
ENGROSSED SUBSTITUTE SENATE BILL 5385

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senators Jacobsen, Oke, Fraser, Swecker and
Kline)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to creating an invasive species council; amending
2 RCW 79A.25.010; adding new sections to chapter 79A.25 RCW; and
3 providing an expiration date.

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

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

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

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

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 these
15 threats.

16 NEW SECTION. **Sec. 2.** (1) There is created the Washington invasive
17 species council to exist until December 31, 2011. Staff support to the

1 council shall be provided by the committee and from the agencies
2 represented on the council. For administrative purposes, the council
3 shall be located within the committee.

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

8 (3) The council is a joint effort between local, tribal, state, and
9 federal governments, as well as the private sector and nongovernmental
10 interests. The purpose of the council is to foster cooperation,
11 communication, and coordinated approaches that support local, state,
12 and regional initiatives for the prevention and control of invasive
13 species.

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

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

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

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

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

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

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

31 (f) The Washington state noxious weed control board, appointed by
32 the board.

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

35 (3) The council must invite one representative each from the United
36 States department of agriculture, the United States fish and wildlife

1 service, the United States environmental protection agency, and the
2 United States coast guard to participate on the council in a nonvoting,
3 ex officio capacity.

4 (4) A representative of the office of the governor must convene the
5 first meeting of the council and serve as chair until the council
6 selects a chair. At the first meeting of the council, the council
7 shall address issues including, but not limited to, voting methods,
8 meeting schedules, and the need for and use of advisory and technical
9 committees.

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

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

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

16 (3) Serve as a forum to facilitate the communication, cooperation,
17 and coordination of local, tribal, state, federal, private, and
18 nongovernmental entities for the prevention, control, and management of
19 nonnative invasive species;

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

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

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

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

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

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

34 NEW SECTION. **Sec. 5.** (1) The council shall develop and
35 periodically update a statewide strategic plan for addressing invasive
36 species. The strategic plan should incorporate the reports and

1 activities of the aquatic nuisance species committee, the biodiversity
2 council, the state noxious weed control board, and other appropriate
3 reports and activities.

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

5 (a) Statewide coordination and intergovernmental cooperation;

6 (b) Prevention of new biological invasions through deliberate or
7 unintentional introduction;

8 (c) Inventory and monitoring of invasive species;

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

10 (e) Control, management, and eradication of established populations
11 of invasive species;

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

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

17 (h) Research and public education;

18 (i) Funding and resources available for invasive species
19 prevention, control, and management; and

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

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

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

31 NEW SECTION. **Sec. 6.** (1) The council shall submit an annual
32 report of its activities to the governor and the relevant policy
33 committees of the senate and house of representatives by December 15th
34 of each year. The annual report must include an evaluation of progress
35 made in the preceding year to implement or carry out the strategic plan
36 and an identification of projects from the strategic plan that will be
37 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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