

**REVENUE:** No revenue impact

**FISCAL:** No fiscal impact

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<b>Action:</b>	Do Pass
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Atkinson, Bates, Beyer, Prozanski, Avakian
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Sue Marshall, Administrator
<b>Meeting Dates:</b>	4/26

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**WHAT THE MEASURE DOES:** Eliminates certain land use regulations relating to agricultural quarantines and embargoes and to animal and plant disease controls from the list of land use regulations for which an owner may claim compensation because the land use regulation restricts use of and reduces fair market value of private real property. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Whether water quality regulations should be included

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Based on discussions with legal counsel, the Department of Agriculture (ODA) is concerned that several regulations that provide tools to protect the welfare of the agricultural industry may be subject to the provisions of ORS 197.352 (Ballot Measure 37, 2004). The regulations identified in Senate Bill 239 qualify under the definition found in Ballot Measure 37 but are not commonly recognized as “and use regulations; rather, they are aimed at protecting the health and welfare of the agricultural industry against conditions and actions that may occur on a single property but can spread and impact a larger land area or segment of agriculture.

Senate Bill 239 exempts regulations related to the ODA authority to regulated agricultural practices from Ballot Measure 37 claims. These regulations apply to such things as disease control in plants and animals, control of invasive species, ‘right-to-farm’ laws and related statutes.