

A-Engrossed
House Bill 2782

Ordered by the House February 27
Including House Amendments dated February 27

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

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.

Allows commodity commission to amend rules relating to number and geographic representation of commissioners. **Provides that defect in commission membership relating to number or geographic representation of commissioners does not invalidate past commission actions, rules regulating commission membership or appointments of commissioners.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to commodity commission member qualifications; creating new provisions; amending ORS
3 576.206 and 576.225; and declaring an emergency.

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

5 **SECTION 1. (1) As used in this section, "commodity commission" means a commission**
6 **established under ORS 576.051 to 576.455.**

7 **(2) The Legislative Assembly declares that any action taken prior to the effective date**
8 **of this 2013 Act by a commodity commission having one or more members who were not**
9 **properly qualified at the time to serve on the commodity commission due to rules regulating**
10 **the number or geographic representation of commodity commission members is valid and**
11 **lawful to the same extent that the action would have been valid and lawful if the commodity**
12 **commission had at the time of the action been in conformance with rules regulating the**
13 **number and geographic representation of commodity commission members.**

14 **(3) Notwithstanding ORS 576.206 or 576.304 or any rules adopted under ORS 576.206, the**
15 **Legislative Assembly ratifies and declares valid any rule adopted by a commodity commission**
16 **prior to the effective date of this 2013 Act that created, amended or abolished a rule or other**
17 **requirement regulating the number or geographic representation of the commodity commis-**
18 **sion members.**

19 **(4) Notwithstanding ORS 576.206 or any rules adopted under ORS 576.206 regarding the**
20 **number or geographic representation of commodity commission members, the Legislative**
21 **Assembly ratifies and validates the appointment prior to the effective date of this 2013 Act**
22 **of any commodity commission members who would have qualified for the appointment if no**
23 **applicable rules regulated the number or geographic representation of the commodity com-**
24 **mission members. This subsection does not require the reinstatement of any member re-**
25 **moved from a commodity commission prior to the effective date of this 2013 Act for any**
26 **reason.**

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 **SECTION 2.** ORS 576.206 is amended to read:

2 576.206. (1) Upon the establishment of a commodity commission, the Director of Agriculture
3 shall appoint five temporary members to the commission. In appointing the temporary members, the
4 director shall give consideration to any recommendations by other commodity commissions, com-
5 modity growers and commodity grower associations. A majority of the temporary members must be
6 producers of the commodity that is the subject of the commission and at least one member must be
7 a handler of the commodity.

8 (2) The temporary members shall adopt rules for the commission in accordance with ORS chap-
9 ter 183, including but not limited to rules establishing the number and geographic representation
10 of the commissioners and rules providing for the removal of commissioners. The terms of the tem-
11 porary members expire on the date that one or more commissioners are appointed under subsection
12 (3) of this section. A qualified temporary member is eligible for appointment to a term on the com-
13 mission under subsection (3) of this section.

14 (3) **Except as provided in ORS 576.225 (3)**, the director shall appoint the commissioners for a
15 commodity commission in accordance with the rules adopted under subsection (2) of this section. In
16 appointing the commissioners, the director shall give consideration to any recommendations by other
17 commodity commissions, commodity growers and commodity grower associations.

18 (4) A majority of the commissioners must be producers of the commodity that is the subject of
19 the commission. At least one commissioner must be a handler of the commodity. One commissioner
20 must be a member of the public not associated with the production or handling of the commodity.
21 All commissioners other than handlers and the member of the public must be producers.

22 (5) The term of a commissioner appointed under subsection (3) of this section is four years un-
23 less a shorter term is established by commission rule. A commissioner is eligible for reappointment
24 unless otherwise provided by commission rule. Before the expiration of a commissioner's term, the
25 director shall appoint a successor to assume office upon expiration of the term. If there is a vacancy
26 on a commission for any cause, the director shall appoint a person to the unexpired term.

27 (6) The commission shall select one member to serve as chairperson and another member to
28 serve as vice chairperson, with such duties and powers as the commission deems appropriate to
29 those offices.

30 (7) A temporary member of a commission or a commissioner is entitled to compensation and
31 expenses in the manner and amounts provided in ORS 292.495. Claims for compensation earned and
32 expenses incurred in performing the functions of the commission shall be paid out of funds available
33 to the commission.

34 **SECTION 3.** ORS 576.225 is amended to read:

35 576.225. (1) A member of a commodity commission must, during the term of office of the member:

36 (a) Be a citizen of the United States.

37 (b) Be a bona fide resident of the state.

38 (c) Have an active interest in the positive development and economic growth of the commodity
39 industry in Oregon.

40 (2) A producer member of a commission must have paid an assessment adopted by the commis-
41 sion, if any, on the commodity in each of the preceding three calendar years. A handler member of
42 a commission must have collected an assessment adopted by the commission, if any, on the com-
43 modity in each of the preceding three calendar years.

44 (3) **In addition to any other authority of a commodity commission to adopt rules under**
45 **ORS 576.304, at any time following the initial appointment of all commissioners for a com-**

1 **modify commission under ORS 576.206 (3), and subject to ORS 576.215, the commission may**
2 **amend the rules adopted by the temporary commission members under ORS 576.206 (2) to**
3 **change the number and geographic representation of the commissioners. Any rule amend-**
4 **ment adopted under this subsection shall apply to commissioner appointments made by the**
5 **Director of Agriculture after the effective date of the rule amendment.**

6 **SECTION 4. This 2013 Act being necessary for the immediate preservation of the public**
7 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
8 **on its passage.**

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