

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3549**

1 On page 1 of the printed bill, line 2, after “ORS” insert “527.990,  
2 527.992.”.

3 Delete lines 13 and 14.

4 On page 2, delete lines 1 through 21 and insert:

5 **“SECTION 2. (1) As used in this section, ‘buffer zone’ means a**  
6 **forestland area on which the application of pesticide by aircraft is not**  
7 **permitted.**

8 **“(2) The State Forestry Department, in consultation with the State**  
9 **Board of Forestry, shall collect and analyze information regarding the**  
10 **sufficiency of existing legal requirements, including but not limited to**  
11 **buffer zone requirements, to protect schools, homes, fish-bearing**  
12 **streams and drinking water sources that are in proximity to forestland**  
13 **from impacts due to the application of pesticides by aircraft. The de-**  
14 **partment shall consider issues regarding the protection of schools,**  
15 **homes, fish-bearing streams and drinking water sources from direct**  
16 **application of the pesticides and from the drifting of the pesticides**  
17 **following application. Information that the department relies upon for**  
18 **purposes of subsection (3) of this section must be based on the best**  
19 **available science and focused on the need to protect human health.**

20 **“(3) The department may undertake any actions reasonable or nec-**  
21 **essary to carry out its duties under this section. All agencies of state**  
22 **government, as defined in ORS 174.111, are directed to assist the de-**

1 **partment in the performance of its duties under this section and, to**  
2 **the extent permitted by laws relating to confidentiality, to furnish**  
3 **such information and advice as the department considers necessary to**  
4 **perform its duties under this section.**

5 **“(4) The department shall complete its work under this section and**  
6 **report the results to an interim committee of the Legislative Assembly**  
7 **relating to natural resources no later than September 1, 2016. The re-**  
8 **port shall include, but need not be limited to, recommendations of the**  
9 **department regarding the need for, and size of, buffer zones to protect**  
10 **schools, homes, fish-bearing streams and drinking water sources that**  
11 **are in proximity to forestland from impacts due to the application of**  
12 **pesticides by aircraft.”.**

13 On page 5, line 24, delete “or private applicator cer-”.

14 In line 25, delete “tified under section 3 of this 2015 Act”.

15 On page 7, line 31, delete “or”.

16 In line 32, delete “private applicator certified under section 3 of this 2015  
17 Act”.

18 On page 8, line 13, after the first “applicators” delete the rest of the line  
19 and insert “that”.

20 On page 9, line 30, delete “or”.

21 In line 31, delete “private applicator certified under section 3 of this 2015  
22 Act”.

23 On page 10, line 12, after the first “applicators” delete the rest of the line  
24 and insert “that”.

25 On page 11, delete line 27 and insert “that the order imposing the civil  
26 penalty becomes final by operation of law or on appeal.”.

27 On page 18, after line 13, insert:  
28

29 **“ZONES**  
30

1       **“SECTION 20. Section 21 of this 2015 Act is added to and made a**  
2 **part of ORS 527.610 to 527.770.**

3       **“SECTION 21. When a forest operation involves applying herbicides**  
4 **by aircraft near an inhabited dwelling or school, the operator is re-**  
5 **sponsible for leaving an unsprayed strip at least 60 feet wide adjacent**  
6 **to the dwelling or school. The responsibility of the operator under this**  
7 **section is in addition to any responsibility of the aerial pesticide**  
8 **applicator under ORS chapter 634.**

9       **“SECTION 22. ORS 527.990 is amended to read:**

10       “527.990. (1) Subject to ORS 153.022, violation of ORS 527.670, 527.676,  
11 527.740, 527.750 or 527.755 **or section 21 of this 2015 Act**, or any rule  
12 promulgated under ORS 527.710 is a Class A misdemeanor. Each day of op-  
13 eration in violation of an order issued under ORS 527.680 (3) shall be deemed  
14 to be a separate offense.

15       “(2) Violation of ORS 527.260 (1) is a Class A misdemeanor. Violation  
16 of ORS 527.260 (3) is a Class C misdemeanor.

17       **“SECTION 23. ORS 527.992 is amended to read:**

18       “527.992. (1) In addition to any other penalty provided by law, any person  
19 who fails to comply with any of the following may incur a civil penalty in  
20 the amount adopted under ORS 527.685:

21       “(a) The requirements of ORS 527.670, 527.676, 527.740, 527.750 or 527.755  
22 **or section 21 of this 2015 Act.**

23       “(b) The terms or conditions of any order of the State Forester issued in  
24 accordance with ORS 527.680.

25       “(c) Any rule or standard of the State Board of Forestry adopted or issued  
26 pursuant to ORS 527.710.

27       “(d) Any term or condition of a written waiver, or prior approval granted  
28 by the State Forester pursuant to the rules adopted under ORS 527.710.

29       “(2) Imposition or payment of a civil penalty under this section shall not  
30 be a bar to actions alleging trespass under ORS 105.810, nor to actions under

1 ORS 161.635 or 161.655 seeking to recover an amount based on the gain re-  
2 sulting from individual or corporate criminal violations.”.

3 Delete lines 17 through 19 and insert:

4 **“SECTION 24.** (1) Sections 3, 9, 10, 15 to 17, 19 and 21 of this 2015 Act  
5 and the amendments to ORS 527.990, 527.992, 634.006, 634.016, 634.116, 634.126,  
6 634.172, 634.306, 634.550 and 634.900 by sections 5 to 8, 11 to 14, 18, 22 and  
7 23 of this 2015 Act become operative January 1, 2016.”.

8 In line 27, delete “21” and insert “25”.

9 In line 31, delete “22” and insert “26”.

10 In line 37, delete “23” and insert “27”.

11

---