

Enrolled
House Bill 3362

Sponsored by Representative REARDON; Representatives BUEHLER, GORSEK, NATHANSON,
PARRISH, PILUSO, RAYFIELD, WITT, Senator DEMBROW

CHAPTER

AN ACT

Relating to pollinator health; creating new provisions; amending ORS 602.090, 602.180 and 634.326 and section 1, chapter 40, Oregon Laws 2014; and declaring an emergency.

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

SECTION 1. Section 1, chapter 40, Oregon Laws 2014, is amended to read:

Sec. 1. (1)(a) Oregon State University, in consultation with the State Department of Agriculture, shall develop educational materials regarding the best practices for avoiding adverse effects from pesticides on populations of bees and other pollinating insects.

(b) The educational materials must include, but need not be limited to, measures that pesticide applicators and pesticide trainees can take to protect honeybees and bumblebees.

(c) The university and the department shall design the requirements to ensure that any pesticide applicator applying or supervising the application of a pesticide is knowledgeable regarding alternatives to, the appropriateness of, and precautions for pesticide use that may be injurious to the health of bees and other pollinating insects.

(d) The department shall make the educational materials described in this section a part of the education required for taking the pesticide applicator licensing examination under ORS 634.122.

(2) Oregon State University, in consultation with the State Department of Agriculture, shall develop a pollinator health outreach and education plan to educate the public regarding the best practices for avoiding adverse effects from pesticides on populations of bees and other pollinating insects. The plan shall include:

(a) Educational materials that are appropriate and effective for a broad audience, including, but not limited to, pesticide applicators, consultants, dealers, operators and trainees and private applicators, as those terms are defined in ORS 634.006, and members of the public; and

(b) A communication strategy for dissemination of educational materials using media sources, state agencies, associations and organizations.

(3) The State Department of Agriculture shall develop a bee incident reporting system to facilitate public reporting of incidents related to pollinator health to the department.

(4) Oregon State University, in consultation with the State Department of Agriculture, shall develop a pesticide use safety plan to educate the public regarding best practices in the use of pesticides. The plan shall include:

(a) Educational materials that are appropriate and effective for a broad audience, including, but not limited to, pesticide applicators, consultants, dealers, operators and trainees

and private applicators, as those terms are defined in ORS 634.006, and members of the public; and

(b) A communication strategy for dissemination of educational materials using media sources, state agencies, associations and organizations.

SECTION 2. ORS 602.090 is amended to read:

602.090. (1) Every person who owns or is in charge of five or more colonies of bees located within this state, shall cause the colonies to be registered with the State Department of Agriculture as in this section provided.

(2) Application for registration shall be made on a form furnished by the department. The registration shall cover each colony of bees owned by the applicant, and shall give the [*locations of such colonies and the name,*] address and telephone number of the owner and the name, address and telephone number of the person in charge if the person in charge is not the owner. The registration shall be made before June 1 of each year for all colonies. Each registrant shall furnish an address to which any notice required by this chapter to be given may be sent, and shall agree that any notice sent by the department to such address shall be deemed to be notice in fact.

(3) The application for registration shall be accompanied by a fee not to exceed \$10 **per application and \$0.50 per colony**. For each registration after July 1, the fee shall not exceed \$20 **per application and \$0.50 per colony**. The department, by rule, shall establish the fees subject to be the maximum limits prescribed in this subsection.

(4) When the ownership of bees which have been subject to the charge provided in this section is changed, the department shall transfer the registration to the new owner without charges. However, if the bees have not been previously registered, the new owner shall pay the registration fee without penalty.

(5) The department shall maintain records of registered beekeepers and the number of colonies registered.

SECTION 3. ORS 602.180 is amended to read:

602.180. (1) **Except as provided in subsection (2) of this section**, the State Department of Agriculture shall deposit all fees paid to it under this chapter into the Department of Agriculture Service Fund. Such fees are continuously appropriated to the department for the purpose of administering and enforcing this chapter, including release and publication of information and material to better acquaint the bee industry with the law and regulations promulgated thereunder.

(2) All moneys collected pursuant to ORS 602.090 shall be spent on pollinator research that is predominantly focused on honeybees.

NOTE: Section 4 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 5. ORS 634.326 is amended to read:

634.326. (1) The State Department of Agriculture shall deposit all fees paid to it under the provisions of this chapter in the Department of Agriculture Service Fund. Such moneys are continuously appropriated to the department for the purpose of administering and enforcing the provisions of this chapter.

(2) An amount of the fees and moneys referred to in subsection (1) of this section not to exceed 10 percent of registration fees received under ORS 634.016 may be used by the department pursuant to agreements entered into between the department and the Dean of the College of Agricultural Sciences of Oregon State University, with the advice of the Minor Crops Advisory Committee for the purposes set forth in subsection (3) of this section.

(3) The amounts provided for in subsection (2) of this section shall be used by the Dean of the College of Agricultural Sciences of Oregon State University for research projects and investigations agreed upon by the dean and the department directed toward obtaining pesticide use registrations needed by growers to produce crops economically in Oregon.

(4) The department shall apply \$10 of each registration fee collected pursuant to ORS 634.016 to fulfill the provisions of section 1 (2), chapter 40, Oregon Laws 2014.

SECTION 6. ORS 634.326, as amended by section 5 of this 2015 Act, is amended to read:

634.326. (1) The State Department of Agriculture shall deposit all fees paid to it under the provisions of this chapter in the Department of Agriculture Service Fund. Such moneys are continuously appropriated to the department for the purpose of administering and enforcing the provisions of this chapter.

(2) An amount of the fees and moneys referred to in subsection (1) of this section not to exceed 10 percent of registration fees received under ORS 634.016 may be used by the department pursuant to agreements entered into between the department and the Dean of the College of Agricultural Sciences of Oregon State University, with the advice of the Minor Crops Advisory Committee for the purposes set forth in subsection (3) of this section.

(3) The amounts provided for in subsection (2) of this section shall be used by the Dean of the College of Agricultural Sciences of Oregon State University for research projects and investigations agreed upon by the dean and the department directed toward obtaining pesticide use registrations needed by growers to produce crops economically in Oregon.

(4) The department shall apply \$10 of each registration fee collected pursuant to ORS 634.016 to fulfill the provisions of section 1 [(2)] (4), chapter 40, Oregon Laws 2014.

SECTION 7. (1) The amendments to ORS 634.326 by section 5 of this 2015 Act apply to registration fees due under ORS 634.016 on or after the effective date of this 2015 Act and before January 1, 2019.

(2) The amendments to ORS 634.326 by section 6 of this 2015 Act apply to registration fees due under ORS 634.016 on or after January 1, 2019.

SECTION 8. In addition to and not in lieu of any other appropriation, there is appropriated to the State Department of Agriculture, for the biennium beginning July 1, 2015, out of the General Fund, the amount of \$50,000, which may be expended for the purposes of developing and administering the bee incident reporting system required under section 1 (3), chapter 40, Oregon Laws 2014.

SECTION 9. (1) The amendments to section 1, chapter 40, Oregon Laws 2014, and ORS 602.090, 602.180 and 634.326 by sections 1 to 5 of this 2015 Act become operative on January 1, 2016.

(2) The amendments to ORS 634.326 by section 6 of this 2015 Act become operative on January 1, 2019.

(3) Section 8 of this 2015 Act becomes operative on July 1, 2015.

(4) The State Department of Agriculture may take any action before the operative date specified in subsection (1) of this section that is necessary for the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department by the amendments to section 1, chapter 40, Oregon Laws 2014, and ORS 602.090, 602.180 and 634.326 by sections 1 to 5 of this 2015 Act.

SECTION 10. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House June 26, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 1, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State