

Oregon

Bills to reduce farmer liability advance

Legislation pertains to lawsuits over airstrips, agritourism

By **MATEUSZ PERKOWSKI**
Capital Press

SALEM — Farmers will face a lower risk of lawsuits over aviation and agritourism accidents under two bills that seem likely to become law in Oregon.

House Bill 2038, which absolves landowners of liability for aviation-related injuries on their property

in most circumstances, was approved unanimously by the Senate on June 1 after earlier passing the House.

Legislation that protects agritourism operators from lawsuits, Senate Bill 341, was unanimously referred for a vote on the House floor with a “do pass” recommendation on June 2 by a key committee. The bill has already been approved

by the House.

Both bills have overcome opposition from the Oregon Trial Lawyers Association, which feared the proposals would deprive negligence victims of their day in court.

Under the original language of HB 2038, aviation was simply added to a list of recreational activities for which landowners cannot be held liable unless they charge

an entrance fee to their property.

An amended version of the bill clarifies that this protection doesn't extend to landowners who cause harm to aircraft operators through gross negligence after allowing the use of their private airstrips.

Farmers who own airstrips testified in favor of the bill, arguing they shouldn't be held legally responsible for pilots who routinely land on their property without permission.

While much of the debate focused on planes and airstrips, the bill also protects landowners from liability for accidents related to aviation sports such as hang gliding and parachuting.

Under SB 341, agritourism operators wouldn't face liability for death or injury as long as they post notices that warn visitors of the inherent dangers of being on a farm.

The bill wouldn't apply to growers who demonstrate “negligence or willful disre-

gard” for safety, intentionally harm visitors, don't properly inspect equipment that hurts someone, know of an undisclosed danger, or don't comply with land use laws for agritourism.

Supporters of SB 341, including the Oregon Farm Bureau and Friends of Family Farmers, hope that reduced liability will encourage more agritourism and persuade insurers to offer coverage for such activities, eventually lowering premiums.

Friends, colleagues laud OSU's Kelvin Koong

Administrator retires after 28 years at the university

By **MITCH LIES**
For the Capital Press

CORVALLIS, Ore. — About 200 friends, colleagues and family of Kelvin Koong gathered June 5 at Oregon State University's Oldfield Animal Teaching Facility to celebrate Koong's 28 years of service to the university.

Koong, who began his career at OSU in 1987 as associate director of the College of Agricultural Sciences Experiment Station, is retiring June 30.

He spent the past three years as executive director of the university's Agricultural Research Foundation.

Between those two assignments, Koong held several positions, including a two-year stint as dean of the university's College of Veterinary Medicine, interim dean of the College of Agricultural Sciences and interim director of the OSU Extension Service.

Several praised Koong during the celebration for his willingness to take on the different assignments, many for short durations, and for putting his best behind each position.

“It seems like every time we had a sticky job to do, we'd ask Kelvin,” said former OSU President



Mitch Lies/For the Capital Press

Mary Lyon and Lance Lyon talk with Kelvin Koong during a celebration June 5 in Corvallis honoring Koong for 28 years of service to Oregon State University.

John Burns.

“Some folks in a temporary role would've just filled out their time,” said U.S. Rep. Kurt Schrader, D-Ore., who worked with Koong on establishing a four-year veterinary college at OSU. “Not this guy. He said, ‘Why don't we have a four-year veterinary college?’”

Schrader, a veterinarian who was serving in the Oregon Legislature at the time, said Koong was able to bring Republicans and Democrats together to back the effort to expand the veterinary college from two years to four years at a difficult budget time.

“This was a bill that we couldn't afford,” Schrader said, “but somehow,

Kelvin Koong found the money.”

Schrader said Koong also was instrumental in eliciting state funds to help back the construction of the now nearly 3-year-old College of Veterinary Medicine's Multi-Animal Teaching Facility.

“He's very good at making us do the right thing at the end of the day,”

Schrader said.

Sharon Harmon, executive director of the Oregon Humane Society, praised Koong for his work in establishing the first of its kind hands-on program for veterinary students to train at the Humane Society's Portland shelter.

“This was groundbreaking,” Harmon said. “Prior to this, there was no partnership between a humane society and a university in the U.S.”

“This program is now in place in 14 universities across the country,” she said.

“Kelvin deeply cares about this institution and the students who go here,” said Katie Fast, new executive director of Oregonians for Food and Shelter, who worked with Koong often in the Legislature in her role in government affairs for the Oregon Farm Bureau.

Phil Ward, state executive director of the Farm Service Agency who worked with Koong while serving first as assistant director and then as director of the Oregon Department of Agriculture, characterized Koong as “the best relationship builder I've ever known. And those relationships have stood the test of time.”

Thayne Dutton, former dean of the OSU College of Agricultural Sciences, said what many believed in closing his comments.

“OSU is a better place now because you were here,” Dutton said. “Thank you, Kelvin.”

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Canola extension bill heads for vote

By **MATEUSZ PERKOWSKI**
Capital Press

SALEM — A bill to extend limited canola production in Oregon's Willamette Valley will move to a vote on the Senate floor over the objections of a specialty seed growers' group.

House Bill 3382, which allows canola to be grown on 500 acres in the region through 2019, had already passed the House and was approved on June 3 by the Senate Committee on Environment and Natural Resources with a “do pass” recommendation.

Lawmakers contemplated banning canola in the Willamette Valley in 2013 due to fears of cross-pollination with related seed crops but instead opted for a six-year moratorium.

During the first three years, Oregon State University was directed to study volunteer plants, cross-pollination and disease issues associated with canola on 500 acres annually.

Growers who want to contin-

ue raising canola are now pressing lawmakers to extend that 500 acres of production through the final three years of the moratorium by passing HB 3382.

The Willamette Valley Specialty Seed Association and the Friends of Family Farmers group oppose the bill, fearing a larger “seed bank” of canola, among other issues.

Sen. Chris Edwards, D-Eugene, said that opponents have also expressed concerns with the integrity of OSU's study, such as the amount of scientific peer review it will receive.

To assuage their concerns, an amendment to HB 3382 specifies that canola can only be grown in the region for another three years if it's cultivated under the same restrictions as during the OSU study, he said.

Under the amendment, OSU's study must also be reviewed by experts on vegetable seed production and include data on canola and brassica seed production in several other regions in the

U.S. and around the world.

The Oregon Department of Agriculture must also make recommendations based on OSU's study about what protections are necessary to ensure coexistence between the canola and specialty seed industries.

Opponents of HB 3382 said the revisions weren't enough to overcome their objections, stating they're afraid the ODA will interpret the bill as authorizing the agency to allow unrestricted canola production after 2019.

Edwards said the legislature will inevitably have to make further decisions about canola after 2019.

Although the amendment did not result in a “Kumbaya moment” of agreement, it nonetheless has enough support among lawmakers, he said.

The committee unanimously referred the bill to a vote on the Senate floor, though Sen. Floyd Prozanzi, D-Eugene, said he will continue to analyze the bill and may ultimately change his mind.

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