

House Bill 3133

Sponsored by COMMITTEE ON BUSINESS AND LABOR

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 **as introduced**.

Requires State Department of Agriculture to review laws regarding agricultural activities and develop recommendations for legislative changes department finds likely to increase employment in agricultural activities, and wages paid to persons employed in agricultural activities, without adverse environmental effects.

Requires Water Resources Department to review laws regarding agricultural activities and develop recommendations for legislative changes department finds likely, through provision for use of river water appropriations instead of water located in critical ground water areas, to increase employment in agricultural activities, and wages paid to persons employed in agricultural activities, without adverse environmental effects.

Changes threshold amount for refund of certain moneys by State Department of Agriculture.

Eliminates requirement that public member of State Board of Agriculture not be actively involved in agricultural industry.

Expands authority of Agricultural Development Division of State Department of Agriculture. Removes specific authorization for department to consult with New Crops Development Board when collecting or disseminating information about crop production.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to agriculture; creating new provisions; amending ORS 561.303, 561.372 and 576.013; and
3 declaring an emergency.

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

5 **SECTION 1. (1) The State Department of Agriculture shall review the laws of this state**
6 **that affect agricultural activities and shall develop recommendations for any legislative**
7 **changes that the department finds would be likely to increase employment in agricultural**
8 **activities in this state, and the wages paid to persons employed in agricultural activities in**
9 **this state, without an adverse effect on the healthy condition of the natural environment or**
10 **agricultural lands.**

11 **(2) The department shall submit any recommendations developed by the department un-**
12 **der this section to an interim committee of the Legislative Assembly dealing with agricul-**
13 **tural matters no later than December 1, 2009.**

14 **SECTION 2. (1) The Water Resources Department shall review the laws of this state that**
15 **affect agricultural activities and shall develop recommendations for any legislative changes**
16 **that the department finds would be likely, through providing for the appropriation of river**
17 **water instead of water located in critical ground water areas, to increase employment in**
18 **agricultural activities in this state, and the wages paid to persons employed in agricultural**
19 **activities in this state, without an adverse effect on the healthy condition of the natural**
20 **environment or agricultural lands.**

21 **(2) The department shall submit any recommendations developed by the department un-**
22 **der this section to an interim committee of the Legislative Assembly dealing with agricul-**
23 **tural matters no later than December 1, 2009.**

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.

SECTION 3. ORS 561.303 is amended to read:

561.303. (1) Notwithstanding the provisions of ORS 293.445 (2), the State Department of Agriculture may, upon application therefor, make refunds and determine that moneys received by the department are not due or are in excess of amounts due as fees or penalties relating to the issuance or renewal of licenses, permits, registrations or certificates under its jurisdiction, whenever:

(a) The amount received is in excess of the prescribed fee or penalty;

(b) The applicant has not or will not engage in the activity requiring the license, permit, registration or certificate or use the license, permit, registration or certificate during the time period requiring the license, permit, registration or certificate, and has:

(A) Died, or otherwise involuntarily become incapable of engaging in such activity; or

(B) Applied for a license, permit, registration or certificate under a mistake of fact as to the need therefor; or

(c) The applicant, as a condition to the issuance of a license, permit, registration or certificate, is required to meet certain personal qualifications, submit a bond, insurance certificate or other indemnity document to the department, or submit to a departmental examination, and due to causes beyond the control of the applicant cannot do so.

(2) The department may refuse refunds and determine that moneys received by the department are due as fees or penalties relating to the issuance or renewal of licenses, permits, registrations or certificates under its jurisdiction whenever:

(a) The applicant, as a condition to the issuance of a license, permit, registration or certificate, is required to submit to a departmental examination, analysis or inspection, and fails to voluntarily submit, complete or satisfactorily pass the examination, analysis or inspection;

(b) The applicant voluntarily determines not to engage in the activity requiring the license, permit, registration or certificate;

(c) The applicant has engaged in the activity requiring a license, permit, registration or certificate without having obtained a license, permit, registration or certificate, whether or not the applicant thereafter qualified under any of the provisions of subsection (1) of this section;

(d) Other than costs of clerical processing of the application, the department has incurred costs for services performed in connection with the license, permit, registration or certificate, or application therefor;

[(e) The moneys subject to refund in accordance with the provisions of subsection (1) of this section are less than \$5; or]

(e) The amount subject to being refunded to the applicant under subsection (1) of this section is less than \$25; or

(f) The application for refund is not submitted to the department during the time period of the license, permit, registration or certificate.

SECTION 4. ORS 561.372 is amended to read:

561.372. (1) In order that there may be the closest correspondence between State Department of Agriculture policies and programs, the public interests and the resolution of practical agricultural problems of the state, there is created the State Board of Agriculture.

(2) The Director of Agriculture, the Dean of the College of Agricultural Sciences of Oregon State University and the chairperson of the Soil and Water Conservation Commission shall serve as ex officio members of the board. The director and the dean shall be nonvoting members. The director shall act as secretary of the board. The dean may appoint a person to represent the dean on the board.

1 (3) The Governor shall appoint nine members to the board. The members appointed to the board
 2 must be residents of Oregon. Not more than five of the members appointed to the board may belong
 3 to the same political party. Party affiliation shall be determined by the appropriate entry on official
 4 election registration cards.

5 (4) The term of each member appointed to the board is four years. A member shall continue to
 6 serve until a successor is appointed and qualifies. Before a member's term expires, the Governor
 7 shall appoint a successor. If a vacancy occurs, the Governor shall appoint a person to complete the
 8 remainder of the unexpired term.

9 (5) A person who serves two consecutive terms on the board is not eligible for appointment to
 10 another term on the board until at least one year after the expiration of the second consecutive
 11 term.

12 (6) The Governor shall appoint two board members [*who are not actively involved in the agri-*
 13 *cultural industry*] to be representatives of the public interests. The Governor shall appoint seven
 14 board members who are actively engaged in the production of agricultural commodities. The Gov-
 15 ernor shall seek to ensure that the appointed board members who produce agricultural commodities
 16 reflect the diverse nature of agricultural commodity production within the state.

17 **SECTION 5.** ORS 576.013 is amended to read:

18 576.013. (1) The purpose of the market development service of the Agricultural Development
 19 Division shall be to assist in the **establishment and** development of new markets **and to maintain**
 20 or expand existing domestic and foreign markets for farm and food commodities produced or pro-
 21 cessed in this state. The purpose of the commodity development service of the Agricultural Devel-
 22 opment Division shall be to assist in the development and improvement of farm and food
 23 commodities and their values and uses.

24 (2) In furthering the purpose of the market development service, the State Department of Agri-
 25 culture may:

26 (a) Collect and disseminate information relating to the availability, quality and uses of farm and
 27 food commodities produced or processed in this state, including participation in demonstrations, fairs
 28 and exhibits;

29 (b) Serve as an intermediary between prospective purchasers and sellers of farm and food com-
 30 modities produced or processed in this state as to source of supply and demand;

31 (c) After notice to and with the approval of the Governor, represent the state in matters of
 32 legislation or rulemaking affecting the **establishment, development, maintenance or expansion**
 33 of markets for farm and food commodities produced or processed in this state;

34 (d) Cooperate with and aid producers, processors, distributors and prospective purchasers of
 35 farm and food commodities in establishing, or improving and maintaining, an efficient system of
 36 **production, processing,** distribution and marketing of farm and food commodities;

37 (e) Investigate delays, embargoes, conditions and practices, charges and rates in the marketing,
 38 transportation and handling of farm and food commodities produced or processed in this state, and
 39 when an investigation discloses a probable violation of state or federal law, make recommendations
 40 to the proper state or federal authorities for appropriate action;

41 (f) Engage in negotiations with common and contract carriers and initiate or participate in the
 42 prosecution of proceedings before agencies engaged in freight rate regulation within or without this
 43 state in matters relating to the establishment of new freight rates, the modification of existing
 44 freight rates or to unjust, unreasonable or discriminatory rates or practices affecting the cost of
 45 transportation, production or processing of farm or food commodities produced or processed in this

1 state;

2 (g) Investigate the advisability and need for establishment of terminal, regional, assembly, dock
3 and other distributing facilities for the delivery, sale and distribution of farm and food commodities
4 at or near the point of purchase or use, and advise and cooperate with public or private agencies
5 or organizations in promoting the establishment, construction or acquisition of the facilities for
6 public use and make recommendations as to their operations;

7 (h) Accept grants from public or private agencies, organizations or persons, with any grant
8 treated as a trust fund, separate and distinct from the General Fund, within the meaning of ORS
9 chapters 291 and 293;

10 (i) Consult with other states in development of joint programs for the establishment, [and] de-
11 velopment, **maintenance or expansion** of domestic and foreign markets on a mutual basis; [and]

12 (j) Cooperate with the Economic and Community Development Department of this state in for-
13 eign and domestic marketing matters of common interest[.]; **and**

14 **(k) Enter into agreements with public and private entities in new or existing markets to**
15 **assist the establishment, development, maintenance or expansion of those markets and pro-**
16 **vide for sampling, testing, certification or other procedures or processes to facilitate the**
17 **movement of, or optimize the value of, farm and food commodities.**

18 (3) In furthering the purpose of the commodity development service, the department may:

19 (a) Collect and disseminate information relating to new or alternate crop production, **process-**
20 **ing** and marketing feasibilities to producers of farm and food commodities[, *and confer with the New*
21 *Crops Development Board of the department in regard to these matters*];

22 (b) Assist the commodity commissions in carrying out mutual or joint scientific research efforts
23 and mutual or joint development of the commercial values and new and additional uses of their
24 commodities; and

25 (c) Accept grants from public or private agencies, organizations or persons, with any grant
26 treated as a trust fund, separate and distinct from the General Fund, within the meaning of ORS
27 chapters 291 and 293.

28 (4) Nothing in ORS 576.006 to 576.022 shall authorize, or modify the limitations on authority
29 under ORS 561.170 for, the Agricultural Development Division, or its staff to:

30 (a) Engage in any commercial transaction involving farm or food commodities as purchaser,
31 seller, broker or dealer; or

32 (b) Acquire or own any farm or food commodities or real property associated with them.

33 **SECTION 6. The amendments to ORS 561.303 by section 3 of this 2009 Act apply to refund**
34 **applications on which the State Department of Agriculture takes final action on or after the**
35 **effective date of this 2009 Act.**

36 **SECTION 7. This 2009 Act being necessary for the immediate preservation of the public**
37 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
38 **on its passage.**

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