

Senate Bill 707

Sponsored by Senator GEORGE

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 negotiate with local governments and attempt to enter into contracts forming intergovernmental authorities to carry out functions and activities of State Department of Agriculture with regard to grading, inspection and issuance of certificates for agricultural and horticultural products. Imposes requirements and limitations on agreement content.

A BILL FOR AN ACT

1
2 Relating to the performance of State Department of Agriculture responsibilities by other entities.

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

4 **SECTION 1.** (1) **The Director of Agriculture shall negotiate with units of local govern-**
5 **ment and make a good faith effort to enter into and maintain a sufficient number and type**
6 **of written agreements under ORS 190.110 with the units of local government to allow the**
7 **creation of one or more intergovernmental authorities for the purpose of performing on a**
8 **statewide basis the functions and activities of the State Department of Agriculture with re-**
9 **gard to the grading, inspection or issuance of certificates for agricultural or horticultural**
10 **commodities. An agreement must require the intergovernmental authority to use the stan-**
11 **dards and procedures adopted by the department. An intergovernmental entity created by**
12 **the agreement must be governed by a board or commission appointed by the director.**

13 (2) **An agreement under this section shall specify the functions or activities to be per-**
14 **formed by the intergovernmental authority and the means for performing the functions and**
15 **activities. If applicable, the agreement shall provide for:**

16 (a) **The apportionment among the parties to the agreement of the responsibility for pro-**
17 **viding funds to pay for expenses incurred by the intergovernmental authority in the per-**
18 **formance of the department functions or activities.**

19 (b) **The apportionment of fees or other revenue collected by the intergovernmental au-**
20 **thority for the performance of department functions or activities and the manner of ac-**
21 **counting for the revenue.**

22 (c) **The term or duration of the agreement.**

23 (d) **The rights of the parties to terminate the agreement.**

24 (3) **An agreement under this section may not allow the intergovernmental authority to**
25 **collect a fee for a service in excess of a statutory fee established for the provision of that**
26 **service by the department. An agreement shall provide that the director may terminate the**
27 **agreement at will after giving adequate notice specified in the agreement.**

28 (4) **An intergovernmental authority may adopt rules for carrying out the duties, func-**
29 **tions and powers of the authority under an agreement described in this section. The au-**
30 **thority shall submit any proposed rules to the director and to the governing body of the local**

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 **government for review and comment prior to adoption.**

2 **(5) Except as provided in this subsection, an intergovernmental authority formed by an**
3 **agreement described in this section may perform functions and activities of the department**
4 **with regard to the grading, inspection or issuance of certificates for agricultural or**
5 **horticultural commodities using the standards and procedures adopted by the department.**
6 **An intergovernmental authority described in this section may issue a warning, notice of vi-**
7 **olation or order for corrective action on behalf of the department. The department shall as-**
8 **sume charge of any inspection to determine whether appropriate corrective action has been**
9 **taken or whether to assess a civil penalty for a violation.**

10 **(6) Notwithstanding ORS 561.144 or any provision of law directing moneys from civil**
11 **penalties to be credited to the Department of Agriculture Account, an agreement described**
12 **in this section may provide for the department and an intergovernmental authority to share**
13 **moneys collected from a civil penalty that the department imposes following the issuance of**
14 **a notice of violation, warning or order by the intergovernmental authority.**

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