

# Senate Bill 119

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## 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**.

Increases fees for commercial growing, production, harvesting or distribution of shellfish. Eliminates limit on amount of total fees paid for combination of certificates. Increases shellfish cultivation fee.

Expands authorized use of appropriated moneys derived from shellfish cultivation fees.

Applies to fees for annual periods that begin on or after July 1, 2011.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to shellfish fees; creating new provisions; amending ORS 622.080, 622.290 and 622.300; ap-  
3 propriating money; and declaring an emergency.

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

5 **SECTION 1.** ORS 622.080 is amended to read:

6 622.080. (1)*[(a)]* Persons engaged in the growing, production, harvesting or distribution of  
7 shellfish who receive from such operations not more than *[\$60,000]* **\$50,000** in annual gross income  
8 shall pay the following annual fees to the State Department of Agriculture:

9 *[(A)]* **(a) [\$150] \$300** for a certificate of shellfish sanitation as a shucker-packer, for a person  
10 operating a shellfish shucking, packing or repacking plant for the distribution of shellfish.

11 *[(B)]* **(b) [\$100] \$200** for a certificate of shellfish sanitation as a grower, for a person engaged  
12 in the business of growing shellfish.

13 *[(C)]* **(c) [\$100] \$200** for a certificate of shellfish sanitation as a distributor, for any jobber or  
14 wholesaler who furnishes or sells shellfish to retail outlets.

15 *[(D)]* **(d) [\$75] \$250** for a certificate of shellfish sanitation as a commercial harvester, for any  
16 person harvesting clams or mussels for commercial purposes.

17 *[(b) Notwithstanding the fees established in paragraph (a) of this subsection, no commercial facility*  
18 *operating in one location shall pay more than \$250 in total annual fees to the department for any*  
19 *combination of certificates issued under paragraph (a) of this subsection.]*

20 (2)*[(a)]* Persons engaged in the growing, production, harvesting or distribution of shellfish who  
21 receive from such operations more than *[\$60,000]* **\$50,000 but not more than \$500,000** in annual  
22 gross income shall pay the following annual fees to the department:

23 *[(A)]* **(a) [\$300] \$600** for a certificate of shellfish sanitation as a shucker-packer, for a person  
24 operating a shellfish shucking, packing or repacking plant for the distribution of shellfish.

25 *[(B)]* **(b) [\$200] \$400** for a certificate of shellfish sanitation as a grower, for a person engaged  
26 in the business of growing shellfish.

27 *[(C)]* **(c) [\$225] \$450** for a certificate of shellfish sanitation as a distributor, for any jobber or  
28 wholesaler who furnishes or sells shellfish to retail outlets.

**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        *[(D)]* **(d) [\$75] \$250** for a certificate of shellfish sanitation as a commercial harvester, for any  
 2 person harvesting clams or mussels for commercial purposes.

3        *[(b) Notwithstanding the fees established in paragraph (a) of this subsection, no commercial facility*  
 4 *operating in one location shall pay more than \$500 in total annual fees to the department for any*  
 5 *combination of certificates issued under paragraph (a) of this subsection.]*

6        **(3) Persons engaged in the growing, production, harvesting or distribution of shellfish**  
 7 **who receive from such operations more than \$500,000 in annual gross income shall pay the**  
 8 **following annual fees to the department:**

9        **(a) \$1,200 for a certificate of shellfish sanitation as a shucker-packer, for a person oper-**  
 10 **ating a shellfish shucking, packing or repacking plant for the distribution of shellfish.**

11        **(b) \$800 for a certificate of shellfish sanitation as a grower, for a person engaged in the**  
 12 **business of growing shellfish.**

13        **(c) \$900 for a certificate of shellfish sanitation as a distributor, for any jobber or whole-**  
 14 **saler who furnishes or sells shellfish to retail outlets.**

15        **(d) \$250 for a certificate of shellfish sanitation as a commercial harvester, for any person**  
 16 **harvesting clams or mussels for commercial purposes.**

17        **SECTION 2.** ORS 622.290 is amended to read:

18        622.290. (1) Persons using state lands for cultivating oysters, clams or mussels shall pay annual  
 19 cultivation fees and use taxes quarterly to the State Department of Agriculture. Fees and taxes be-  
 20 come delinquent 30 days after the end of the quarter.

21        (2) Use taxes shall be in the amount of 10 cents per gallon of oysters if sold by the gallon, 10  
 22 cents per bushel of oysters if sold in the shell by the bushel or one cent per dozen oysters if sold  
 23 by the dozen.

24        (3) Use taxes shall be in the amount of one-half cent per pound of clams or mussels sold.

25        (4) The annual cultivation fee shall be in the amount of [~~\$4~~] **\$14** for each acre claimed pursuant  
 26 to chapter 675, Oregon Laws 1969, or claimed pursuant to a plat made subsequent thereto.

27        (5) Annual cultivation fees and use taxes shall be assessed in lieu of property taxes, lease fees  
 28 or rental charges for the use of lands upon which oysters, clams or mussels are grown and har-  
 29 vested.

30        **SECTION 3.** ORS 622.300 is amended to read:

31        622.300. All moneys received by the State Department of Agriculture under ORS 622.290 shall  
 32 be paid over to the State Treasurer and deposited in the Department of Agriculture Service Fund  
 33 and be subject to ORS 561.144. All such moneys are appropriated continuously to the department  
 34 to carry out the provisions of [*ORS 622.220 and 622.320*] **this chapter.**

35        **SECTION 4.** (1) **The amendments to ORS 622.080 and 622.290 by sections 1 and 2 of this**  
 36 **2011 Act apply to fees assessed for annual periods that begin on or after July 1, 2011. The**  
 37 **Legislative Assembly intends that the State Department of Agriculture apply the amend-**  
 38 **ments to ORS 622.080 and 622.290 by sections 1 and 2 of this 2011 Act retroactively if neces-**  
 39 **sary to make the amendments applicable for annual periods that begin on or after July 1,**  
 40 **2011.**

41        (2) **The amendments to ORS 622.300 by section 3 of this 2011 Act become operative July**  
 42 **1, 2011.**

43        **SECTION 5.** **This 2011 Act being necessary for the immediate preservation of the public**  
 44 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
 45 **on its passage.**

