

HOUSE AMENDMENTS TO HOUSE BILL 3549

By COMMITTEE ON RULES

June 8

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “527.990, 527.992,”.
2 Delete lines 10 through 14.
3 On page 2, delete lines 1 through 21 and insert:
4 “**NOTE:** Section 2 was deleted by amendment. Subsequent sections were not renumbered.”.
5 On page 5, line 24, delete “or private applicator cer-”.
6 In line 25, delete “tified under section 3 of this 2015 Act”.
7 On page 7, line 31, delete “or”.
8 In line 32, delete “private applicator certified under section 3 of this 2015 Act”.
9 On page 8, line 13, delete “or private applicators certified under section 3 of this 2015 Act”.
10 On page 9, line 30, delete “or”.
11 In line 31, delete “private applicator certified under section 3 of this 2015 Act”.
12 On page 10, line 12, delete “or private applicators certified under section 3 of this 2015 Act”.
13 On page 11, delete line 27 and insert “that the order imposing the civil penalty becomes final
14 by operation of law or on appeal.”.
15 On page 18, after line 13, insert:

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19 “**SECTION 20.** Section 21 of this 2015 Act is added to and made a part of ORS 527.610 to
20 **527.770.**
21 “**SECTION 21.** When a forest operation involves applying herbicides by aircraft near an
22 inhabited dwelling or school, the operator is responsible for leaving an unsprayed strip of at
23 least 60 feet adjacent to the dwelling or school. The responsibility of the operator under this
24 section is in addition to any responsibility of the aerial pesticide applicator under ORS
25 chapter 634.
26 “**SECTION 22.** ORS 527.990 is amended to read:
27 “527.990. (1) Subject to ORS 153.022, violation of ORS 527.670, 527.676, 527.740, 527.750 or
28 527.755 or section 21 of this 2015 Act, or any rule promulgated under ORS 527.710 is a Class A
29 misdemeanor. Each day of operation in violation of an order issued under ORS 527.680 (3) shall be
30 deemed to be a separate offense.
31 “(2) Violation of ORS 527.260 (1) is a Class A misdemeanor. Violation of ORS 527.260 (3) is a
32 Class C misdemeanor.
33 “**SECTION 23.** ORS 527.992 is amended to read:
34 “527.992. (1) In addition to any other penalty provided by law, any person who fails to comply
35 with any of the following may incur a civil penalty in the amount adopted under ORS 527.685:

1 “(a) The requirements of ORS 527.670, 527.676, 527.740, 527.750 or 527.755 **or section 21 of this**
2 **2015 Act.**

3 “(b) The terms or conditions of any order of the State Forester issued in accordance with ORS
4 527.680.

5 “(c) Any rule or standard of the State Board of Forestry adopted or issued pursuant to ORS
6 527.710.

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

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

12 Delete lines 17 through 19 and insert:

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

16 Delete line 27 and insert:

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

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

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

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