

B-Engrossed House Bill 2427

Ordered by the House June 24
Including House Amendments dated April 22 and June 24

Sponsored by Representative GELSER, Senator EDWARDS, Representative HOYLE; Representatives BARNHART, HOLVEY, NATHANSON, TOMEI (Presession 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.

[Prohibits raising canola within Willamette Valley. Makes violation subject to civil penalty, not to exceed \$25,000. Prohibits State Department of Agriculture designation of control area allowing raising of canola within Willamette Valley. Applies to canola planted on or after effective date of Act.]

[Sunsets statutory prohibitions January 2, 2018.]

[Requires Oregon State University to conduct study of canola, including relative potential for cross-pollination, occurrence in fields previously growing canola, potential for off-field movement, disease and insect assessment and economic impacts. Requires university to report results of study no later than November 1, 2016, to legislative committee dealing with agriculture.]

[Creates exception to prohibition against growing canola within Willamette Valley to extent necessary for Oregon State University to carry out required canola study. Terminates statutory prohibition against growing canola within Willamette Valley and prohibition against designation of control area to allow raising of canola within Willamette Valley 31 days after adjournment sine die of 2013 session of Legislative Assembly if funding has not been authorized for Oregon State University study of canola.]

Defines Willamette Valley Protected District. Imposes temporary limitation on amount and purpose of canola production within protected district. Makes violation subject to civil penalty, not to exceed \$25,000. Applies to canola planted on or after effective date of Act and before January 2, 2019.

Requires Oregon State University to conduct study of canola to determine compatibility of canola production and other crop production within protected district. Imposes conditions on growing of canola for study purposes. Prescribes certain content for inclusion in report of study results. Requires university to report study results to interim committee of Legislative Assembly no later than November 1, 2017.

Requires university to continue monitoring of study area to extent practicable for five years after completion of study.

Appropriates money for 2013-2015 biennium for carrying out study and post-study monitoring.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to canola; appropriating money; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

(a) "Canola" means plants of the genus Brassica:

(A) In which seeds having a high oil content are the primary economically valuable product; and

(B) That have a high erucic acid content suitable for industrial uses or a low erucic acid content suitable for edible oils.

(b) "Raising" means personal or commercial growing for oil, seed, forage, cover crop or other use.

(c) "Willamette Valley Protected District" means the area encompassed within a rec-

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 **tangle formed by the point in Tillamook County that is the northwest corner of township 1**
2 **north, range 6 west, the point in Multnomah County that is the most northeastern point of**
3 **township 1 north, range 2 east within Oregon, the point in Lane County that is the southeast**
4 **corner of township 19 south, range 2 east and the point in Lane County that is the southwest**
5 **corner of township 19 south, range 6 west.**

6 **(2) The amount of canola planted per year within the Willamette Valley Protected Dis-**
7 **trict may not exceed 500 acres. Any canola grown within the protected district must be**
8 **grown for the purpose of allowing the College of Agricultural Sciences of Oregon State Uni-**
9 **versity to carry out the research duties of the college under section 4 of this 2013 Act. Any**
10 **growing of canola within the protected district is subject to prior approval by the State De-**
11 **partment of Agriculture.**

12 **(3) The department may assess a civil penalty, not to exceed \$25,000, against a person**
13 **that raises canola in violation of subsection (2) of this section.**

14 **SECTION 2. Section 1 of this 2013 Act applies to the growing of canola planted on or after**
15 **the effective date of this 2013 Act.**

16 **SECTION 3. Section 1 of this 2013 Act is repealed on January 2, 2019.**

17 **SECTION 4. (1) As used in this section, “Willamette Valley Protected District” has the**
18 **meaning given that term in section 1 of this 2013 Act.**

19 **(2) Subject to the Willamette Valley Protected District production cap established in**
20 **section 1 (2) of this 2013 Act, the State Department of Agriculture may authorize the growing**
21 **of canola to allow the College of Agricultural Sciences of Oregon State University to carry**
22 **out the research duties of the college under this section. Any authorization for the growing**
23 **of canola under this section must be limited to canola crop production cycles that are com-**
24 **pleted prior to January 1, 2017.**

25 **(3) Canola may be grown for purposes of research under this section only if the isolation**
26 **distance between the canola and other crops equals or exceeds the industry-recommended**
27 **isolation distance between Brassica specialty seed crops and other crops.**

28 **(4)(a) The college shall use field monitoring and other research to develop information**
29 **and recommendations regarding whether, and under what conditions, canola growing in the**
30 **Willamette Valley Protected District is compatible with the growing of other crops. The in-**
31 **formation must include, but not be limited to, a comparison of the compatibility of canola**
32 **with the growing of other crops to the compatibility of other Brassica seed with the growing**
33 **of other crops. The assessment shall include, but not be limited to, a review of available**
34 **published materials and historical data on canola and Brassica specialty seed production.**

35 **(b) In addition to any other required content, the information and recommendations de-**
36 **scribed in paragraph (a) of this subsection must include, but not be limited to, a map of the**
37 **Willamette Valley Protected District showing the places within the district where plants of**
38 **the genus Brassica could be grown while maintaining typical isolation distances from vege-**
39 **tables, vegetable seeds and other crops.**

40 **(5) All research described in subsection (4) of this section must be peer reviewed.**

41 **(6) The college shall complete its research under this section and submit a report con-**
42 **taining information and recommendations as described in subsection (4) of this section to**
43 **an interim committee of the Legislative Assembly dealing with agriculture no later than**
44 **November 1, 2017.**

45 **SECTION 5. To the extent that the College of Agricultural Sciences of Oregon State**

1 University deems practicable, the college shall conduct field monitoring on the acreage that
2 has been used to grow canola for purposes of research under section 4 of this 2013 Act, and
3 on adjacent lands used for the research, for a period of five years after completing the re-
4 search. Monitored areas adjacent to the acreage that has been used to grow canola must
5 include, but need not be limited to, fields planted in forage turnip seed crops, tillage radish
6 seed crops and Brassica specialty seed crops. Any monitoring of acreage that has been used
7 to grow canola or of fields planted in forage turnip seed and radish seed crops must include
8 monitoring for volunteer plants, diseases and insects. Any monitoring of fields planted with
9 Brassica specialty seed crops, other than acreage that has been used to grow canola, must
10 include monitoring for diseases and insects.

11 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-
12 ated to the Oregon Department of Administrative Services for allocation to the Oregon
13 University System, for the biennium beginning July 1, 2013, out of the General Fund, the
14 amount of \$679,000, which may be expended for carrying out the duties of the College of
15 Agricultural Sciences of Oregon State University under sections 4 and 5 of this 2013 Act.

16 **SECTION 7.** This 2013 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
18 on its passage.

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