

5 **SECTION 1.** ORS 576.066, as amended by section 29, chapter 604, Oregon Laws 2003, is
6 amended to read:

7 576.066. (1) The State Department of Agriculture shall:

8 *[(1)]* (a) Monitor the practices or methods used or proposed for use by any commodity commis-
9 sion in carrying out the goals and needs disclosed by the budget of the commission;

10 *[(2)]* (b) Promote cooperation among the several commissions, the Oregon Beef Council and the
11 Oregon Wheat Commission and assist in the interchange of information and experience among those
12 entities;

13 *[(3)]* (c) Carry out the assigned organizational procedures under ORS 576.051 to 576.455, in-
14 cluding the appointment and removal of members of the commission;

15 *[(4)]* (d) Review budgets submitted to the Director of Agriculture by a commodity commission
16 under ORS 576.416; and

17 *[(5)]* (e) Adopt rules to carry out the provisions of ORS 576.051 to 576.455.

18 **(2) The department shall review, and may approve or disapprove, plans and projects re-**
19 **commended by a commodity commission for commodity promotion, advertising and research**
20 **and for the dissemination of consumer and commodity industry information. In reviewing**
21 **plans and projects recommended by a commodity commission, the department shall consider**
22 **whether the plan or project information is:**

23 **(a) Factual;**

24 **(b) Not disparaging to other commodities; and**

25 **(c) Consistent with the purposes of ORS 576.051 to 576.455.**

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 **SECTION 2.** ORS 576.206, as amended by section 5, chapter 604, Oregon Laws 2003, is amended
 2 to read:

3 576.206. (1) Upon the establishment of a commodity commission, the Director of Agriculture
 4 shall appoint five temporary members to the commission. In appointing the temporary members, the
 5 director shall give consideration to any recommendations by other commodity commissions, com-
 6 modity growers and commodity grower associations. A majority of the temporary members must be
 7 producers of the commodity that is the subject of the commission and at least one member must be
 8 a handler of the commodity.

9 (2) The temporary members shall adopt rules for the commission in accordance with ORS chap-
 10 ter 183, including but not limited to rules establishing the number and geographic representation
 11 of the commissioners and rules providing for the removal of commissioners. The terms of the tem-
 12 porary members expire on the date that one or more commissioners are appointed under subsection
 13 (3) of this section. A qualified temporary member is eligible for appointment to a term on the com-
 14 mission under subsection (3) of this section.

15 (3) The director shall appoint the commissioners for a commodity commission in accordance with
 16 the rules adopted under subsection (2) of this section. In appointing the commissioners, the director
 17 shall give consideration to any recommendations by other commodity commissions, commodity
 18 growers and commodity grower associations.

19 (4) A majority of the commissioners must be producers of the commodity that is the subject of
 20 the commission. At least one commissioner must be a handler of the commodity. **One commissioner**
 21 **must be a member of the public not associated with the production or handling of the com-**
 22 **modity.** All commissioners other than handlers **and the member of the public** must be producers.

23 (5) The term of a commissioner appointed under subsection (3) of this section is four years un-
 24 less a shorter term is established by commission rule. A commissioner is eligible for reappointment
 25 unless otherwise provided by commission rule. Before the expiration of a commissioner's term, the
 26 director shall appoint a successor to assume office upon expiration of the term. If there is a vacancy
 27 on a commission for any cause, the director shall appoint a person to the unexpired term.

28 (6) The commission shall select one member to serve as chairperson and another member to
 29 serve as vice chairperson, with such duties and powers as the commission deems appropriate to
 30 those offices.

31 (7) A temporary member of a commission or a commissioner is entitled to compensation and
 32 expenses in the manner and amounts provided in ORS 292.495. Claims for compensation earned and
 33 expenses incurred in performing the functions of the commission shall be paid out of funds available
 34 to the commission.

35 **SECTION 3.** ORS 576.372, as amended by section 23, chapter 604, Oregon Laws 2003, is
 36 amended to read:

37 576.372. (1) In addition to any refund permitted under ORS 576.325, the Oregon Alfalfa Seed
 38 Commission and the Oregon Grains Commission may adopt rules that provide for the commodity
 39 commission adopting the rule to refund all or part of a commodity assessment levied by the com-
 40 mission upon request of the person paying the assessment. A rule adopted under this subsection may
 41 not provide for a commission to refund an amount less than the portion of the assessment used by
 42 the commission for advertising and product promotion.

43 **(2) If a commission adopts rules pursuant to subsection (1) of this section:**

44 **(a) Plans and projects recommended by that commission are exempt from State Depart-**
 45 **ment of Agriculture review and approval or disapproval under ORS 576.066 (2); and**

1 **(b) Notwithstanding ORS 576.206, the commission may vote to eliminate the position for**
 2 **a commissioner who is a member of the public.**

3 **SECTION 4.** ORS 577.210, as amended by section 61, chapter 604, Oregon Laws 2003, is
 4 amended to read:

5 577.210. (1) As used in this section:

6 (a) “Beef producers” means persons who raise, breed or grow cattle or calves for beef pro-
 7 duction.

8 (b) “Dairy producers” means persons engaged in the production on a dairy farm of fluid milk.

9 (c) “Handler” means a person actively engaged in the processing, slaughtering, handling or
 10 marketing of cattle.

11 (2) There hereby is created the Oregon Beef Council composed of:

12 (a) Two dairy producers.

13 (b) Three beef producers.

14 (c) One person actively engaged in the business of feeding cattle and usually operating a feedlot.

15 (d) One handler.

16 **(e) One public member not associated with the producing, feeding or handling of cattle**
 17 **and having an active interest in the positive economic development of the beef industry.**

18 (3) The Director of Agriculture shall appoint the voting members of the council. In making such
 19 appointments, the director shall take into consideration nominations and recommendations made to
 20 the director by organizations who represent or who are engaged in the same type of production or
 21 business as the person so nominated or recommended for appointment as a member of the council.
 22 Each member shall continue in office until a successor is appointed and qualified.

23 (4) The director, or a duly authorized representative of the director, and the Dean of the College
 24 of Agricultural Sciences of Oregon State University, or a duly authorized representative of the dean,
 25 shall be ex officio members of the council, without the right to vote.

26 (5) The **public member of the council, the director and the dean, or the authorized represen-**
 27 **tative of the director or the dean, are not subject to the requirements of ORS 577.220 (3) and (4) and**
 28 **577.240 (1).**

29 **SECTION 5.** Section 79, chapter 604, Oregon Laws 2003, is amended to read:

30 **Sec. 79.** The amendments to [*section 77 of this 2003 Act*] **ORS 578.216** by section 78, **chapter**
 31 **604, Oregon Laws 2003, [of this 2003 Act]** become operative [*March 1, 2009*] **January 2, 2010.**

32 **SECTION 6.** Section 84, chapter 604, Oregon Laws 2003, is amended to read:

33 **Sec. 84.** The amendments to [*section 82 of this 2003 Act*] **ORS 578.025** by section 83, **chapter**
 34 **604, Oregon Laws 2003, [of this 2003 Act]** become operative [*March 1, 2009*] **January 2, 2010.**

35 **SECTION 7.** Section 90, chapter 604, Oregon Laws 2003, is amended to read:

36 **Sec. 90.** The amendments to ORS 578.030 by section 89, **chapter 604, Oregon Laws 2003, [of**
 37 **this 2003 Act]** become operative [*March 1, 2009*] **January 2, 2010.**

38 **SECTION 8.** Section 94, chapter 604, Oregon Laws 2003, is amended to read:

39 **Sec. 94.** The amendments to ORS 578.040 by section 93, **chapter 604, Oregon Laws 2003, [of**
 40 **this 2003 Act]** become operative [*March 1, 2009*] **January 2, 2010.**