

Enrolled
Senate Bill 863

Sponsored by JOINT COMMITTEE ON SPECIAL SESSION

CHAPTER

AN ACT

Relating to preemption of the local regulation of agriculture; and declaring an emergency.

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

SECTION 1. Sections 2 and 3 of this 2013 special session Act are added to and made a part of ORS 633.511 to 633.750.

SECTION 2. (1) As used in this section, “nursery seed” means any propagant of nursery stock as defined in ORS 571.005.

(2) The Legislative Assembly finds and declares that:

(a) The production and use of agricultural seed, flower seed, nursery seed and vegetable seed and products of agricultural seed, flower seed, nursery seed and vegetable seed are of substantial economic benefit to this state;

(b) The economic benefits resulting from agricultural seed, flower seed, nursery seed and vegetable seed and seed product industries in this state make the protection, preservation and promotion of those industries a matter of statewide interest that warrants reserving exclusive regulatory power over agricultural seed, flower seed, nursery seed and vegetable seed and products of agricultural seed, flower seed, nursery seed and vegetable seed to the state; and

(c) The agricultural seed, flower seed, nursery seed and vegetable seed and seed product industries in this state will be adversely affected if those industries are subject to a patchwork of local regulations.

SECTION 3. (1) As used in this section:

(a) “Local government” has the meaning given that term in ORS 174.116.

(b) “Nursery seed” means any propagant of nursery stock as defined in ORS 571.005.

(2) Except as provided in subsection (3) of this section, a local government may not enact or enforce a local law or measure, including but not limited to an ordinance, regulation, control area or quarantine, to inhibit or prevent the production or use of agricultural seed, flower seed, nursery seed or vegetable seed or products of agricultural seed, flower seed, nursery seed or vegetable seed. The prohibition imposed by this subsection includes, but is not limited to, any local laws or measures for regulating the display, distribution, growing, harvesting, labeling, marketing, mixing, notification of use, planting, possession, processing, registration, storage, transportation or use of agricultural seed, flower seed, nursery seed or vegetable seed or products of agricultural seed, flower seed, nursery seed or vegetable seed.

(3) Subsection (2) of this section does not prohibit a local government from enacting or enforcing a local law or measure to inhibit or prevent the production or use of agricultural

seed, flower seed, nursery seed or vegetable seed or products of agricultural seed, flower seed, nursery seed or vegetable seed on property owned by the local government.

SECTION 4. Section 3 of this 2013 special session Act does not apply to any local measure that was:

(1) Proposed by initiative petition and, on or before January 31, 2013, qualified for placement on the ballot in a county; and

(2) Approved by the electors of the county at an election held on May 20, 2014.

SECTION 5. This 2013 special session Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 special session Act takes effect on its passage.

Passed by Senate October 2, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House October 2, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State