

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	9 - 0 - 0
Yeas:	Clem, Esquivel, Krieger, McKeown, Reardon, Thompson, Unger, Whitsett, Witt
Nays:	0
Exc.:	0
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	4/23

WHAT THE MEASURE DOES: Repeals provisions regulating produce dealers in ORS Chapter 585. Repeals requirement that wholesale produce dealer, retail produce peddler, or cash buyer obtain license from Oregon Department of Agriculture (ODA). Removes requirement that wholesale produce dealers obtain surety bond or letter of credit. Repeals provisions establishing 30th day after delivery as deadline for payment in absence of contract and associated remedies. Repeals requirements relating to cosignor receipt of sales records and authority for ODA to inspect produce during disputes between cosignor and wholesale produce dealer. Repeals ODA authority under ORS Chapter 585 to access all places where produce is kept, stored, handled or transported. Revokes authority under ORS Chapter 585 for police or ODA to require operators or owners to answer questions concerning produce transported. Declares emergency, effective July 1, 2013.

ISSUES DISCUSSED:

- ODA review of statute
- Program started to protect growers and ensure payments
- Changes in produce industry
- Option to address non-payment through civil action

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In the 1950s, ORS Chapter 585 provided the Oregon Department of Agriculture (ODA) with licensing and regulatory authority to ensure produce growers received payment from wholesale produce dealers, cash buyers, and retail produce peddlers. The Wholesale Produce Dealer's license offered some protection to producers by requiring a \$15,000 bond or irrevocable letter of credit. In a review of the statute, ODA determined that the most recent claim came from a complaint received more than 10 years ago. Currently, growers resolve payment disputes through civil action instead of pursuing claims under this statute. Senate Bill 194 would repeal statutes regulating produce dealers in Oregon.