

Senate Bill 747

Sponsored by Senator PHAM K; Senators GOLDEN, MANNING JR, PATTERSON, TAYLOR, Representatives GAMBA, NERON, RUIZ, VALDERRAMA (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act tells certain persons to report the use of fertilizer on farmland. The Act allows agencies to take certain actions about the reports. (Flesch Readability Score: 60.7).

Requires persons with ownership interests in at least 200 acres of irrigated land used for agriculture to annually report information about fertilizer application to the State Department of Agriculture. Authorizes the department and the Department of Environmental Quality to take certain actions related to the information. Directs the State Department of Agriculture to report on the information to committees or interim committees of the Legislative Assembly related to agriculture on or before September 15 of each odd-numbered year.

Authorizes the imposition of civil penalties for a violation.

A BILL FOR AN ACT

1
2 Relating to the application of fertilizer; creating new provisions; and amending ORS 561.995.

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

4 **SECTION 1. (1) As used in this section, "fertilizer" has the meaning given that term in**
5 **ORS 633.311.**

6 **(2) The State Department of Agriculture shall establish a process and system for re-**
7 **porting the application of fertilizer to irrigated land that is used for agriculture, pursuant**
8 **to subsection (3) of this section.**

9 **(3) On or before March 15 of each year, a person that has an ownership interest in at**
10 **least 200 acres of land that was irrigated and used for agriculture in the previous calendar**
11 **year shall report to the department:**

12 **(a) The rate of fertilizer applied to each field of the land, measured in pounds per acre.**

13 **(b) The type of fertilizer applied to each field of the land.**

14 **(c) The crop grown in each field of the land.**

15 **(4) The department may use information reported under this section:**

16 **(a) To identify persons who are overapplying fertilizer in a manner that can lead to**
17 **runoff and the contamination of surface water or leaching and the contamination of ground**
18 **water.**

19 **(b) To take steps to prevent the persons from overapplying fertilizer in the future, in-**
20 **cluding steps to provide targeted education or technical assistance.**

21 **(c) As part of an enforcement process under any law, rule or order that the department**
22 **may lawfully enforce.**

23 **(5) The Department of Environmental Quality may use information reported under this**
24 **section to identify opportunities to reduce air pollution from the agricultural sector through**
25 **targeted education, technical assistance or other measures.**

26 **(6) On or before September 15 of each odd-numbered year, the State Department of Ag-**

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 **riculture shall report, in the manner provided by ORS 192.245, to committees or interim**
2 **committees of the Legislative Assembly related to agriculture on:**

3 **(a) Information reported to the department under subsection (3) of this section since the**
4 **department's last report under this subsection.**

5 **(b) Any department activities described in subsection (4) of this section since the**
6 **department's last report under this subsection.**

7 **SECTION 2.** ORS 561.995 is amended to read:

8 561.995. (1) In addition to any fine under ORS 561.990 or other penalty, a person who violates
9 **section 1 of this 2025 Act or** an order, rule or regulation described under ORS 561.590 is subject
10 to a civil penalty imposed by the State Department of Agriculture. The civil penalty shall not exceed
11 \$10,000.

12 (2) Every violation of an order, rule or regulation described under ORS 561.590 is a separate
13 offense subject to a separate civil penalty.

14 (3) The department shall develop one or more schedules setting the amounts of civil penalties
15 that may be imposed for particular types of violations.

16 (4) The imposition of a civil penalty under this section is subject to ORS 183.745.

17 (5) The State Treasurer shall deposit all moneys from penalties recovered under this section into
18 the Department of Agriculture Account. Moneys deposited under this subsection are continuously
19 appropriated to the department for the administration and enforcement of quarantine laws.

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