

Chapter 577

2007 EDITION

Oregon Beef Council

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577.010 [Repealed by 1959 c.12 §1]

577.020 [Repealed by 1959 c.12 §1]

577.030 [Repealed by 1959 c.12 §1]

577.110 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Beef" includes veal.

(2) "Council" means the Oregon Beef Council.

(3) "Department" means the State Department of Agriculture.

(4) "Director" means the Director of Agriculture.

(5) "Fiscal year" means the fiscal year commencing on July 1 and ending on June 30.

(6) "Producer" means any person who raises, breeds or grows cattle or calves for beef or dairy production. [1959 c.685 §2; 1977 c.198 §17]

577.120 Legislative findings and declaration of policy. (1) It is hereby declared, as a matter of legislative determination, that this chapter is enacted in the exercise of the power of this state for the purposes of protecting and furthering the public health and welfare. It is further declared that the cattle industry of this state is affected with a public interest in that, among other things:

(a) The production, processing, manufacture and distribution of beef and beef products constitute a paramount industry of this state which not only provides substantial and required revenues for the state and its political subdivisions, and employment and a means of livelihood for many thousands of its population, but also furnishes essential foods that are vital to the public health and welfare.

(b) The stabilization, maintenance and expansion of the cattle industry of Oregon, and of the state, nationwide and foreign markets for its products, are necessary to assure the consuming public an adequate supply of foods which are indispensable in a proper human diet, to protect, for the state and its political subdivisions, a necessary source of tax revenue, to provide and maintain an adequate standard of living for a great segment of the population of this state, to maintain proper wage scales for those engaged in the cattle industry and to maintain existing employment.

(c) The essentiality of beef and beef products in a proper human nutrition and to the maintenance of a high level of public health is such as to require that the public be made thoroughly aware thereof, and be protected against misrepresentation and deception, by the dissemination of accurate and scientific information relative to the healthful qualities

of beef and beef products, their various classifications and the food values and industrial and medicinal uses thereof, the methods, care and precautions necessary to their proper production, processing, manufacture and distribution, and the necessary costs and expenses thereof, and the necessity and desirability on the part of the public of using and consuming beef and beef products of the highest standards of quality.

(2) The purposes of this chapter are:

(a) To enable the cattle industry, with the aid of the state, to develop, maintain and expand the state, nationwide and foreign markets for beef and beef products produced, processed or manufactured in this state, and the use and consumption of such beef and beef products therein.

(b) In aid, but not in limitation, of the purpose in paragraph (a) of this subsection, to authorize and enable the Oregon Beef Council to formulate and effectuate, directly or in cooperation with other agencies and instrumentalities specified in this chapter, sales stimulation and consumer or other educational programs designed to increase the use and consumption of beef and beef products and to conduct research, education and information programs related to the cattle industry.

(c) To provide funds for the administration and enforcement of this chapter by voluntary contributions to be collected in the manner prescribed in this chapter. [1959 c.685 §1; 1997 c.156 §2]

577.125 Department oversight of council; rules. (1) The State Department of Agriculture shall:

(a) Monitor the practices or methods used or proposed for use by the Oregon Beef Council in carrying out the goals and needs disclosed by the budget of the council;

(b) Promote cooperation among the council, commodity commissions and the Oregon Wheat Commission and assist in the interchange of information and experience among those entities;

(c) Carry out the assigned organizational procedures under this chapter, including the appointment and removal of members of the council;

(d) Review budgets submitted to the Director of Agriculture by the council; and

(e) Adopt rules to carry out the provisions of this chapter.

(2) The department shall review, and may approve or disapprove, plans and projects recommended by the council for beef promotion, advertising and research and for the dissemination of consumer and beef industry information. In reviewing plans and projects

recommended by the council, the department shall consider whether the plan or project information is:

- (a) Factual;
- (b) Not disparaging to agricultural commodities; and
- (c) Consistent with the purposes of this chapter. [2003 c.604 §55]

577.210 Oregon Beef Council; members; appointment. (1) As used in this section:

(a) "Beef producers" means persons who raise, breed or grow cattle or calves for beef production.

(b) "Dairy producers" means persons engaged in the production on a dairy farm of fluid milk.

(c) "Handler" means a person actively engaged in the processing, slaughtering, handling or marketing of cattle.

(2) There hereby is created the Oregon Beef Council composed of:

- (a) Two dairy producers.
- (b) Three beef producers.
- (c) One person actively engaged in the business of feeding cattle and usually operating a feedlot.
- (d) One handler.
- (e) One public member not associated with the producing, feeding or handling of cattle and having an active interest in the positive economic development of the beef industry.

(3) The Director of Agriculture shall appoint the voting members of the council. In making such appointments, the director shall take into consideration nominations and recommendations made to the director by organizations who represent or who are engaged in the same type of production or business as the person so nominated or recommended for appointment as a member of the council. Each member shall continue in office until a successor is appointed and qualified.

(4) The director, or a duly authorized representative of the director, and the Dean of the College of Agricultural Sciences of Oregon State University, or a duly authorized representative of the dean, shall be ex officio members of the council, without the right to vote.

(5) The public member of the council, the director and the dean, or the authorized representative of the director or the dean, are not subject to the requirements of ORS 577.220 (3) and (4) and 577.240 (1). [1959 c.685 §3; 1977 c.198 §18; 1995 c.79 §312; 2003 c.604 §§60,61; 2007 c.55 §4]

577.220 Qualifications of members. Each member of the Oregon Beef Council shall have the following qualifications which shall continue during a term of office:

(1) Each shall be a citizen of the United States.

(2) Each shall be a bona fide resident of the state.

(3) Each shall have demonstrated through membership in a producer's organization or an organization representing this type of production or business, or public service or otherwise, an active interest in the development of the beef industry in Oregon.

(4) Each shall have been actively engaged in the type of production or business which the member will represent on the council, for a period of at least five years, and shall derive a substantial proportion of income from that type of production or business. [1959 c.685 §4]

577.230 Terms of members. (1) The Director of Agriculture shall appoint members on the Oregon Beef Council, as far as practicable and possible, from the various geographical areas of the state.

(2) Upon the expiration of the term of a member of the council, a successor shall be appointed for a term of three years, except in case of a vacancy, when the appointee shall serve the unexpired part of the term of the member, the appointee replaced. [1959 c.685 §5; 1977 c.198 §19]

577.240 Declaring office of member vacant. The Director of Agriculture shall immediately declare the office of any member of the Oregon Beef Council vacant whenever the director finds that:

(1) The member no longer is actively engaged in the type of beef or dairy production or business the member was engaged in at the time of appointment;

(2) The member has become a resident of another state; or

(3) The member is unable to perform the duties of the office. [1959 c.685 §6; 1977 c.198 §20]

577.250 Removal of member. (1) The Director of Agriculture may remove any member of the Oregon Beef Council for inefficiency, neglect of duty or misconduct in office, after a public hearing thereon and after serving upon the member a copy of the charges against the member, together with a notice of the time and place of the hearing, at least 10 days prior to such hearing. At the hearing, the member shall be given an opportunity to be heard in person or by counsel and shall be permitted to present evidence to answer the charges and explain the facts alleged against the member.

(2) In every case of removal, the director shall file in the office of the Secretary of State a complete statement of all charges against the member, and findings thereon, together with a record of the entire proceedings had in connection therewith. [1959 c.685 §7; 1977 c.198 §21]

577.260 Expenses of members. Members, officers and employees of the Oregon Beef Council may receive their actual and necessary travel and other expenses incurred in the performance of their official duties. The council shall adopt uniform and reasonable regulations governing the incurring and paying of such expenses. [1959 c.685 §8]

577.270 Meeting place. (1) The Oregon Beef Council shall establish a meeting place anywhere within this state, but the selection of the location shall be guided by consideration for the convenience of the majority of those most likely to have business with the council or be affected by the acts of the council.

(2) Notwithstanding subsection (1) of this section, the council may participate in meetings outside the state for the purpose of advancing the work of the council. [1959 c.685 §9; 2003 c.604 §63]

577.280 Meetings. The Oregon Beef Council shall meet as soon as practicable for the purpose of organizing. It shall elect a chairperson and a secretary-treasurer from among its members. It shall adopt a general statement of policy for guidance, and shall transact such other business as is necessary to start the work of the council. Thereafter, the council shall meet regularly once each six months, and at such other times as called by the chairperson. The chairperson may call special meetings at any time, and shall call a special meeting when requested by two or more members of the council. [1959 c.685 §10]

577.290 Duties and powers of council. (1) The Oregon Beef Council may:

(a) Conduct scientific research to discover and develop the commercial value of beef and products thereof.

(b) Disseminate reliable information founded upon the research undertaken under this chapter, showing the value of beef and its products for any purpose for which they may be found useful and profitable.

(c) Study legislation, state and federal, with respect to tariffs, duties, reciprocal trade agreements, import quotas and other matters concerning the effect on the beef industry, and represent and protect the interests of the beef industry with respect to any legislation or proposed legislation or executive action which may affect that industry.

(d) Act jointly and in cooperation with the federal government or any agency

thereof in the administration of any program of the government or a governmental agency deemed by the council to be beneficial to the beef industry of this state, and expend funds in connection therewith, provided that such program is compatible with the powers conferred by this chapter.

(e) Enter into contracts for advertising beef and to develop new markets through such advertising.

(f) Develop plans or projects of promotion and advertising, research, consumer information and industry information, and develop programs that will lead to the development of new markets, marketing strategies, increased efficiency and activities to enhance the image of the cattle industry.

(2) In addition to exercising the powers listed in subsection (1) of this section, the council may exercise the same powers that a commodity commission may exercise under ORS 576.304. [1959 c.685 §11; 1997 c.156 §1; 2003 c.604 §64]

577.295 Budget process; annual financial statements; deposits, withdrawals and investment of moneys. The Oregon Beef Council shall:

(1) Adopt a budget, obtain budget approval and submit financial statements in the same manner as a commodity commission acting under ORS 576.416.

(2) Receive, deposit, invest, expend and budget moneys in the same manner as a commodity commission acting under ORS 576.375, 576.420, 576.440 and 576.445. [2003 c.604 §54]

577.300 Acceptance of grants and gifts. The Oregon Beef Council may accept grants, donations, contributions or gifts, from any source, for expenditures for any purpose consistent with the powers conferred on the council. [1959 c.685 §12]

577.310 Payments to national organizations. From the contributions it receives, the Oregon Beef Council may pay 20 percent of such moneys to the National Livestock and Meat Board and 20 percent of such moneys to the National Beef Council to carry out certain work and programs for and as approved by the council on a national basis. [1959 c.685 §14; 2003 c.604 §65]

577.320 Receipt of services. (1) Upon request by the Oregon Beef Council, the Oregon Department of Administrative Services may provide the same services that the department may provide to a commodity commission under ORS 576.307.

(2) The council shall pay to the Oregon Department of Administrative Services such amount for services performed by the department under subsection (1) of this section

as the department determines is adequate to reimburse the department for the costs necessary to perform such services.

(3) Upon request by the council, the Oregon Department of Administrative Services may design and supervise the installation of an accounting system for the council. The council shall pay to the Oregon Department of Administrative Services such amount for services performed by that department under this subsection as such department determines is adequate to reimburse it for the costs necessary to perform such services. [1959 c.685 §25; 1967 c.419 §36; 1993 c.500 §49; 1995 c.79 §313; 2003 c.604 §66]

577.330 Council furnishing services, facilities and materials to other state agencies. The Oregon Beef Council may elect to furnish services, facilities and materials to commodity commissions created under ORS 576.051 to 576.455, the Oregon Wheat Commission or other state agencies and officers under ORS 283.110. [1959 c.685 §26; 2003 c.604 §67]

577.340 Council exempt from certain financial administration laws. ORS 291.026, 291.201 to 291.222, 291.232 to 291.260, 291.322 to 291.336, 292.210 to 292.250, 293.260 to 293.280, 293.295 to 293.346 and 293.590 to 293.640 do not apply to the Oregon Beef Council or to the administration and enforcement of this chapter. [1959 c.685 §29]

577.345 Council employees not subject to state personnel compensation plans; council not subject to office space regulation; fees for administrative services; rules. (1) Wages or salaries of employees of the Oregon Beef Council are not subject to personnel compensation plans for state employees established by the Oregon Department of Administrative Services under ORS 240.235 to 240.250.

(2) The council is not required to utilize office space furnished or obtained by the Oregon Department of Administrative Services as provided in ORS chapter 276.

(3) The State Department of Agriculture may charge and collect from the council an assessment or fee to reimburse the department for supervisory or administrative functions the department is required by law to perform with regard to the council. The State Department of Agriculture shall establish the amount of the assessment or fee by rule. [2003 c.604 §57]

577.350 [1959 c.685 §28; repealed by 2003 c.604 §109]

577.355 Intellectual property; rules. (1) As used in this section, "intellectual property" means patents, copyrights, trademarks, inventions, discoveries, processes, ideas and other similar property, whether or not they are patentable or copyrightable.

(2) The Oregon Beef Council may, consistent with the purposes of the council, develop intellectual property that relates to beef or assists in the implementation, maintenance or development of council programs. The council may take all necessary and proper actions relating to the development of an intellectual property, including but not limited to entering into contracts and other agreements and owning, managing, disposing of or using the intellectual property. The council may adopt rules to govern the ownership, management, disposal and use of intellectual property and other activities of the council relating to intellectual property.

(3) Moneys received by the council as a result of the ownership, management, disposal or use of intellectual property, or other activities of the council relating to intellectual property, must be deposited to an account established and maintained by the council. [2003 c.604 §56]

577.410 [1959 c.685 §19; repealed by 2003 c.604 §109]

577.420 [1959 c.685 §20; repealed by 2003 c.604 §109]

577.430 [1959 c.685 §21; 1977 c.198 §22; 1993 c.98 §21; repealed by 2003 c.604 §109]

577.440 [1959 c.685 §22; 2003 c.734 §18; repealed by 2003 c.604 §109]

577.450 [1959 c.685 §23; repealed by 2003 c.604 §109]

577.460 [1959 c.685 §24; 1977 c.198 §23; 1993 c.98 §22; repealed by 2003 c.604 §109]

577.510 [1959 c.685 §13; 1961 c.384 §1; repealed by 1963 c.590 §1 (577.511 enacted in lieu of 577.510)]

577.511 [1963 c.590 §2 (enacted in lieu of 577.510); 1967 c.637 §15; 1975 c.168 §1; 1981 c.123 §1; 1981 c.248 §22; 1987 c.163 §1; 1997 c.631 §500; repealed by 2003 c.604 §50 (577.512 enacted in lieu of 577.511)]

577.512 Collection of federal assessment; council assessment; rules; collection; exemptions. (1) If the United States Secretary of Agriculture orders an assessment pursuant to the Beef Promotion and Research Act of 1985, 7 U.S.C. 2901 to 2918, that applies to sales of cattle in this state, the Oregon Beef Council may act pursuant to any authority granted under that order to provide for collection of the assessment. The council may order the collection of an assessment under this subsection only on cattle sold for payment that are subject to the federal assessment order and for which the assessment has not otherwise been paid. The council may collect the federal assessment on cattle that are exempt from the brand inspection fee under ORS 604.066 (3).

(2) In addition to any assessment collected under subsection (1) of this section or any fee for brand inspection services, the council, by rule, shall levy an assessment of not less than 50 cents per head and not more than \$1 per head, on the same cattle, cattle hides and calves for which the council makes brand inspections and collects brand inspection fees. Moneys from the assessments are

continuously appropriated to the council for expenditure as provided in ORS 577.295 and 577.532.

(3) The operator of a stockyard, slaughterhouse, packing plant or livestock auction market shall deduct any assessment ordered collected by the council pursuant to subsection (1) or (2) of this section from the proceeds of sale owed to the operator by the owner of an animal. The operator shall pay the assessment to the State Department of Agriculture. When the operator provides a written statement of sale proceeds to the owner of an animal, the operator shall include a statement of the amount deducted from the proceeds for state and federal assessments and for brand inspection services.

(4) The department shall act as agent for the council to collect any assessment ordered collected by the council pursuant to subsection (1) or (2) of this section and any brand inspection fees on cattle or cattle hides adopted by department rule pursuant to ORS 604.066. The department shall collect any assessment that the council orders collected under subsection (1) or (2) of this section in the same time, manner and place that the department collects brand inspection fees on cattle, cattle hides and calves. This subsection does not apply to:

(a) Cattle and calves leaving this state solely for the purpose of pasturing in another state;

(b) Cattle presented at a recognized livestock show or rodeo;

(c) Cattle presented at a livestock auction market but not sold;

(d) Cattle delivered outside this state, provided ownership of the cattle remains unchanged;

(e) Cattle slaughtered for personal consumption; and

(f) Cattle resold within 10 days after purchase.

(5) The department shall transfer or pay to the council, not less frequently than once every two months, the amounts collected by the department on behalf of the council, reduced by:

(a) The collection and administrative costs to the department in carrying out the requirements of this section, as determined by the department; and

(b) Refunds by the department of amounts improperly collected under this section.

(6) A person who believes that an assessment collected from the person under this section is incorrect may apply to the department for a refund not later than 60 days after the department collects the assessment.

(7) To the extent consistent with this section, the council shall assess, levy and collect an assessment under this section using the same process used by a commodity commission under ORS 576.325 for the assessment, levying and collection of an assessment on an agricultural commodity. [2003 c.604 §51 (enacted in lieu of 577.511); 2005 c.623 §2]

577.520 Assessment collection procedure. (1) The operators of all stockyards, slaughterhouses, packing plants and livestock auction markets shall deduct from the proceeds of sale owing by them to the respective owners of animals the assessments authorized by ORS 577.512.

(2) When an operator sends or gives any written statement to an owner or agent relating to the proceeds owing the owner, the operator shall include a statement of the amount deducted from the proceeds for Oregon Beef Council purposes, the amount deducted from the proceeds for federal assessments, and the amount deducted from the proceeds for brand inspection services.

(3) In accordance with the provisions of law, operators shall promptly pay directly to the State Department of Agriculture all contributions collected by them. [1959 c.685 §27; 1961 c.384 §2; 1963 c.590 §2a; 1981 c.248 §23; 1987 c.163 §2; 2003 c.604 §68]

577.525 Cancellation of uncollectible assessment; subsequent collection. The Oregon Beef Council may cancel an uncollectible assessment consistent with ORS 293.240. Subsequent collection of debt written off under ORS 293.240 is governed by ORS 293.245. [2003 c.604 §53]

577.530 [1959 c.685 §15; 1961 c.384 §3; repealed by 1963 c.590 §3 (577.531 enacted in lieu of 577.530)]

577.531 [1963 c.590 §4 (enacted in lieu of 577.530); repealed by 1973 c.111 §3]

577.532 Mandatory expenditures from assessment moneys. Expenditures by the Oregon Beef Council of moneys received from the assessment levied under ORS 577.512 (2) shall include, at a minimum, the following:

(1) An amount equal to 10 cents for each head of cattle assessed to be expended for funding selected research projects related to rangeland. The council shall make the research moneys available to Oregon State University, except that if the council determines that the university is unable to conduct the research, the council may select an alternative creditable institution. The council shall select the research projects after consultation with representatives of beef and dairy associations.

(2) An amount equal to 10 cents for each head of cattle assessed to be expended for funding selected research projects related to

cattle production. The council shall make the research moneys available to Oregon State University, except that if the council determines that the university is unable to conduct the research, the council may select an alternative creditable institution. The council shall select the research projects after consultation with representatives of beef and dairy associations.

(3) An amount equal to 10 cents for each head of cattle assessed to be expended for funding projects to promote and project a positive image of beef and dairy producers and operations to the public. The projects may include, but need not be limited to, videos for television, brochures and printed reports. The council shall select the projects after consultation with representatives of beef and dairy associations. The council shall present the completed projects to the representatives for review prior to disseminating the projects to the public.

(4) An amount equal to 10 cents for each head of cattle assessed to be expended for carrying out council activities described in ORS 577.290 (1)(c).

(5) An amount equal to 10 cents for each head of cattle assessed, or the assessment amount remaining after deduction of the amounts described in subsections (1) to (4) of this section, whichever is less, to be expended by the council for administrative costs to carry out programs involving the projects or activities described in subsections (1) to (4) of this section. [2005 c.623 §1]

Note: 577.532 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 577 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

577.535 [1973 c.111 §2; 1981 c.248 §24; repealed by 2003 c.604 §109]

577.540 [1959 c.685 §16; 1967 c.451 §26; repealed by 2003 c.604 §109]

577.550 Bond required of person authorized to receive or disburse council moneys. Any person authorized by the Oregon Beef Council to receive or disburse moneys as provided in this chapter shall file with the council a fidelity bond executed by a surety company authorized to do business in this state. The bond must be in an amount equal to the maximum amount of moneys the council determines the person will have subject to control at any one time and upon such conditions as the council shall prescribe. The council shall pay the cost of the bond. [1959 c.685 §17; 2005 c.22 §410]

577.560 [Formerly 577.806; repealed by 2003 c.604 §109]

577.565 [Formerly 577.810; repealed by 2003 c.604 §109]

577.570 [Formerly 577.815; repealed by 2003 c.604 §109]

577.575 [Formerly 577.820; repealed by 2003 c.604 §109]

577.580 [Formerly 577.826; repealed by 2003 c.604 §109]

577.585 [Formerly 577.830; repealed by 2003 c.604 §109]

577.590 [Formerly 577.835; repealed by 2003 c.604 §109]

577.600 [Formerly 577.840; repealed by 2003 c.604 §109]

577.605 [Formerly 577.845; repealed by 2003 c.604 §109]

577.700 [1977 c.480 §1; repealed by 2003 c.604 §109]

577.705 [1977 c.480 §2; repealed by 2003 c.604 §109]

577.710 [1977 c.480 §3; 1985 c.92 §1; 1995 c.79 §314; repealed by 2003 c.604 §109]

577.715 [1977 c.480 §4; repealed by 2003 c.604 §109]

577.720 [1977 c.480 §6; repealed by 2003 c.604 §109]

577.725 [1977 c.480 §§7,8,9; repealed by 2003 c.604 §109]

577.730 [1977 c.480 §10; repealed by 2003 c.604 §109]

577.735 [1977 c.480 §11; repealed by 2003 c.604 §109]

577.740 [1977 c.480 §12; repealed by 2003 c.604 §109]

577.760 [1977 c.480 §§13,14; repealed by 2003 c.604 §109]

577.765 [1977 c.480 §15; repealed by 2003 c.604 §109]

577.770 [1977 c.480 §16; repealed by 2003 c.604 §109]

577.775 [1977 c.480 §17; 1993 c.98 §23; repealed by 2003 c.604 §109]

577.780 [1977 c.480 §19; 1993 c.98 §24; repealed by 2003 c.604 §109]

577.785 [1977 c.480 §20; 1999 c.206 §1; repealed by 2003 c.604 §109]

577.787 [1999 c.206 §2; repealed by 2003 c.604 §109]

577.790 [1977 c.480 §21; repealed by 2003 c.604 §109]

577.795 [1977 c.480 §22; repealed by 2003 c.604 §109]

577.805 [1961 c.384 §5; repealed by 1963 c.590 §5 (577.806 enacted in lieu of 577.805)]

577.806 [1963 c.590 §6 (enacted in lieu of 577.805); 1977 c.198 §24; renumbered 577.560]

577.810 [1961 c.384 §6; 1963 c.590 §7; renumbered 577.565]

577.815 [1961 c.384 §13; renumbered 577.570]

577.820 [1961 c.384 §7; renumbered 577.575]

577.825 [1961 c.384 §9; repealed by 1963 c.590 §8 (577.826 enacted in lieu of 577.825)]

577.826 [1963 c.590 §9 (enacted in lieu of 577.825); 1973 c.794 §31; renumbered 577.580]

577.830 [1961 c.384 §8; renumbered 577.585]

577.835 [1961 c.384 §10; 1963 c.590 §2b; renumbered 577.590]

577.840 [1961 c.384 §11; renumbered 577.600]

577.845 [1961 c.384 §12; renumbered 577.605]

577.990 Criminal penalties. (1) Violation of ORS 577.520 is punishable, upon conviction, by a fine of not more than \$500, or by imprisonment in the county jail for not more than 90 days, or both.

(2) Justice courts have concurrent jurisdiction with circuit courts in all prosecutions under this section. [2003 c.604 §58]