

HOUSE AMENDMENTS TO HOUSE BILL 2509

By COMMITTEE ON RURAL COMMUNITIES, LAND USE, AND WATER

April 21

1 In line 2 of the printed bill, after “agriculture” insert a period and delete the rest of the line.

2 Delete line 4 and insert:

3 **“SECTION 1. As used in sections 1 to 5 of this 2015 Act:**

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

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

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

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

11 **“(c) Is or may become a generally accepted, reasonable and prudent method in conjunc-**
12 **tion with farm use;**

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

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

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

18 **“SECTION 2. (1) If a person that is engaged in a farming practice has a reasonable belief**
19 **that the planting, growing or harvesting of an agricultural or horticultural commodity on**
20 **nearby land might interfere with or is interfering with the farming practice, upon the re-**
21 **quest of a party to the dispute and agreement to pay any required costs or fees, the State**
22 **Department of Agriculture shall provide mediation program services under ORS 36.270 to**
23 **assist the parties in attempting to reach agreement on issues regarding the coexistent use**
24 **of agricultural lands. If a party to a dispute refuses to allow the department to attempt**
25 **mediation of the dispute and subsequently is the losing party in an arbitration or court**
26 **action, the arbitrator or court may award the prevailing party costs and reasonable attorney**
27 **fees.**

28 **“(2) If a court action arises out of an alleged interference with the use of land for a**
29 **farming practice resulting from the use of land for planting, growing or harvesting of an**
30 **agricultural or horticultural commodity on nearby land, and the parties to the action have**
31 **not previously allowed the department to attempt mediation of the dispute, the parties must**
32 **participate in the department mediation process beginning no later than 270 days after the**
33 **action is filed. This subsection does not require mediation if the action settles or is otherwise**
34 **resolved within 270 days after filing, if mediation was conducted under subsection (1) of this**
35 **section or if all parties to the action agree to waive mediation. A court may impose sanctions**

1 against a party that fails to participate in, or act in good faith in, any mediation proceeding
2 by the department under this subsection.

3 “(3) This section does not create any new cause of action or supersede any requirement,
4 condition or prohibition otherwise established by law regarding the bringing of an action.

5 “SECTION 3. Upon request by a farmer or by the holder of a patent granted for a seed,
6 crop or trait under the Patent Act (35 U.S.C. 101 et seq.) or under the Plant Variety Pro-
7 tection Act (7 U.S.C. 2321 et seq.), the Director of Agriculture shall appoint a representative
8 of the State Department of Agriculture to accompany the farmer, the patent holder or a crop
9 testing service at the time a sample is taken. The department may charge the requester a
10 fee for the services.

11 “SECTION 4. The State Department of Agriculture and Oregon State University shall
12 make publicly available any department or university educational materials and information
13 regarding the coexistent use of agricultural lands and, to the extent consistent with federal
14 law, any United States Department of Agriculture educational materials and information
15 that identify tools and techniques for promoting or enhancing coexistence between types of
16 crop cultivation.

17 “SECTION 5. Oregon State University may provide technical assistance to grower groups
18 and private agricultural entities to enable the groups or entities to enhance the coexistent
19 use of agricultural lands by establishing and operating voluntary systems for the cooperative
20 monitoring of crop isolation requirements for seed certification.”.

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