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SENATE BILL 5385

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Jacobsen, Oke, Fraser, Swecker and Kline

Read first time 01/24/2005.                      Referred to Committee on Natural Resources, Ocean & Recreation.

1            AN ACT Relating to creating an invasive species council; and adding  
2 a new chapter to Title 77 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** The legislature finds that:

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

8            (2) These impacts are resulting in damage to Washington's  
9 environment and causing economic hardships to public, private, and  
10 tribal owners.

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

16            NEW SECTION.    **Sec. 2.** (1) There is created in the office of the  
17 governor the Washington invasive species council.

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

5 (3) The Washington invasive species council is a joint effort  
6 between local, tribal, state, and federal governments, as well as the  
7 private sector and nongovernmental organizations. The purpose of the  
8 Washington invasive species council is to foster cooperation,  
9 communication, and coordinated approaches that support local, state,  
10 and regional initiatives for the prevention and control of invasive  
11 species, not to usurp the individual mission of any of its member  
12 organizations or to duplicate effort. Existing statutory authorities  
13 of state agencies participating in the Washington invasive species  
14 council are not changed by this chapter.

15 (4) For the purposes of this chapter, "invasive species" include  
16 nonnative organisms that cause economic or environmental harm and are  
17 capable of spreading to new areas of the state. "Invasive species"  
18 does not include domestic livestock or nonharmful exotic organisms.

19 NEW SECTION. **Sec. 3.** (1) Membership in the Washington invasive  
20 species council includes a representative from the following state  
21 entities:

22 (a) The Washington state department of agriculture, represented by  
23 the director or the director's designee;

24 (b) The Washington department of fish and wildlife, represented by  
25 the director or the director's designee;

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

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

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

32 (f) The University of Washington, appointed by the university  
33 president;

34 (g) Washington State University, appointed by the university  
35 president;

36 (h) The parks and recreation commission, represented by the  
37 director or the director's designee;

1 (i) The Puget Sound water quality action team, represented by the  
2 director or the director's designee;

3 (j) The department of community, trade, and economic development,  
4 represented by the director or the director's designee;

5 (k) The Washington state patrol, represented by the chief of the  
6 state patrol or the chief's designee;

7 (l) The aquatic nuisance species committee, appointed by the  
8 committee;

9 (m) The Washington biodiversity council, appointed by the  
10 biodiversity council;

11 (n) The conservation commission, appointed by the commission; and  
12 (o) The Washington state noxious weed control board, appointed by  
13 the board.

14 (2) Representatives and members of the following federal entities  
15 must be invited to participate in an ex officio capacity on the  
16 Washington invasive species council:

17 (a) The United States forest service;

18 (b) The United States natural resource conservation service;

19 (c) The farm service agency;

20 (d) The animal and plant health inspection service;

21 (e) The United States bureau of land management;

22 (f) The United States bureau of reclamation;

23 (g) The United States geological survey;

24 (h) The United States fish and wildlife service;

25 (i) The United States national park service;

26 (j) The United States bureau of Indian affairs;

27 (k) The national oceanic and atmospheric administration;

28 (l) Washington sea grant;

29 (m) The United States environmental protection agency;

30 (n) The United States department of energy;

31 (o) The United States department of defense;

32 (p) The United States coast guard;

33 (q) The United States army corps of engineers; and  
34 (r) Fort Lewis.

35 (3) Two representatives from tribes must be invited to participate  
36 on the advisory panel, one representative of tribes on the west side of  
37 the state, and one representative of tribes on the east side of the  
38 state.

1 (4) A representative from each of the following local government  
2 organizations must be invited to participate in an ex officio capacity  
3 on the Washington invasive species council:

4 (a) The association of Washington cities;

5 (b) The Washington association of counties (one east side and one  
6 west side); and

7 (c) The Washington association of state conservation districts.

8 Each organization shall select their representative.

9 (5) The governor must appoint representatives from private and  
10 nongovernmental organizations. The organizations should have an  
11 interest in the prevention and eradication of invasive species, and  
12 participate on the Washington invasive species council in an ex officio  
13 capacity. The governor shall make appointments based upon input from  
14 the identified entities:

15 (a) Two members shall represent the agricultural industry;

16 (b) One member shall represent the nursery or landscape industry;

17 (c) One member shall represent aquatic conservation interests;

18 (d) One member shall represent land conservation interests;

19 (e) One member shall represent environmental conservation  
20 interests;

21 (f) One member shall represent native vegetation interests;

22 (g) One member shall represent either wildlife or hunting and  
23 fishing interests, or both;

24 (h) One member shall represent the pet/aquarium industry, or  
25 zoological organizations;

26 (i) One member shall represent either the port or the shipping  
27 industry, or both;

28 (j) One member from the shellfish industry;

29 (k) One member from the industrial forest landowners industry;

30 (l) One member from the nonindustrial forest landowners industry;

31 (m) One member representing the Pacific Northwest economic region;

32 and

33 (n) One member representing the aquaculture industry.

34 (6) Additional members may be added by consensus of the Washington  
35 invasive species council. Any additional state agencies must be  
36 represented by their director or the director's designee. Additional  
37 members that represent private or nongovernmental organizations must be  
38 appointed by the governor.

1 (7) Members identified in subsections (1) through (6) of this  
2 section serve three-year terms. The governor or other appropriate  
3 appointing authority may reappoint a member to more than one three-year  
4 term.

5 (8) A representative of the governor's office must convene the  
6 first organizational meeting of the Washington invasive species  
7 council, and serve as chair until the Washington invasive species  
8 council selects a chair. At the first organizational meeting of the  
9 Washington invasive species council, the council shall adopt bylaws to  
10 address issues including, but not limited to, method of voting,  
11 schedule for meetings, and subcommittee structure.

12 NEW SECTION. **Sec. 4.** The Washington invasive species council's  
13 goal shall be to:

14 (1) Minimize the effects of harmful invasive species on Washington  
15 citizens and ensuring the economic and environmental well-being of the  
16 state;

17 (2) Serve as a nonpartisan forum for identifying and understanding  
18 invasive species issues from all perspectives;

19 (3) Serve as a nonpartisan forum for identifying and understanding  
20 invasive species issues from all perspectives;

21 (4) Serve as a nonpartisan forum to facilitate the communication,  
22 cooperation, and coordination of local, tribal, state, federal,  
23 private, and nongovernmental entities for the prevention, control, and  
24 management of nonnative invasive species;

25 (5) Take measures that will encourage prevention and control of  
26 harmful invasive species and improve compliance with current  
27 legislation regarding the introduction and control of invasive species;

28 (6) Coordinate a system for the early detection and eradication of  
29 new invasive species;

30 (7) Consider ways to halt the spread of invasive species as well as  
31 finding possible ways to bring current problems under control;

32 (8) Consider methods for data sharing, including control methods,  
33 inventory, and monitoring of invasive species;

34 (9) Serve as an avenue for public outreach and raising public  
35 awareness;

36 (10) Develop and implement a statewide invasive species strategic  
37 plan as described in this chapter;

- 1 (11) Make recommendations for legislation as appropriate;
- 2 (12) Establish criteria for the prioritization of invasive species
- 3 response actions and projects; and
- 4 (13) Utilize the process described in subsection (9) of this
- 5 section, select at least one project per year from the strategic plan
- 6 for coordinated action by the Washington invasive species council
- 7 member entities.

8 NEW SECTION. **Sec. 5.** (1) The Washington invasive species council  
9 shall develop and periodically update a statewide strategic plan for  
10 addressing invasive species. The strategic plan should incorporate the  
11 reports and activities of the aquatic nuisance species committee, the  
12 biodiversity council, the state noxious weed control board, and other  
13 appropriate reports. Each state department and agency named to the  
14 Washington invasive species council shall conduct an evaluation of its  
15 current statutory authorities, rules, and programs relevant to invasive  
16 species control and include the evaluation in the strategic plan.

17 (2) The strategic plan must address the following elements, but the  
18 Washington invasive species council may add other elements as it deems  
19 necessary:

- 20 (a) Statewide coordination and intergovernmental cooperation;
- 21 (b) Prevention of new biological invasions through deliberate
- 22 import or introduction or through unintentional pathways;
- 23 (c) Inventory and monitoring of invasive species;
- 24 (d) Early detection of and rapid response to new invasions;
- 25 (e) Control, management, and eradication of established populations
- 26 of invasive species;
- 27 (f) Consideration of revegetation, reclamation, or restoration of
- 28 native species efforts following control, or eradication of invasive
- 29 species;
- 30 (g) Public education;
- 31 (h) Research; and
- 32 (i) Funding and resources available for invasive species
- 33 prevention, control, and management.

34 (3) Using the evaluation identified in subsection (1) of this  
35 section, the Washington invasive species council must identify gaps in  
36 statutory authority and deficiencies in implementation of existing  
37 state law, and recommend changes.

1 (4) The strategic plan must be updated at least once every three  
2 years following its initial development. The strategic plan must be  
3 submitted to the governor and appropriate committees of the legislature  
4 by January 15th of the applicable year. The Washington invasive  
5 species council shall complete the first plan within two years of the  
6 effective date of this section.

7 (5) Each state department and agency named to the Washington  
8 invasive species council shall, consistent with state law, make best  
9 efforts to implement elements of the completed plan that are applicable  
10 to the department or agency.

11 (6) The Washington invasive species council shall submit an annual  
12 report of its activities to the governor and the relevant policy  
13 committees of the legislature on January 15, 2006, and provide an  
14 annual report on its activities by January 15th each year thereafter.  
15 The annual report must include an evaluation of progress made in the  
16 preceding year to implement the state strategic plan.

17 NEW SECTION. **Sec. 6.** The Washington invasive species council may  
18 establish advisory and technical committees that it considers necessary  
19 to aid and advise the Washington invasive species council in the  
20 performance of its functions. The committees may be continuing or  
21 temporary committees. The Washington invasive species council shall  
22 determine the representation, membership, terms, and organization of  
23 the committees and appoint their members.

24 NEW SECTION. **Sec. 7.** The Washington invasive species council  
25 account is created in the custody of the state treasurer. All receipts  
26 from appropriations, gifts, grants, and donations must be deposited  
27 into the account. Expenditures from the account may be used only for  
28 grants and loans as described under this chapter and for other purposes  
29 as authorized by this chapter. Only the chair of the Washington  
30 invasive species council or the chair's designee may authorize  
31 expenditures from the account. The account is subject to allotment  
32 procedures under chapter 43.88 RCW, but an appropriation is not  
33 required for expenditures.

1        NEW SECTION.   **Sec. 8.**   Sections 1 through 7 of this act constitute  
2   a new chapter in Title 77 RCW.

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