

SB 789 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 3/29

WHAT THE MEASURE DOES:

Requires public utilities that grow *Arundo donax* L. or other invasive species for use as biomass to maintain surety bond on file with Department of Agriculture (Department). The amount of the bond must be \$25,000 per acre of land used to grow invasive species or \$1 million, whichever is greater. In cases where invasive species spreads to a different property, requires public utility to eradicate the invasive species from that property, pay property owner for losses, and maintain monitoring program to prevent recurrence. Authorizes Department to approve eradication program in cases where public utility fails to respond. Authorizes Department to recover costs of eradication program from surety bond in cases where public utility fails to pay. Authorizes Department to impose up to \$25,000 civil penalty for failure to comply with bonding requirement. Provisions of Act take effect upon passage for *Arundo donax* L. and takes effect for all other invasive species on the effective date of the Act.

REVENUE: May have revenue impact, but no statement yet issued.

FISCAL: May have fiscal impact, but no statement yet issued.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Arundo donax L., also known as giant cane, is a tall, perennial grass similar to bamboo that originates in areas around the Mediterranean Sea. In the United States, the plant is distributed in southwestern states spanning from California to Texas, in addition to Virginia, Kentucky and Missouri. Originally planted along waterways to control erosion, the plant is now considered an invasive species by the U.S. Department of Agriculture, and California has spent about \$100 million trying to eradicate it.

The plant has come under consideration as a biomass energy crop because it is hardy, fast growing and high-yield. Portland General Electric considered growing the plant for use in biomass combustion at Boardman power plant. In 2011 the state authorized a 400-acre test plot and required growers to post a \$1 million eradication bond.

Senate Bill 789 would require public utilities that grow *Arundo donax* L. or other invasive species for use as biomass to maintain surety bond of minimum \$1 million on file with the Department of Agriculture (Department) and eradicate the species from any property to which it spreads.