

D R A F T

SUMMARY

Makes legislative finding and declaration that regulation of agricultural seed, flower seed, nursery seed and vegetable seed and products of agricultural seed, flower seed, nursery seed and vegetable seed be reserved to state. Prohibits enactment or enforcement of local laws or measures to regulate agricultural seed, flower seed, nursery seed and vegetable seed or products of agricultural seed, flower seed, nursery seed and vegetable seed.

Declares emergency, effective on passage.

A BILL FOR 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

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 seed and vegetable seed and products of agricultural seed, flower seed,
2 nursery seed and vegetable seed to the state; and

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

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

7 (a) “Local government” has the meaning given that term in ORS
8 174.116.

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

11 (2) Except as provided in subsection (3) of this section, a local gov-
12 ernment may not enact or enforce a local law or measure, including
13 but not limited to an ordinance, regulation, control area or
14 quarantine, to inhibit or prevent the production or use of agricultural
15 seed, flower seed, nursery seed or vegetable seed or products of agri-
16 cultural seed, flower seed, nursery seed or vegetable seed. The prohi-
17 bition imposed by this subsection includes, but is not limited to, any
18 local laws or measures for regulating the display, distribution, grow-
19 ing, harvesting, labeling, marketing, mixing, notification of use,
20 planting, possession, processing, registration, storage, transportation
21 or use of agricultural seed, flower seed, nursery seed or vegetable seed
22 or products of agricultural seed, flower seed, nursery seed or vegetable
23 seed.

24 (3) Subsection (2) of this section does not prohibit a local govern-
25 ment from enacting or enforcing a local law or measure to inhibit or
26 prevent the production or use of agricultural seed, flower seed, nurs-
27 ery seed or vegetable seed or products of agricultural seed, flower seed,
28 nursery seed or vegetable seed on property owned by the local gov-
29 ernment.

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

1 **(1) Proposed by initiative petition and, on or before January 31,**
2 **2013, qualified for placement on the ballot in a county; and**

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

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