

**PROPOSED AMENDMENTS TO
HOUSE BILL 2200**

1 On page 1 of the printed bill, line 2, after “land” insert a period and de-
2 lete the rest of the line.

3 Delete lines 4 through 31 and delete page 2 and insert:

4 **“SECTION 1. As used in this section and section 2 of this 2013 Act:**

5 **“(1) ‘Coexistent use of agricultural lands’ means the concurrent**
6 **cultivation of land for conventional, organic, identity-preserved and**
7 **genetically engineered crops in a manner consistent with underlying**
8 **consumer preferences and farmer choices.**

9 **“(2) ‘Farming practice’ means a mode of operation on a farm that:**

10 **“(a) Is or may be used on a farm of a similar nature;**

11 **“(b) Is a generally accepted, reasonable and prudent method for the**
12 **operation of the farm to obtain a profit in money;**

13 **“(c) Is or may become a generally accepted, reasonable and prudent**
14 **method in conjunction with farm use;**

15 **“(d) Complies with applicable laws; and**

16 **“(e) Is done in a reasonable and prudent manner.**

17 **“(3) ‘Identity-preserved crop’ means a crop of an assured quality in**
18 **which the identity of the material is maintained from the germ plasm**
19 **or breeding stock to the processed product on a retail shelf.**

20 **“SECTION 2. (1) If a person that is engaged in a farming practice**
21 **has an evidence-based belief that the planting, growing or harvesting**
22 **of an agricultural or horticultural commodity on nearby land is in-**

1 **terfering with the farming practice, upon the request of a party to the**
2 **dispute and agreement to pay any required costs or fees, the State**
3 **Department of Agriculture shall provide mediation program services**
4 **under ORS 36.270 to assist the parties in attempting to reach agree-**
5 **ment on issues regarding the coexistent use of agricultural lands. If**
6 **a party to a dispute refuses to allow the department to attempt medi-**
7 **ation of the dispute and subsequently is the losing party in an arbi-**
8 **tration or court action, the arbitrator or court may award the**
9 **prevailing party costs and reasonable attorney fees.**

10 **“(2) If a court action arises out of an alleged interference with the**
11 **use of land for a farming practice resulting from the use of land for**
12 **planting, growing or harvesting of an agricultural or horticultural**
13 **commodity on nearby land, and the parties to the action have not**
14 **previously allowed the department to attempt mediation of the dis-**
15 **pute, the parties must participate in the department mediation process**
16 **beginning no later than 270 days after the action is filed. This sub-**
17 **section does not require mediation if the action settles or is otherwise**
18 **resolved within 270 days after filing, if mediation was conducted under**
19 **subsection (1) of this section or if all parties to the action agree to**
20 **waive mediation. A court may impose sanctions against a party that**
21 **fails to participate in, or act in good faith in, any mediation proceed-**
22 **ing by the department under this subsection.**

23 **“(3) This section does not create any new cause of action or super-**
24 **sede any requirement, condition or prohibition otherwise established**
25 **by law regarding the bringing of an action.**

26 **“SECTION 3. Upon request by a farmer or by the holder of a patent**
27 **granted for a seed, crop or trait under the Patent Act (35 U.S.C. 101**
28 **et seq.) or under the Plant Variety Protection Act (7 U.S.C. 2321 et**
29 **seq.), the Director of Agriculture shall appoint a representative of the**
30 **State Department of Agriculture to accompany the farmer, the patent**

1 **holder or a crop testing service at the time a sample is taken. The**
2 **department may charge the requester a fee for the services.”.**

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