

House Bill 2630

Sponsored by Representative CLEM (at the request of Oregon Fryer Commission)

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**.

Abolishes Oregon Fryer Commission. Provides for producers who paid commission assessments that became due on or after July 1, 2007, to receive equal shares of commission account balance. Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Oregon Fryer Commission; creating new provisions; amending ORS 576.062, 619.350
3 and 619.380; and declaring an emergency.

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

5 **SECTION 1. (1) No later than 30 days after the effective date of this 2009 Act:**

6 (a) **The Oregon Fryer Commission shall identify all producers who paid one or more as-**
7 **essments by the commission that became due on or after July 1, 2007. The commission shall**
8 **provide the information to the State Treasurer.**

9 (b) **Except as provided in paragraph (a) of this subsection, the chairperson of the com-**
10 **mission shall deliver all books, records and accounts of the commission to the State**
11 **Archivist.**

12 (c) **After ensuring the payment of any outstanding expenditures of the commission, the**
13 **chairperson shall close the account established by the commission under ORS 576.375 and**
14 **deliver the account balance, if any, to the State Treasury.**

15 (2) **The State Treasurer shall credit any moneys delivered by the chairperson under**
16 **subsection (1)(c) of this section to an appropriate revolving account for use as provided in**
17 **this section. After deducting any administrative costs of the State Treasurer in carrying**
18 **out this subsection, notwithstanding ORS 476.455 the State Treasurer shall disburse the**
19 **moneys to the producers identified by the commission under subsection (1)(a) of this section**
20 **in equal shares. The State Treasurer shall issue the payments no later than 90 days after the**
21 **effective date of this 2009 Act.**

22 (3) **If the State Treasurer issues a negotiable instrument to a producer as a payment**
23 **under subsection (2) of this section and the instrument is not presented for payment from**
24 **the State Treasury on or before one year from the date of the instrument, the instrument**
25 **shall be deemed void and the producer shall be deemed to have waived the right to demand**
26 **payment. The State Treasurer shall credit the amount of any waived payment to the De-**
27 **partment of Higher Education special checking account established under ORS 351.540 for**
28 **use by Oregon State University as provided under ORS 576.455.**

29 **SECTION 2. The Oregon Fryer Commission is abolished.**

30 **SECTION 3. ORS 576.062 is amended to read:**

31 576.062. The following commodity commissions are established as state commissions:

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 (1) The Oregon Dairy Products Commission.
- 2 (2) The Oregon Hazelnut Commission.
- 3 (3) The Oregon Dungeness Crab Commission.
- 4 (4) The Oregon Salmon Commission.
- 5 (5) The Oregon Albacore Commission.
- 6 (6) The Oregon Grains Commission.
- 7 (7) The Oregon Sheep Commission.
- 8 (8) The Oregon Potato Commission.
- 9 (9) The Oregon Alfalfa Seed Commission.
- 10 (10) The Oregon Blueberry Commission.
- 11 (11) The Oregon Clover Seed Commission.
- 12 (12) The Oregon Fine Fescue Commission.
- 13 [(13) *The Oregon Fryer Commission.*]
- 14 [(14)] (13) The Oregon Highland Bentgrass Commission.
- 15 [(15)] (14) The Oregon Hop Commission.
- 16 [(16)] (15) The Oregon Mint Commission.
- 17 [(17)] (16) The Oregon Orchardgrass Seed Producers Commission.
- 18 [(18)] (17) The Oregon Processed Vegetable Commission.
- 19 [(19)] (18) The Oregon Raspberry and Blackberry Commission.
- 20 [(20)] (19) The Oregon Ryegrass Growers Seed Commission.
- 21 [(21)] (20) The Oregon Strawberry Commission.
- 22 [(22)] (21) The Oregon Sweet Cherry Commission.
- 23 [(23)] (22) The Oregon Tall Fescue Commission.
- 24 [(24)] (23) The Oregon Trawl Commission.

25 **SECTION 4.** ORS 619.350 is amended to read:

26 619.350. As used in ORS 619.350 to 619.380, unless the context requires otherwise, [.]

27 [(1) "*Commission*" means the Oregon Fryer Commission.]

28 [(2) "fryer" means a chicken of any breed or variety, slaughtered under the age of six months,
29 produced for sale for human consumption as a fryer, broiler or fryer-roaster, or the cut-up parts of
30 such a chicken.

31 **SECTION 5.** ORS 619.380 is amended to read:

32 619.380. In addition to other penalties and enforcement provisions contained in ORS 619.350 to
33 619.380, circuit courts [*hereby are authorized*] **may**, upon petition of the [*Oregon Fryer Commission,*
34 *to*] **State Department of Agriculture**, enjoin by temporary or permanent injunction any violation
35 of the provisions of ORS 619.350 to 619.380.

36 **SECTION 6. Section 2 of this 2009 Act and the amendments to ORS 576.062, 619.350 and**
37 **619.380 by sections 3 to 5 of this 2009 Act become operative 31 days after the effective date**
38 **of this 2009 Act.**

39 **SECTION 7. This 2009 Act being necessary for the immediate preservation of the public**
40 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
41 **on its passage.**

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