

# Senate Bill 432

Sponsored by Senator EDWARDS, Representatives HOYLE, GELSER; Senator PROZANSKI, Representatives BARNHART, HOLVEY (Pre-session filed.)

## 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**.

Expands grounds for State Department of Agriculture to establish control area or order eradication or exclusion within control area.

## A BILL FOR AN ACT

1  
2 Relating to State Department of Agriculture control areas; amending ORS 570.405.

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

4 **SECTION 1.** ORS 570.405 is amended to read:

5 570.405. (1) The State Department of Agriculture may establish, in accordance with the pro-  
6 visions governing the procedure for the declaring of quarantines contained in ORS 561.510 to  
7 561.590, control areas within this state, if after careful investigation [*it*] **the department** determines  
8 that such areas are necessary:

9 (a) For the general protection of the horticultural, agricultural or forest industries of the state  
10 from diseases, insects, animals or noxious weeds;

11 (b) **For the protection of horticultural, agricultural or forest commodity or product**  
12 **marketability, including but not limited to marketability of a commodity or product as being**  
13 **organic or as otherwise meeting a certification, quality guarantee or labeling standard;** or

14 (c) For the eradication or exclusion from such areas of certain plants or their produce, trees,  
15 diseases, animals, insects or noxious weeds that may be a menace to such areas, [*and generally*] to  
16 horticultural, agricultural or forestry industries[.] **generally or to horticultural, agricultural or**  
17 **forest commodity or product marketability.**

18 (2) [*Whenever*] **If** eastern filbert blight is found to exist, the department may declare [*it*] **the**  
19 **disease** a hazard and may establish a control area without having to prove how the disease is  
20 transmitted.

21 [(2)] (3) The power and authority to establish [*such*] control areas **under this section** and for  
22 the eradication or exclusion of certain plants or their produce, trees, diseases, insects, animals or  
23 noxious weeds existing therein or to be excluded therefrom shall be exercised reasonably and justly  
24 considering the exigencies of the particular situation, the danger to the interests sought to be pro-  
25 tected and the immediate and continuing effect upon the property and the owners of the property  
26 in the areas established. Such powers shall in no case be exercised unreasonably, unjustly or arbi-  
27 trarily.

28 [(3)] (4) [*The department in such determination shall*] **A department determination under**  
29 **subsection (1) of this section must** define the boundaries of the areas and specify the character  
30 and kinds of plants or their produce, trees, diseases, insects, animals or noxious weeds to be  
31 eradicated or excluded and the manner and method of such eradication or exclusion. The provisions

**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 of ORS 561.510 to 561.590 apply to this section.

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