

**PROPOSED AMENDMENTS TO
HOUSE BILL 2509**

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

3 Delete line 4 and insert:

4 **“SECTION 1. As used in sections 1 to 5 of this 2015 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 a reasonable belief that the planting, growing or harvesting of an**
22 **agricultural or horticultural commodity on nearby land might inter-**

1 fere with or is interfering with the farming practice, upon the request
2 of a party to the dispute and agreement to pay any required costs or
3 fees, the State Department of Agriculture shall provide mediation
4 program services under ORS 36.270 to assist the parties in attempting
5 to reach agreement on issues regarding the coexistent use of agricul-
6 tural lands. If a party to a dispute refuses to allow the department to
7 attempt mediation of the dispute and subsequently is the losing party
8 in an arbitration or court action, the arbitrator or court may award
9 the 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.

3 **“SECTION 4. The State Department of Agriculture and Oregon**
4 **State University shall make publicly available any department or uni-**
5 **versity educational materials and information regarding the coexistent**
6 **use of agricultural lands and, to the extent consistent with federal law,**
7 **any United States Department of Agriculture educational materials**
8 **and information that identify tools and techniques for promoting or**
9 **enhancing coexistence between types of crop cultivation.**

10 **“SECTION 5. Oregon State University may provide technical as-**
11 **sistance to grower groups and private agricultural entities to enable**
12 **the groups or entities to enhance the coexistent use of agricultural**
13 **lands by establishing and operating voluntary systems for the cooper-**
14 **ative monitoring of crop isolation requirements for seed**
15 **certification.”.**

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