Chapter 564

1963 REPLACEMENT PART

(1973 reprint)

Wild Flowers

564.010 Definition
564.020 Wild flower protection
564.030 Enforcement
564.040 Department to compile list of additional protected wild flowers
564.991 Penalties

CROSS REFERENCES

Nurseries and nurserymen, Ch. 571

564.020
Destruction or removal of trees on state highways, 377.030

564.030
Jurisdiction over prosecutions, 561.296

564.010 Definition. As used in this chapter, "department" means "State Department of Agriculture."

564.020 Wild flower protection. (1) It is the duty of all citizens of this state to protect the wild flowers of this state referred to in this section from needless destruction and waste.

(2) It shall be unlawful for any person in this state to wilfully or negligently cut, dig up, trim, pick, remove, mutilate or in any manner injure or mar any plant, flower, shrub, bush, fruit or other vegetation growing upon the right of way of any public highway within this state, or upon public lands, or upon the land of another, within 500 feet of the center of any public highway, without the written permit of the owner, signed by the owner or his authorized agent.

(3) It shall be unlawful for any person to export from this state, or to sell or offer for sale or transport bulbs, corms, rhizomes, roots or plants of native wild flowers or shrubs of the state of any of the following genera:

(a) Lilium (including all wild lilies).

(b) Calochortus (mariposa tulip or butterfly lily).

(c) Frittillaria (mission bells or snake lily).

(d) Erythronium (adder's tongue, dogtooth violet or avalanche lily).

(e) Cypripedium (lady's slipper).

(f) Calypso (purple lady's slipper).

(g) Lewisia (bitter root).

(h) Douglasia or native rhododendron or azalia.

(4) It shall be unlawful for any person to sell or transport or offer for sale the bulbs, corms, rhizomes, roots or parts of any of the plants or shrubs mentioned in subsections (2) and (3) of this section which have been dug, pulled up or gathered upon any highway, or within 500 feet thereof, or public lands in this state, or upon the land of any other person without written permission from the owner of such land.

(5) The provisions of this section shall not be construed to apply to any employe of the Federal Government or of the State of Oregon or of any political subdivision of the state engaged in work upon any state, county or public road or highway while performing such work under the supervision of the Federal Government, the state or any political subdivision thereof.

(6) The provisions of this section shall not be construed to apply to the owner of any tract or tracts of land, or to his agents or employes, as to such tract or tracts, or to any shrub, plant or other vegetation which is declared by law to be a public nuisance.

(7) Nothing in this section shall be construed as prohibiting the digging, pulling, gathering or sending out of this state, in such quantity and at such times the department may approve, any commercially propagated plants or shrubs mentioned in subsections (2) and (3) of this section, provided the permission of the department for so doing is first obtained.

564.030 Enforcement. It shall be the duty of the department and of all its officers and employes to see that the provisions of ORS 564.020 are enforced and to present evidence of any violation of the provisions of ORS 564.020 to the district attorney of the county in which any such violation occurs. Such district attorney shall prosecute any person guilty of a violation of the provisions of ORS 564.020. Such prosecution may be brought in any of the justice courts of this state.

564.040 Department to compile list of additional protected wild flowers. In order to further protect native wild flowers and shrubs from needless destruction and waste, the department may, after investigation and public hearing and in accordance with the provisions of ORS chapter 183, establish and amend a list of wild flowers and shrubs in addition to those listed in subsection (3) of ORS 564.020. The provisions of this chapter apply to such list. The department may take into consideration:

(1) The laws and regulations of the United States and other states.

(2) The effect on the scenic beauty of public roads and public land.

(3) The necessity to preserve and protect native plants whenever it appears that they might possibly become extinct.

[1963 c.461 §30]

564.910 [Repealed by 1953 c.488 §2]

564.990 [Repealed by 1963 c.461 §34]

564.991 Penalties. Violation of this chapter and regulations authorized by ORS 564.040 is punishable, upon conviction, by a fine of not more than $500.
[1963 c.461 §31]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 1, 1963.

Sam R. Haley
Legislative Counsel