

House Bill 4041

Sponsored by Representative BUCKLEY (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**.

Removes products of seed from statute prohibiting local governments from inhibiting or preventing production of seed. Modifies exemption to that statute.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to local governments; amending ORS 633.738 and 633.741; and declaring an emergency.

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

4 **SECTION 1.** ORS 633.738 is amended to read:

5 633.738. (1) As used in this section:

6 (a) "Local government" has the meaning given that term in ORS 174.116.

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

8 (2) Except as provided in subsection (3) of this section, a local government may not enact or
9 enforce a local law or measure, including but not limited to an ordinance, regulation, control area
10 or quarantine, to inhibit or prevent the production or use of agricultural seed, flower seed, nursery
11 seed or vegetable seed [*or products of agricultural seed, flower seed, nursery seed or vegetable seed*].
12 The prohibition imposed by this subsection includes, but is not limited to, any local laws or meas-
13 ures for regulating the display, distribution, growing, harvesting, labeling, marketing, mixing, no-
14 tification of use, planting, possession, processing, registration, storage, transportation or use of
15 agricultural seed, flower seed, nursery seed or vegetable seed [*or products of agricultural seed, flower*
16 *seed, nursery seed or vegetable seed*].

17 (3) Subsection (2) of this section does not prohibit a local government from enacting or enforcing
18 a local law or measure to inhibit or prevent the production or use of agricultural seed, flower seed,
19 nursery seed or vegetable seed or products of agricultural seed, flower seed, nursery seed or vege-
20 table seed on property owned by the local government.

21 **SECTION 2.** ORS 633.741 is amended to read:

22 633.741. ORS 633.738 does not apply to any local measure that [*was*] **is**:

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

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

26 **SECTION 3.** **This 2016 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect**
28 **on its passage.**

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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.