

**Enrolled**  
**Senate Bill 785**

Sponsored by Senator ATKINSON; Senators JOHNSON, SCHRADER, WINTERS, Representatives FARR, FLORES, HUNT, KITTS, WHISNANT (at the request of Oregon Association of Nurseries)

CHAPTER .....

AN ACT

Relating to the nursery industry; and appropriating money.

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

**SECTION 1. (1) The Plant Pest and Disease Emergency Response Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Plant Pest and Disease Emergency Response Fund shall be credited to the fund.**

**(2) The fund shall consist of all moneys deposited to the fund under section 2 of this 2005 Act. Moneys deposited to the fund are continuously appropriated to the State Department of Agriculture for use as provided in subsection (3) of this section. Expenditures from the fund are not subject to state expenditure limitations. The fund is not subject to allotment of moneys under ORS 291.234 to 291.260.**

**(3) The department, after consultation with the State Nursery Research and Regulatory Committee, may use fund moneys for responding to pest and disease emergencies. The department may use fund moneys only to the extent necessary to protect the industries represented by persons licensed under ORS 571.057.**

**SECTION 2. (1) As used in this section, “dealer” and “grower” have the meanings given those terms in ORS 571.005.**

**(2) The State Department of Agriculture shall make a yearly determination of the additional amount, if any, required to achieve a principal balance of \$250,000 in the Plant Pest and Disease Emergency Response Fund. If the department determines that an additional amount is required to achieve a principal balance of \$250,000, the department shall determine an assessment rate based on the additional amount required to achieve the \$250,000 fund balance and the total in the previous license year of gross dollar purchases by dealers, gross dollar sales by growers and sales value of plants produced in Oregon by licensees under ORS 571.057 other than dealers or growers.**

**(3) The department may impose a surcharge on license fees established pursuant to ORS 571.057. The surcharge for a licensee shall be calculated based on the assessment rate determined under subsection (2) of this section and the purchase, sales or sales value volume that is the basis for the license fee assessed to the licensee under ORS 571.057. Surcharges imposed under this subsection shall be deposited to the fund.**

**(4) The department shall apply for any federal funding available and may seek gifts, grants and donations for the purpose of increasing or replenishing the fund balance or avoiding expenditures from the fund.**

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**Passed by Senate June 20, 2005**

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Secretary of Senate

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President of Senate

**Passed by House July 1, 2005**

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Speaker of House

**Received by Governor:**

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**Approved:**

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State