

**Enrolled**  
**Senate Bill 186**

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for State Department of Agriculture)

CHAPTER .....

AN ACT

Relating to the Agricultural Development Division; amending ORS 576.013.

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

**SECTION 1.** ORS 576.013 is amended to read:

576.013. (1) The purpose of the market development service of the Agricultural Development Division shall be to assist in the **establishment and** development of new markets **and to maintain** or expand existing domestic and foreign markets for farm and food commodities produced or processed in this state. The purpose of the commodity development service of the Agricultural Development Division shall be to assist in the development and improvement of farm and food commodities and their values and uses.

(2) In furthering the purpose of the market development service, the State Department of Agriculture may:

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

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

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

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

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

(f) Engage in negotiations with common and contract carriers and initiate or participate in the prosecution of proceedings before agencies engaged in freight rate regulation within or without this state in matters relating to the establishment of new freight rates, the modification of existing freight rates or to unjust, unreasonable or discriminatory rates or practices affecting the cost of

transportation, production or processing of farm or food commodities produced or processed in this state;

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

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

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

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

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

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

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

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

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

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

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

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

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**Passed by Senate February 25, 2009**

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Secretary of Senate

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President of Senate

**Passed by House May 14, 2009**

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Speaker of House

**Received by Governor:**

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**Approved:**

.....M,....., 2009

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2009

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Secretary of State