

**PROPOSED AMENDMENTS TO
HOUSE BILL 2183**

1 On page 1 of the printed bill, delete lines 4 through 30 and delete page
2 2 and insert:

3 **“SECTION 1. Section 2 of this 2015 Act is added to and made a part**
4 **of ORS 571.005 to 571.230.**

5 **“SECTION 2. A grower, dealer or other person licensed or required**
6 **to be licensed under ORS 571.005 to 571.230 may not engage in the retail**
7 **sale of Arundo donax L., commonly known as Giant Cane or Giant**
8 **Reed.**

9 **“SECTION 3. (1) The State Department of Agriculture shall estab-**
10 **lish a program to regulate commercial activities involving Arundo**
11 **donax L., commonly known as Giant Cane or Giant Reed. Notwith-**
12 **standing any provision of ORS 571.005 to 571.230 or 671.510 to 671.760,**
13 **commercial activities involving the export, import, growing, handling,**
14 **sale, storage, transportation or utilization of Arundo donax L. in this**
15 **state may be carried out only as authorized under the department’s**
16 **regulatory program. This subsection does not allow the department to**
17 **authorize sales prohibited under section 2 of this 2015 Act.**

18 **“(2) The department shall design the regulatory program to prevent**
19 **commercial activities from causing the uncontrolled presence of**
20 **Arundo donax L. in this state. Any person wishing to engage in com-**
21 **mercial activities involving the exporting, importing, growing, handl-**
22 **ing, sale, storage, transportation or utilization of Arundo donax L. in**

1 this state must obtain a permit from the department. The department
2 shall require an applicant for a permit under this section to demon-
3 strate that the applicant is willing and able to comply with the regu-
4 latory program requirements. The department shall conduct regular
5 inspections of locations used for activities involving Arundo donax L.

6 “(3) A person that engages in activities involving the growing of
7 Arundo donax L. must have on file with the department a valid surety
8 bond with one or more sureties licensed to do business in this state in
9 the amount of:

10 “(a) \$1,000,000 if the total area on contiguous lots of real property
11 that the person is using or has used within the preceding 12 months
12 for growing Arundo donax L. is 400 acres or less; or

13 “(b) \$25,000 per acre if the total area on contiguous lots of real
14 property that the person is using or has used within the preceding 12
15 months for growing Arundo donax L. is more than 400 acres.

16 “(4) The department may provide grants or loans to agencies, or-
17 ganizations or individuals for eradicating Arundo donax L. that mi-
18 grates or spreads off of a property where the Arundo donax L. is or
19 was grown for commercial purposes. A surety bond that a person files
20 under subsection (3) of this section must be conditioned to provide
21 payment to the department in the amount of any grants or loans made
22 under this subsection due to migration or spreading of Arundo donax
23 L. from the property that is discovered during the bond period. A bond
24 described in this section must be in effect for at least a one-year period
25 or until depleted by payments to the council, unless the surety sooner
26 cancels the bond. At the discretion of the surety, that bond may be
27 continued for an additional period by continuation certificate. The
28 person shall maintain a bond in force until one year after the person
29 ceases to use the property for growing Arundo donax L.

30 “(5) In addition to any civil penalty described in subsection (6) of

1 **this section, the department may suspend or revoke a permit if activ-**
2 **ities of the permit holder involving Arundo donax L. are not being**
3 **carried out in compliance with department requirements.**

4 **“(6)(a) The department may impose a civil penalty, not to exceed**
5 **\$25,000 per violation, for:**

6 **“(A) Engaging in commercial activities involving Arundo donax L.**
7 **without obtaining an appropriate permit for the activity from the de-**
8 **partment;**

9 **“(B) Failure to comply with permit conditions, terms or require-**
10 **ments; or**

11 **“(C) Failure to comply with a bonding requirement imposed under**
12 **this section.**

13 **“(b) Each day that activities or failures described in paragraph (a)**
14 **of this subsection continue is a separate violation subject to a separate**
15 **civil penalty.”.**

16
