

Enrolled
House Bill 2427

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

CHAPTER

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

(2) The amount of canola planted per year within the Willamette Valley Protected District may not exceed 500 acres. Any canola grown within the protected district must be grown for the purpose of allowing the College of Agricultural Sciences of Oregon State University to carry out the research duties of the college under section 4 of this 2013 Act. Any growing of canola within the protected district is subject to prior approval by the State Department of Agriculture.

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

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

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 Section 1 of this 2013 Act is repealed on January 2, 2019.

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

(2) Subject to the Willamette Valley Protected District production cap established in section 1 (2) of this 2013 Act, the State Department of Agriculture may authorize the growing of canola to allow the College of Agricultural Sciences of Oregon State University to carry out the research duties of the college under this section. Any authorization for the

growing of canola under this section must be limited to canola crop production cycles that are completed prior to January 1, 2017.

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

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

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

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

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

SECTION 5. To the extent that the College of Agricultural Sciences of Oregon State University deems practicable, the college shall conduct field monitoring on the acreage that has been used to grow canola for purposes of research under section 4 of this 2013 Act, and on adjacent lands used for the research, for a period of five years after completing the research. Monitored areas adjacent to the acreage that has been used to grow canola must include, but need not be limited to, fields planted in forage turnip seed crops, tillage radish seed crops and Brassica specialty seed crops. Any monitoring of acreage that has been used to grow canola or of fields planted in forage turnip seed and radish seed crops must include monitoring for volunteer plants, diseases and insects. Any monitoring of fields planted with Brassica specialty seed crops, other than acreage that has been used to grow canola, must include monitoring for diseases and insects.

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

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

Passed by House June 25, 2013

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Ramona J. Line, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 1, 2013

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Peter Courtney, President of Senate

Received by Governor:

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Approved:

.....M,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

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Kate Brown, Secretary of State