

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

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**Action Date:** 06/03/15

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

**Meeting Dates:** 05/20, 06/03

**Vote:**

Yeas: 4 - Dembrow, Edwards, Prozanski, Thomsen

Exc: 1 - Olsen

**Prepared By:** Beth Reiley, Committee Administrator

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**WHAT THE MEASURE DOES:**

Requires Oregon Department of Agriculture (ODA), if requested by either party of dispute where person engaged in farming practice has reasonable belief that planting, growing or harvesting of agricultural or horticultural commodity on nearby land might or is interfering with farming practice, to provide mediation program services or refer parties to United States Department of Agriculture (USDA) for participation in certified state agricultural mediation program. Stipulates person requested to participate may elect to have proceeding conducted through either program. Requires person electing to have mediation services through ODA, rather than USDA referral must pay any additional costs and fees. Stipulates if ODA provides mediation services costs required of parties may not exceed \$2,500. Stipulates party requesting mediation services is responsible for paying unless both parties agree to divide costs. Authorizes court to consider if party is offered and is unwilling to participate in mediation when determining preliminary injunction. Requires parties to participate in mediation proceeding if court action arises, beginning no later than 270 days after action is filed. Authorizes court to impose sanctions against party that is unwilling to participate in at least four hours of mediation, or shorter time agreed upon by both parties. Establishes cause of action against party that discloses confidential communications or terms of mediation agreement if both parties agreed in writing to confidentiality. Clarifies Act does not require party to mediation to disclose confidential information that may be adverse to their legal interests. Stipulates Act does not apply to any dispute in county that has ordinance in effect regulating planting, growing, or harvesting of genetically engineered commodities. Requires, upon request by farmer or holder of patent granted for seed crop or trait, ODA Director to appoint representative from ODA to accompany farmer, patent holder or crop testing service at time sample is taken and authorizes ODA to charge requester fee for service.

**ISSUES DISCUSSED:**

- Legislative history
- Co-existence of genetically engineered (GE) and non-GE crops
- Parameters of mediation

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces measure.

**BACKGROUND:**

Genetically engineered (GE) foods are created by artificially inserting genetic material from one or more organisms into the genetic code of another organism using modern genetic engineering techniques. Genetically modified organisms and the regulation of GE seeds and food products have received increased attention in several states,

including Oregon and neighboring Washington and California. The recent passage of Senate Bill 863 (2013 Special Session) by Oregon's Legislature reserved the regulation of seed to the state; a ballot measure to ban genetically modified crops in Jackson County was exempted from this measure.

House Bill 2509B would outline a process to mediate a dispute where a person has a reasonable belief that the planting, growing or harvesting of a commodity on nearby land is or might be interfering with their farming practice. The Act authorizes a court to impose sanctions against a party that is unwilling to participate in at least four hours of mediation and stipulates that the cost of mediation may not exceed \$2,500 if provided by the Oregon Department of Agriculture.