

**PROPOSED AMENDMENTS TO
HOUSE BILL 2445**

1 On page 1 of the printed bill, delete lines 8 through 25.

2 On page 2, delete lines 1 through 18 and insert:

3 **SECTION 1.** ORS 561.560 is amended to read:

4 “561.560. (1) The Director of Agriculture shall issue a written order de-
5 claring a quarantine if the director determines that:

6 “(a) A disease or an infestation has a significantly adverse effect on
7 plants, animals, fowls or bees;

8 “(b) The disease or infestation is not widely prevalent or distributed
9 within this state;

10 “(c) The disease or infestation exists in another state, territory or country
11 or in any locality within this state; and

12 “(d) Following the procedure for declaring a quarantine by rule under
13 ORS 561.510 would create a serious danger of the disease or infestation
14 spreading within the state during the time required by the procedure.

15 “(2) The written order declaring the quarantine shall prohibit the move-
16 ment into or within the state of any plants, animals, fowls, bees or articles
17 that are likely to spread the disease or infestation. The director may amend
18 the order as the director considers necessary. The director shall sign the
19 written order and any amendments to the order.

20 “(3) The director shall file all quarantine orders and amendments to the
21 orders with the Secretary of State. *[and shall publish a notice of the*
22 *quarantine and of any amendments to a quarantine order in a newspaper of*

1 *general circulation throughout the state. The director may take other action the*
2 *director considers reasonable to ensure that the affected persons]* **The director**
3 **shall give notice of the quarantine orders and amendments to the or-**
4 **ders by publication in a newspaper of general circulation in the**
5 **quarantine area and by one or more additional methods that reason-**
6 **ably ensure that affected persons and other members of the public have**
7 knowledge of the quarantine **order or amendment**. A quarantine order or
8 amendment to an order is effective upon filing with the Secretary of State.
9 A person may not carry, move or transport any plants, animals, fowls, bees
10 or articles specified in a quarantine order or amendment from the
11 quarantined area into or through any part of the state, except as provided
12 in the order or amendment. [*Proofs of the publication of the notices provided*
13 *for in this section shall be filed in the office of the State Department of Ag-*
14 *riculture.*] **The State Department of Agriculture shall keep a record of**
15 **the methods used to provide notice under this subsection for each**
16 **quarantine order or amendment to an order.**

17 “(4) A quarantine created by a written order issued under this section
18 may not remain in effect more than 180 days after the first publication of
19 notice under subsection (3) of this section. However, a quarantine for a
20 longer period may be declared under ORS 561.510, to take effect at or before
21 the expiration of the 180-day period.

22 “(5) The Governor by filing an order with the Secretary of State may
23 terminate a quarantine ordered by the director under this section. If the
24 Governor terminates a quarantine under this subsection, the director must
25 obtain the approval of the Governor before issuing any additional quarantine
26 **order** or amendments under this section for the same disease or
27 infestation.”.

28 Delete lines 35 through 42 and insert:

29 **“SECTION 3.** ORS 561.585 is amended to read:

30 “561.585. When the State Department of Agriculture is required to [*pub-*

1 *lish*] **give notice of** an order of quarantine or rules [*or regulations*
2 *promulgated thereunder in a newspaper, it may in its discretion publish*
3 *only*] **pertaining to a quarantine by publication in a newspaper, or by**
4 **the use of one or more methods in addition to publication in a news-**
5 **paper, the department may at its discretion satisfy the notice re-**
6 **quirement by providing** a brief concise summary statement of the contents
7 of [*such order or regulations*] **the order or rules** and notice that complete
8 copies [*thereof*] **of the order or rules** are on file and can be obtained from
9 the department[, *certain county clerks*] and the Secretary of State.”.

10 On page 8, delete lines 25 through 45.

11 On page 9, delete lines 1 through 3 and insert:

12 **“SECTION 19.** ORS 570.415 is amended to read:

13 “570.415. The Director of Agriculture may, at any time the director be-
14 lieves [*such action*] necessary, revoke any order concerning control areas
15 made by the director. [*by giving notice in a newspaper published within or*
16 *near the control area or lands affected and filing proof thereof with the county*
17 *clerk of the county*] **The revocation shall become effective upon the di-**
18 **rector giving notice by publication in a newspaper of general circu-**
19 **lation in the control area. The director shall also give notice by one**
20 **or more additional methods that reasonably ensure that affected per-**
21 **sons and other members of the public have knowledge of the revoca-**
22 **tion.**

23 **“SECTION 20.** ORS 596.402 is amended to read:

24 “596.402. (1) The State Department of Agriculture may also summarily
25 quarantine any legally described area of this state and prohibit or otherwise
26 restrict any movement of livestock, vehicles, persons or things into or out
27 of [*such*] **the** area as the department deems necessary for the eradication or
28 control of a disease in the area, or for the prevention of the spread of
29 [*such*] **a** disease into other areas of this state.

30 “[*(2) When the department imposes a quarantine under this section, it shall*

1 *forthwith but not later than seven days thereafter give notice of the quarantine*
2 *in a newspaper of general circulation in the quarantined area. A copy of the*
3 *order of quarantine and any regulations relating thereto shall be filed in the*
4 *office of the county clerk in each county in which quarantined property is lo-*
5 *cated. The published notice of quarantine shall contain a description of the*
6 *boundaries of the quarantined area and a notice that copies of the regulations*
7 *applicable to the quarantine are filed with the county clerk or may be obtained*
8 *from the department.]*

9 **“(2) No later than seven days after imposing a quarantine under**
10 **this section, the department shall give notice of the quarantine by**
11 **publication in a newspaper of general circulation in the quarantine**
12 **area and by one or more additional methods that reasonably ensure**
13 **that affected persons and other members of the public have knowledge**
14 **of the quarantine.**

15 **“(3) The provisions of ORS 561.510 to 561.560 [shall] do not apply to**
16 **quarantines imposed under this section.”**

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