

ESSB 5385 - H COMM AMD

By Committee on Natural Resources, Ecology & Parks

ADOPTED 03/02/2006

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) The land, water, and other resources of Washington are being
5 severely impacted by the invasion of an increasing number of harmful
6 invasive plant and animal species.

7 (2) These impacts are resulting in damage to Washington's
8 environment and causing economic hardships.

9 (3) The multitude of public and private organizations with an
10 interest in controlling and preventing the spread of harmful invasive
11 species in Washington need a mechanism for cooperation, communication,
12 collaboration, and developing a statewide plan of action to meet these
13 threats.

14 NEW SECTION. **Sec. 2.** (1) There is created the Washington invasive
15 species council to exist until December 31, 2011. Staff support to the
16 council shall be provided by the committee and from the agencies
17 represented on the council. For administrative purposes, the council
18 shall be located within the committee.

19 (2) The purpose of the council is to provide policy level
20 direction, planning, and coordination for combating harmful invasive
21 species throughout the state and preventing the introduction of others
22 that may be potentially harmful.

23 (3) The council is a joint effort between local, tribal, state, and
24 federal governments, as well as the private sector and nongovernmental
25 interests. The purpose of the council is to foster cooperation,
26 communication, and coordinated approaches that support local, state,
27 and regional initiatives for the prevention and control of invasive
28 species.

1 (4) For the purposes of this chapter, "invasive species" include
2 nonnative organisms that cause economic or environmental harm and are
3 capable of spreading to new areas of the state. "Invasive species"
4 does not include domestic livestock, intentionally planted agronomic
5 crops, or nonharmful exotic organisms.

6 NEW SECTION. **Sec. 3.** (1) Membership in the council includes a
7 representative from the following entities:

8 (a) The department of agriculture, represented by the director or
9 the director's designee;

10 (b) The department of fish and wildlife, represented by the
11 director or the director's designee;

12 (c) The department of ecology, represented by the director or the
13 director's designee;

14 (d) The department of natural resources, represented by the
15 commissioner or the commissioner's designee;

16 (e) The department of transportation, represented by the secretary
17 or the secretary's designee;

18 (f) The Washington state noxious weed control board, appointed by
19 the board;

20 (g) A county located east of the crest of the Cascade mountains,
21 appointed by the other members of the council; and

22 (h) A county located west of the crest of the Cascade mountains,
23 appointed by the other members of the council.

24 (2) The councilmembers may add members to the council as the
25 councilmembers deem appropriate to accomplish its goals.

26 (3) The council must invite one representative each from the United
27 States department of agriculture, the United States fish and wildlife
28 service, the United States environmental protection agency, and the
29 United States coast guard to participate on the council in a nonvoting,
30 ex officio capacity.

31 (4) A representative of the office of the governor must convene the
32 first meeting of the council and serve as chair until the council
33 selects a chair. At the first meeting of the council, the council
34 shall address issues including, but not limited to, voting methods,
35 meeting schedules, and the need for and use of advisory and technical
36 committees.

1 NEW SECTION. **Sec. 4.** The council's goals are to:

2 (1) Minimize the effects of harmful invasive species on
3 Washington's citizens and ensure the economic and environmental well-
4 being of the state;

5 (2) Serve as a forum for identifying and understanding invasive
6 species issues from all perspectives;

7 (3) Serve as a forum to facilitate the communication, cooperation,
8 and coordination of local, tribal, state, federal, private, and
9 nongovernmental entities for the prevention, control, and management of
10 nonnative invasive species;

11 (4) Serve as an avenue for public outreach and for raising public
12 awareness of invasive species issues;

13 (5) Develop and implement a statewide invasive species strategic
14 plan as described in this chapter;

15 (6) Review the current funding mechanisms and levels for state
16 agencies to manage noxious weeds on the lands under their authority;

17 (7) Make recommendations for legislation necessary to carry out the
18 purposes of this chapter;

19 (8) Establish criteria for the prioritization of invasive species
20 response actions and projects; and

21 (9) Utilizing the process described in subsection (8) of this
22 section, select at least one project per year from the strategic plan
23 for coordinated action by the Washington invasive species councilmember
24 entities.

25 NEW SECTION. **Sec. 5.** (1) The council shall develop and
26 periodically update a statewide strategic plan for addressing invasive
27 species. The strategic plan should incorporate the reports and
28 activities of the aquatic nuisance species committee, the state noxious
29 weed control board, and other appropriate reports and activities. In
30 addition, the council must coordinate with the biodiversity council
31 created in Executive Order 04-02 to ensure that a statewide strategy
32 for the control of invasive species is integrated into the thirty-year
33 strategy for biodiversity conservation that the biodiversity council
34 must submit to the legislature in 2007.

35 (2) The strategic plan must, at a minimum, address:

36 (a) Statewide coordination and intergovernmental cooperation;

1 (b) Prevention of new biological invasions through deliberate or
2 unintentional introduction;

3 (c) Inventory and monitoring of invasive species;

4 (d) Early detection of and rapid response to new invasions;

5 (e) Control, management, and eradication of established populations
6 of invasive species;

7 (f) Projects that can be implemented during the period covered by
8 the strategic plan for the control, management, and eradication of new
9 or established populations of invasive species;

10 (g) Revegetation, reclamation, or restoration of native species
11 following control or eradication of invasive species;

12 (h) Tools that can be made available to assist state agencies that
13 are responsible for managing public land to control invasive noxious
14 weeds and recommendations as to how the agencies should be held
15 responsible for the failure to control invasive noxious weeds;

16 (i) Research and public education;

17 (j) Funding and resources available for invasive species
18 prevention, control, and management; and

19 (k) Recommendations for legislation necessary to carry out the
20 purposes of this chapter.

21 (3) The strategic plan must be updated at least once every three
22 years following its initial development. The strategic plan must be
23 submitted to the governor and appropriate committees of the legislature
24 by September 15th of each applicable year. The council shall complete
25 the initial strategic plan within two years of the effective date of
26 this section.

27 (4) Each state department and agency named to the council shall,
28 consistent with state law, make best efforts to implement elements of
29 the completed plan that are applicable to the department or agency.

30 NEW SECTION. **Sec. 6.** (1) The council shall submit an annual
31 report of its activities to the governor and the relevant policy
32 committees of the senate and house of representatives by December 15th
33 of each year. The annual report must include an evaluation of progress
34 made in the preceding year to implement or carry out the strategic plan
35 and an identification of projects from the strategic plan that will be
36 a focus for the following year.

1 (2) Prior to the start of the 2011 legislative session, the council
2 must prepare a report to the appropriate committees of the legislature
3 that makes recommendations as to the extension or modification of the
4 council.

5 NEW SECTION. **Sec. 7.** The council may establish advisory and
6 technical committees that it considers necessary to aid and advise the
7 council in the performance of its functions. The committees may be
8 continuing or temporary committees. The council shall determine the
9 representation, membership, terms, and organization of the committees
10 and appoint their members.

11 NEW SECTION. **Sec. 8.** The invasive species council account is
12 created in the custody of the state treasurer. All receipts from
13 appropriations, gifts, grants, and donations must be deposited into the
14 account. Expenditures from the account may be used only to carry out
15 the purposes of the council. The account is subject to allotment
16 procedures under chapter 43.88 RCW and the approval of the director of
17 the committee is required for expenditures. All expenditures must be
18 directed by the council.

19 **Sec. 9.** RCW 79A.25.010 and 1989 c 237 s 2 are each amended to read
20 as follows:

21 Definitions: As used in this chapter:

22 (1) "Marine recreation land" means any land with or without
23 improvements which (a) provides access to, or in whole or in part
24 borders on, fresh or salt water suitable for recreational use by
25 watercraft, or (b) may be used to create, add to, or make more usable,
26 bodies of water, waterways, or land, for recreational use by
27 watercraft.

28 (2) "Public body" means any county, city, town, port district, park
29 and recreation district, metropolitan park district, or other municipal
30 corporation which is authorized to acquire or improve public outdoor
31 recreation land, and shall also mean Indian tribes now or hereafter
32 recognized as such by the federal government for participation in the
33 land and water conservation program.

34 (3) "Tax on marine fuel" means motor vehicle fuel tax which is (a)
35 tax on fuel used in, or sold or distributed for use in, any watercraft,

1 (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the
2 director of licensing with respect to taxable sales, distributions, or
3 uses occurring on or after December 3, 1964.

4 (4) "Watercraft" means any boat, vessel, or other craft used for
5 navigation on or through water.

6 (5) "Committee" means the interagency committee for outdoor
7 recreation.

8 (6) "Director" means the director of the interagency committee for
9 outdoor recreation.

10 (7) "Council" means the Washington invasive species council created
11 in section 2 of this act.

12 NEW SECTION. Sec. 10. Section 8 of this act expires December 31,
13 2011.

14 NEW SECTION. Sec. 11. Sections 1 through 8 of this act are each
15 added to chapter 79A.25 RCW."

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