

Senate Bill 425

Sponsored by Senator FERRIOLI (at the request of Oregon Livestock Producers Association)

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**.

Changes mandatory state commodity assessment on beef to permissive assessment. Reduces assessment limit. Repeals statute directing partial expenditure of assessment moneys. Corrects citation of federal law to reflect repeals.

A BILL FOR AN ACT

1
2 Relating to assessments on beef; creating new provisions; amending ORS 577.512; and repealing ORS
3 577.532.

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

5 **SECTION 1.** ORS 577.512 is amended to read:

6 577.512. (1) If the United States Secretary of Agriculture orders an assessment pursuant to the
7 Beef Promotion and Research Act of 1985, 7 U.S.C. 2901 to [2918] **2911**, that applies to sales of cattle
8 in this state, the Oregon Beef Council may act pursuant to any authority granted under that order
9 to provide for collection of the assessment. The council may order the collection of an assessment
10 under this subsection only on cattle sold for payment that are subject to the federal assessment
11 order and for which the assessment has not otherwise been paid. The council may collect the federal
12 assessment on cattle that are exempt from the brand inspection fee under ORS 604.066 (3).

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

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

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

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

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

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

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

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

15 (7) To the extent consistent with this section, the council shall assess, levy and collect an as-
16 sessment under this section using the same process used by a commodity commission under ORS
17 576.325 for the assessment, levying and collection of an assessment on an agricultural commodity.

18 **SECTION 2. ORS 577.532 is repealed.**

19 **SECTION 3. The amendments to ORS 577.512 by section 1 of this 2007 Act and the repeal**
20 **of ORS 577.532 by section 2 of this 2007 Act apply to Oregon Beef Council assessments levied**
21 **on or after the effective date of this 2007 Act. If any assessment levied under ORS 577.512**
22 **as set forth in the 2005 Edition of Oregon Revised Statutes remains unexpended on the ef-**
23 **fective date of this 2007 Act, expenditure of that assessment is subject to ORS 577.512 as set**
24 **forth in the 2005 Edition of Oregon Revised Statutes and to former ORS 577.532.**