

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass  
**Vote:** 5 - 0 - 0  
**Yeas:** Baertschiger, Burdick, Close, Prozanski, Roblan  
**Nays:** 0  
**Exc.:** 0  
**Prepared By:** Racquel Rancier, Administrator  
**Meeting Dates:** 2/5

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**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 the 30<sup>th</sup> 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:**

- Relevance of statute under current practices
- Bond amount insufficient to recuperate cost of produce today
- Number of licenses issued

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** In the 1950s, ORS Chapter 585 provided 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.