

Enrolled
House Bill 2244

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for State Department of Agriculture)

CHAPTER

AN ACT

Relating to State Department of Agriculture commodity inspections; amending ORS 561.144, 586.710, 586.730, 586.990 and 632.985; and repealing ORS 586.570, 586.580, 586.590, 586.600, 586.610, 586.630, 586.640, 586.650, 586.660, 586.670 and 586.680.

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

SECTION 1. ORS 586.570, 586.580, 586.590, 586.600, 586.610, 586.630, 586.640, 586.650, 586.660, 586.670 and 586.680 are repealed.

SECTION 2. ORS 561.144 is amended to read:

561.144. (1) The State Treasurer shall establish a Department of Agriculture Service Fund, which shall be a trust fund separate and distinct from the General Fund. The State Department of Agriculture shall deposit all license and service fees paid to it under the provisions of the statutes identified in subsection (3) of this section in the Department of Agriculture Service Fund. The State Treasurer is the custodian of this trust fund, which shall be deposited by the treasurer in such depositories as are authorized to receive deposits of the General Fund, and which may be invested by the treasurer in the same manner as authorized by ORS 293.701 to 293.820.

(2) Interest received on deposits credited to the Department of Agriculture Service Fund shall accrue to and become a part of the Department of Agriculture Service Fund.

(3) The license and service fees subject to this section are those described in ORS 561.400, 561.740, 570.710, 571.057, 571.063, 571.145, 571.305, 583.004, 583.046, 583.445, 583.510, 583.610, 585.050, 586.270, [586.580, 586.650,] 596.030, 596.100, 596.311, 599.235, 599.269, 599.406, 599.610, 601.040, 602.090, 603.025, 603.075, 616.706, 618.115, 618.136, 619.031, 621.072, 621.166, 621.266, 621.297, 621.335, 621.730, 622.080, 625.180, 628.240, 632.211, 632.425, 632.600, 632.720, 632.730, 632.741, 632.940, 632.945, 633.015, 633.029, 633.318, 633.362, 633.461, 633.471, 633.680, 633.700, 633.720, 634.016, 634.116, 634.122, 634.126, 634.132, 634.136, 634.212 and 635.030.

SECTION 3. ORS 586.710 is amended to read:

586.710. Except for fees paid under ORS 586.270[586.580 and 586.650], all fees collected by the State Department of Agriculture under this chapter shall be paid into the State Treasury to the credit of the Department of Agriculture Account. Such moneys constitute a continuing appropriation for the purpose of carrying out the provisions of this chapter. The fees paid to the department under ORS 586.270[586.580 or 586.650] shall be deposited in the Department of Agriculture Service Fund, and such funds are continuously appropriated to the department for the purpose of administering and enforcing this chapter.

SECTION 4. ORS 586.730 is amended to read:

586.730. (1) No warehouseman shall violate, or procure, aid, or abet any violation by any warehouseman, of any provision of ORS 586.210 to 586.300, 586.315 to 586.380, 586.400, 586.410, 586.520, 586.525, 586.530, 586.550[, 586.570 to 586.630 and] **or** 586.650 to 586.730, or fail to comply with any order of the State Department of Agriculture, or procure, aid or abet any warehouseman in failure to comply with any such order.

(2) No person, individually or acting as an official or agent of any corporation other than a warehouseman, shall violate any provisions of ORS 586.210 to 586.300, 586.315 to 586.380, 586.400, 586.410, 586.520, 586.525, 586.530, 586.550[, 586.570 to 586.630 and] **or** 586.650 to 586.730, or fail to comply with any order made by the department under those sections so long as the order remains in force, or procure, aid or abet any such corporation, in its violation of those sections, or in its failure to comply with any such order.

SECTION 5. ORS 586.990 is amended to read:

586.990. (1) Violation of ORS 586.250 is a Class B misdemeanor.

(2) Violation of ORS 586.730 is a Class A misdemeanor.

(3) Violation of any of the provisions of ORS 586.210 to 586.300, 586.315 to 586.380, 586.400, 586.410, 586.520, 586.525, 586.530, 586.550[, 586.570 to 586.630 and] **or** 586.650 to 586.720, or failure to comply with any order, rule, direction, demand or requirement of the State Department of Agriculture made pursuant to those sections, is a specific fine violation punishable by a fine not exceeding \$3,000 for each offense. Each violation is a separate and continuing offense. In case of a continuing violation, every day's continuance of the violation is a separate and distinct offense.

(4) Violation of ORS 586.382, 586.385 and 586.395 is a Class A misdemeanor.

SECTION 6. ORS 632.985 is amended to read:

632.985. (1) [No] **An** operator or person in charge of any motor vehicle [shall] **may not** transport on the streets or highways of this state[,] any [hay, grain or potatoes, of] **agricultural or horticultural products for** which inspection is required by law, out of, into or through any inspection district, so designated by the State Department of Agriculture, or out of, into or through any city [which] **that** has been declared an inspection point, unless the operator or person has given notice by mail or in person to the nearest office or inspector of the department, that such products or any thereof are available for inspection as required by law.

(2) Every person receiving any shipment, load or lot of such products, [which] **that** has not been inspected, for the purpose of sale or storage in such quantities and in such places as would require inspection, shall give notice within 24 hours by mail or in person, to the nearest office or inspector of the department that the products have been received and are being held for inspection.

Passed by House February 18, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 7, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State