

Senate Bill 784

Sponsored by COMMITTEE ON RULES

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**.

Allows person paying Oregon Beef Council assessment to direct assessment to council or to county board established to benefit beef cattle producers.

A BILL FOR AN ACT

1
2 Relating to assessments on cattle; creating new provisions; and amending ORS 577.512, 577.520,
3 577.532, 604.015 and 604.066.

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

5 **SECTION 1. (1) The governing body of a county may provide for a board to receive pay-**
6 **ments from assessments under ORS 577.512 (2) and to expend those payments for projects**
7 **beneficial to beef cattle producers. The county governing body shall direct a board provided**
8 **under this section to periodically solicit comments from beef cattle producers and to estab-**
9 **lish board programs and take board actions that will expend the payments received by the**
10 **board in manners that are beneficial to beef cattle producers.**

11 (2) A person that pays an assessment under ORS 577.512 (2) and directs that the payment
12 be forwarded to the board may, upon presenting proof of the payment amount to the board,
13 require that the board apply the payment amount to a board program or action selected by
14 the person. If the person paying an assessment does not inform the board within 10 days
15 after the board receives the payment to apply the payment amount to a selected board pro-
16 gram or action, the board may use the payment for any board program or board action
17 beneficial to beef cattle producers.

18 (3) The county governing body may assign duties under this section to a newly created
19 board or to an existing board. County governing bodies for two or more counties may agree
20 to share a common board under this section.

21 (4) A board described in this section shall biennially issue a public report stating the
22 amounts received and expended by the board and the purposes for which expenditures were
23 made.

24 **SECTION 2.** ORS 577.512 is amended to read:

25 577.512. (1) If the United States Secretary of Agriculture orders an assessment pursuant to the
26 Beef Promotion and Research Act of 1985, 7 U.S.C. 2901 to 2918, that applies to sales of cattle in
27 this state, the Oregon Beef Council may act pursuant to any authority granted under that order to
28 provide for collection of the assessment. The council may order the collection of an assessment un-
29 der this subsection only on cattle sold for payment that are subject to the federal assessment order
30 and for which the assessment has not otherwise been paid. The council may collect the federal as-
31 sessment on cattle that are exempt from the brand inspection fee under ORS 604.066 (3).

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 (2) In addition to any assessment collected under subsection (1) of this section or any fee for
 2 brand inspection services, the council, by rule, shall levy an assessment of not less than 50 cents
 3 per head and not more than \$1 per head, on the same cattle, cattle hides and calves for which the
 4 council makes brand inspections and collects brand inspection fees. [*Moneys from the assessments*
 5 *are continuously appropriated to the council for expenditure as provided in ORS 577.295 and*
 6 *577.532.*]

7 (3) The operator of a stockyard, slaughterhouse, packing plant or livestock auction market shall
 8 deduct any assessment ordered collected by the council pursuant to subsection (1) or (2) of this
 9 section from the proceeds of sale owed to the operator by the owner of an animal. The operator
 10 shall pay the assessment **collected under subsection (1) of this section** to the State Department
 11 of Agriculture. **The operator shall pay any assessment under subsection (2) of this section to**
 12 **the department or, at the direction of the owner of the animal, to a county board described**
 13 **in section 1 of this 2009 Act that is designated by the owner. The operator shall maintain**
 14 **assessments that are payable to the department in an account separate from assessments**
 15 **that are payable to a board. When paying the assessments to the department, the operator**
 16 **shall include a statement showing the total amount of assessments that the operator paid**
 17 **to any county boards.** When the operator provides a written statement of sale proceeds to the
 18 owner of an animal, the operator shall include a statement of [*the amount deducted from the proceeds*
 19 *for state and federal assessments and for brand inspection services.*]:

20 (a) **The amount deducted from the proceeds for brand inspection services;**

21 (b) **The amount deducted from the proceeds for federal assessments;**

22 (c) **The amount deducted from the proceeds for state assessments; and**

23 (d) **The disposition of any state assessment collected under subsection (2) of this section.**

24 (4) The department shall act as agent for the council to collect any assessment ordered collected
 25 by the council pursuant to subsection (1) or (2) of this section and any brand inspection fees on
 26 cattle or cattle hides adopted by department rule pursuant to ORS 604.066. The department shall
 27 collect any assessment that the council orders collected under subsection (1) or (2) of this section
 28 in the same time, manner and place that the department collects brand inspection fees on cattle,
 29 cattle hides and calves. **The department shall forward the collected assessments to the council**
 30 **or the county board as provided in ORS 604.066 (3).** This subsection does not apply to:

31 (a) Cattle and calves leaving this state solely for the purpose of pasturing in another state;

32 (b) Cattle presented at a recognized livestock show or rodeo;

33 (c) Cattle presented at a livestock auction market but not sold;

34 (d) Cattle delivered outside this state, provided ownership of the cattle remains unchanged;

35 (e) Cattle slaughtered for personal consumption; and

36 (f) Cattle resold within 10 days after purchase.

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

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

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

42 (6) **Moneys received by the council under this section are continuously appropriated to**
 43 **the council for use as provided in ORS 577.295 and 577.532.**

44 [(6)] (7) A person who believes that an assessment collected from the person under this section
 45 is incorrect may apply to the department for a refund not later than 60 days after the department

1 collects the assessment.

2 [(7)] (8) To the extent consistent with this section, the council shall assess, levy and collect an
3 assessment 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 3.** ORS 577.520 is amended to read:

6 577.520. (1) The operators of all stockyards, slaughterhouses, packing plants and livestock auc-
7 tion markets shall deduct from the proceeds of sale owing by them to the respective owners of ani-
8 mals the assessments authorized by ORS 577.512. **The operators shall provide animal owners with**
9 **statements as required under ORS 577.512 and shall forward payments to the State Depart-**
10 **ment of Agriculture and, if applicable, to county boards described in section 1 of this 2009**
11 **Act.**

12 [(2) *When an operator sends or gives any written statement to an owner or agent relating to the*
13 *proceeds owing the owner, the operator shall include a statement of the amount deducted from the*
14 *proceeds for Oregon Beef Council purposes, the amount deducted from the proceeds for federal assess-*
15 *ments, and the amount deducted from the proceeds for brand inspection services.]*

16 [(3)] (2) In accordance with the provisions of law, operators shall promptly pay directly to the
17 State Department of Agriculture all contributions collected by them.

18 **SECTION 4.** ORS 577.532 is amended to read:

19 577.532. [*Expenditures by the Oregon Beef Council of moneys received from the assessment levied*
20 *under ORS 577.512 (2) shall include, at a minimum, the following:}] **The Oregon Beef Council shall**
21 **expend, at a minimum, the following from any assessment levied under ORS 577.512 (2) on a**
22 **head of cattle and received by the council:***

23 (1) An amount equal to 10 cents [*for each head of cattle assessed to be expended*] for funding se-
24 lected research projects related to rangeland. The council shall make the research moneys available
25 to Oregon State University, except that if the council determines that the university is unable to
26 conduct the research, the council may select an alternative creditable institution. The council shall
27 select the research projects after consultation with representatives of beef and dairy associations.

28 (2) An amount equal to 10 cents [*for each head of cattle assessed to be expended*] for funding se-
29 lected research projects related to cattle production. The council shall make the research moneys
30 available to Oregon State University, except that if the council determines that the university is
31 unable to conduct the research, the council may select an alternative creditable institution. The
32 council shall select the research projects after consultation with representatives of beef and dairy
33 associations.

34 (3) An amount equal to 10 cents [*for each head of cattle assessed to be expended*] for funding
35 projects to promote and project a positive image of beef and dairy producers and operations to the
36 public. The projects may include, but need not be limited to, videos for television, brochures and
37 printed reports. The council shall select the projects after consultation with representatives of beef
38 and dairy associations. The council shall present the completed projects to the representatives for
39 review prior to disseminating the projects to the public.

40 (4) An amount equal to 10 cents [*for each head of cattle assessed to be expended*] for carrying out
41 council activities described in ORS 577.290 (1)(c).

42 (5) An amount equal to 10 cents [*for each head of cattle assessed*], or the assessment amount
43 remaining after deduction of the amounts described in subsections (1) to (4) of this section, which-
44 ever is less, [*to be expended by the council*] for **council** administrative costs to carry out programs
45 involving the projects or activities described in subsections (1) to (4) of this section.

1 **SECTION 5.** ORS 604.015 is amended to read:

2 604.015. (1) The State Department of Agriculture may appoint and designate employees as brand
3 inspectors to administer and enforce the brand inspection activities of the department under ORS
4 561.144, 577.512, 599.205, 599.269, 599.273, 599.610, 603.015, 603.034, 603.075 to 603.095, 603.992,
5 604.005 to 604.071, 604.640, 604.650 and 604.992. In addition, the department may authorize and direct
6 brand inspectors to administer and enforce other laws under the jurisdiction of the department.

7 (2) In making appointments under subsection (1) of this section, the department may appoint as
8 part-time brand inspectors persons in the unclassified service of the personnel relations system who
9 possess the necessary experience, knowledge and qualifications and pay them on any reasonable and
10 fair basis. However, at any time the average monthly compensation received by such a person
11 during a six-month period equals or exceeds the minimum wage or starting step of the pay range
12 or schedule established for brand inspectors, then the person and the position are subject to the
13 State Personnel Relations Law. If such person in the opinion of the department has satisfactorily
14 carried out the duties as a brand inspector, and if it is in the best interests of the department, the
15 person shall be given regular merit system status and shall be entitled to be hired by the department
16 upon successfully passing a noncompetitive examination for this classification.

17 (3) In making appointments under subsection (1) of this section, the department may appoint as
18 brand inspectors persons subject to the State Personnel Relations Law. At any time in any area
19 where the workload decreases or other facts or conditions require only the part-time services of a
20 person in a classified position, the department may declare the position to be unclassified.

21 (4) By written agreement, the department may designate employees of another state agency, or
22 of a county or city government, as brand inspectors to administer and enforce the department's
23 brand inspection activities or other laws under the jurisdiction of the department in the same man-
24 ner and to the same extent as brand inspectors appointed under subsection (1) of this section. While
25 carrying out the authority delegated under this subsection, brand inspectors shall:

26 (a) Comply with the provisions of ORS 561.144, 577.512, 599.205, 599.269, 599.273, 599.610,
27 603.015, 603.034, 603.075 to 603.095, 603.992, 604.005 to 604.071, 604.640, 604.650 and 604.992, and the
28 administrative rules [*promulgated thereunder,*] **adopted under those statutes;**

29 (b) Collect any brand inspection fees **and assessments collected under ORS 577.512 that are**
30 due the department and [*forthwith pay the same*] **forward those fees and assessments** to the
31 department[,] **as provided by department rule;**

32 (c) **Collect any assessments under ORS 577.512 (2) that an animal owner elects to have**
33 **forwarded to a county board described in section 1 of this 2009 Act instead of to the depart-**
34 **ment and forward those assessments to the county board; and**

35 (d) Continue to act under the supervision of, [*their employing agencies, continue to*] **and** carry
36 out their regular duties for, their employing agencies[,] and receive or have their employing agen-
37 cies receive any agreed compensation from the department for carrying out [*the authority delegated*
38 *under*] this subsection.

39 (5) The department may terminate any designation under [*this*] subsection **(4) of this section**
40 without hearing or notice, notwithstanding any laws to the contrary.

41 [(5)] (6) The department may appoint and designate employees as livestock police officers or
42 investigative officers to administer and enforce the department's authority under ORS 561.144,
43 577.512, 599.205, 599.269, 599.273, 599.610, 603.015, 603.034, 603.075 to 603.095, 603.992, 604.005 to
44 604.071, 604.640, 604.650 and 604.992, including supervision of brand inspectors. In addition, the de-
45 partment may authorize and direct livestock police officers or investigative officers to administer

1 and enforce other laws under the jurisdiction of the department. Brand inspectors, livestock police
 2 officers and investigative officers are empowered to carry out the activities of peace officers and
 3 police officers, as set forth in ORS chapter 133. They may be furnished uniforms, identification
 4 badges, emergency vehicles and other equipment appropriate to carrying out investigative and law
 5 enforcement activities.

6 **SECTION 6.** ORS 604.066 is amended to read:

7 604.066. (1) Except as provided in subsection (2) of this section, the State Department of Agri-
 8 culture shall charge and collect a brand inspection fee in accordance with the following:

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

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

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

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

18 (3) Except as provided in this subsection or subsection (4) of this section, the person requesting
 19 or requiring brand inspection to be performed shall pay the State Department of Agriculture a brand
 20 inspection fee and the assessments authorized under ORS 577.512. **At the direction of the person**
 21 **paying the assessment, the department shall, after deducting collection and administrative**
 22 **costs, forward any assessments collected under ORS 577.512 (2) to a county board described**
 23 **in section 1 of this 2009 Act that is designated by the person.** Livestock auction markets,
 24 slaughterhouses and custom slaughtering establishments at which brand inspection is performed
 25 shall collect the fees [*and assessments*] and forward them to the department **and shall collect and**
 26 **forward assessments as provided in ORS 577.512 and 577.520.** The person requesting or requir-
 27 ing brand inspection for cattle delivered to a livestock auction market is not required to pay a brand
 28 inspection fee on cattle whose value is \$10 or less. The person requesting or requiring brand in-
 29 spection is not required to pay a brand inspection fee on cattle not more than 90 days of age that
 30 are to be transported with their mothers to a range or pastureland outside of this state.

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

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

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