

**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 10 through 14.

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

5 “**NOTE:** Section 2 was deleted by amendment. Subsequent sections were
6 not renumbered.”.

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

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

9 On page 7, line 31, delete “or”.

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

12 On page 8, line 13, delete “or private applicators certified under section
13 3 of this 2015 Act”.

14 On page 9, line 30, delete “or”.

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

17 On page 10, line 12, delete “or private applicators certified under section
18 3 of this 2015 Act”.

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

21 On page 18, after line 13, insert:
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1 "ZONES

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

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

11 **"SECTION 22. ORS 527.990 is amended to read:**

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

17 "(2) Violation of ORS 527.260 (1) is a Class A misdemeanor. Violation
18 of ORS 527.260 (3) is a Class C misdemeanor.

19 **"SECTION 23. ORS 527.992 is amended to read:**

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

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

25 "(b) The terms or conditions of any order of the State Forester issued in
26 accordance with ORS 527.680.

27 "(c) Any rule or standard of the State Board of Forestry adopted or issued
28 pursuant to ORS 527.710.

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

1 “(2) Imposition or payment of a civil penalty under this section shall not
2 be a bar to actions alleging trespass under ORS 105.810, nor to actions under
3 ORS 161.635 or 161.655 seeking to recover an amount based on the gain re-
4 sulting from individual or corporate criminal violations.”.

5 Delete lines 17 through 19 and insert:

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

10 Delete line 27 and insert:

11 **“SECTION 25. Section 9 of this 2015 Act is repealed January 2,**
12 **2017.”.**

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

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

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