

CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 5385**

Chapter 152, Laws of 2006

59th Legislature  
2006 Regular Session

INVASIVE SPECIES COUNCIL

EFFECTIVE DATE: 6/7/06

Passed by the Senate March 4, 2006  
YEAS 37 NAYS 5

BRAD OWEN

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**President of the Senate**

Passed by the House March 2, 2006  
YEAS 90 NAYS 7

FRANK CHOPP

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**Speaker of the House of Representatives**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5385** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

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**Secretary**

Approved March 20, 2006.

FILED

March 20, 2006 - 3:09 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5385**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

**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 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1        NEW SECTION.    **Sec. 5.** (1) The council shall develop and  
2 periodically update a statewide strategic plan for addressing invasive  
3 species. The strategic plan should incorporate the reports and  
4 activities of the aquatic nuisance species committee, the state noxious  
5 weed control board, and other appropriate reports and activities. In  
6 addition, the council must coordinate with the biodiversity council  
7 created in Executive Order 04-02 to ensure that a statewide strategy  
8 for the control of invasive species is integrated into the thirty-year  
9 strategy for biodiversity conservation that the biodiversity council  
10 must submit to the legislature in 2007.

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

12        (a) Statewide coordination and intergovernmental cooperation;

13        (b) Prevention of new biological invasions through deliberate or  
14 unintentional introduction;

15        (c) Inventory and monitoring of invasive species;

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

17        (e) Control, management, and eradication of established populations  
18 of invasive species;

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

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

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

28        (i) Research and public education;

29        (j) Funding and resources available for invasive species  
30 prevention, control, and management; and

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

33        (3) The strategic plan must be updated at least once every three  
34 years following its initial development. The strategic plan must be  
35 submitted to the governor and appropriate committees of the legislature  
36 by September 15th of each applicable year. The council shall complete  
37 the initial strategic plan within two years of the effective date of  
38 this section.

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

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

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

15 NEW SECTION. **Sec. 7.** The council may establish advisory and  
16 technical committees that it considers necessary to aid and advise the  
17 council in the performance of its functions. The committees may be  
18 continuing or temporary committees. The council shall determine the  
19 representation, membership, terms, and organization of the committees  
20 and appoint their members.

21 NEW SECTION. **Sec. 8.** The invasive species council account is  
22 created in the custody of the state treasurer. All receipts from  
23 appropriations, gifts, grants, and donations must be deposited into the  
24 account. Expenditures from the account may be used only to carry out  
25 the purposes of the council. The account is subject to allotment  
26 procedures under chapter 43.88 RCW and the approval of the director of  
27 the committee is required for expenditures. All expenditures must be  
28 directed by the council.

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

31 Definitions: As used in this chapter:

32 (1) "Marine recreation land" means any land with or without  
33 improvements which (a) provides access to, or in whole or in part  
34 borders on, fresh or salt water suitable for recreational use by

1 watercraft, or (b) may be used to create, add to, or make more usable,  
2 bodies of water, waterways, or land, for recreational use by  
3 watercraft.

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

10 (3) "Tax on marine fuel" means motor vehicle fuel tax which is (a)  
11 tax on fuel used in, or sold or distributed for use in, any watercraft,  
12 (b) refundable pursuant to chapter 82.36 RCW, and (c) paid to the  
13 director of licensing with respect to taxable sales, distributions, or  
14 uses occurring on or after December 3, 1964.

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

17 (5) "Committee" means the interagency committee for outdoor  
18 recreation.

19 (6) "Director" means the director of the interagency committee for  
20 outdoor recreation.

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

23 NEW SECTION. Sec. 10. Section 8 of this act expires December 31,  
24 2011.

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

Passed by the Senate March 4, 2006.

Passed by the House March 2, 2006.

Approved by the Governor March 20, 2006.

Filed in Office of Secretary of State March 20, 2006.