

HOUSE BILL NO. 330

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RESOURCES COMMITTEE

Introduced: 1/17/08

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of noxious weeds and invasive plants; establishing the
2 Noxious Weed and Invasive Plant Board; and establishing the noxious weed and
3 invasive plant management fund."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 41.10 is amended by adding new sections to read:

6 **Article 2. Noxious Weeds and Invasive Plants.**

7 **Sec. 41.10.200. State policy; purpose.** It is the policy of the state and the
8 purpose of AS 41.10.200 - 41.10.399 to limit economic loss and adverse effects to the
9 state's agricultural, natural, and human resources because of the presence and spread
10 of noxious weeds and invasive terrestrial and aquatic plants in the state.

11 **Sec. 41.10.210. Noxious Weed and Invasive Plant Board.** There is
12 established in the department the Noxious Weed and Invasive Plant Board.

13 **Sec. 41.10.220. Board membership.** (a) The board consists of nine members
14 as follows:

1 (1) the commissioner of natural resources or the commissioner's
2 designee;

3 (2) the commissioner of fish and game or the commissioner's designee;

4 (3) the commissioner of environmental conservation or the
5 commissioner's designee;

6 (4) the commissioner of transportation and public facilities or the
7 commissioner's designee;

8 (5) a member of a soil and water conservation district selected by the
9 soil and water conservation districts, in a manner determined by the soil and water
10 conservation districts;

11 (6) an employee of the University of Alaska involved in agricultural
12 research, extension, or outreach work designated by the commissioner; and

13 (7) three public members appointed by the governor under (d) of this
14 section, subject to confirmation by a majority of the members of the legislature in joint
15 session.

16 (b) Members of the board serving under (a)(1) - (4) of this section serve ex
17 officio with voting privileges.

18 (c) The term of office for a member serving under (a)(5) or (6) of this section
19 is three years. A member serving under

20 (1) (a)(5) serves at the pleasure of the members of the soil and water
21 districts; and

22 (2) (a)(6) serves at the pleasure of the commissioner.

23 (d) The governor shall appoint the public members of the board serving under
24 (a)(7) of this section based on the members' knowledge of and expertise in noxious
25 weed and invasive plant management. The term of office of a public member is three
26 years. Public members shall serve staggered terms of three years and serve until a
27 successor is appointed. Public members serve at the pleasure of the governor.

28 **Sec. 41.10.230. Compensation and per diem.** Members of the board who are
29 not state employees serve without compensation but are entitled to per diem and travel
30 expenses authorized for boards and commissions under AS 39.20.180.

31 **Sec. 41.10.240. Board meetings.** (a) The board shall meet at the call of the

1 presiding officer at least twice annually and at other times as necessary to conduct its
 2 business. Meetings may be held telephonically. In the absence of a call of the
 3 presiding officer, a majority of the board may call a meeting.

4 (b) A majority of the membership of the board constitutes a quorum for the
 5 transaction of business and is necessary for any action taken by the board.

6 (c) AS 44.62.310 and 44.62.312 apply to meetings of the board.

7 **Sec. 41.10.250. Officers of the board.** The board shall select a presiding
 8 officer from its members. The board may elect other officers. A member may be
 9 reelected to serve additional terms as presiding officer or other officer.

10 **Sec. 41.10.260. Staff of the board.** The board may employ staff and contract
 11 for services relating to matters within its authority. Staff employed under this section
 12 are responsible to the board.

13 **Sec. 41.10.270. Powers and duties of the board.** (a) The board shall

14 (1) conduct surveys and investigations relating to noxious weeds and
 15 invasive plants, including surveys and investigations relating to necessary preventative
 16 and control measures, that consider the views, research, and reports of advisory
 17 groups, as may be established by the board under AS 41.10.280, and the views,
 18 research, and reports of individuals and other groups active in the state;

19 (2) annually review and make recommendations to state departments
 20 and agencies concerning revisions of state regulations and statutes, including revisions
 21 to state noxious weed lists, addressing noxious weed and invasive plant species;

22 (3) develop and annually review a comprehensive state strategic plan
 23 for the management of noxious weeds and invasive plants based on resources and
 24 priorities identified by the board in consultation with federal, state, municipal, and
 25 public groups, including the conceptual design for a national Early Detection and
 26 Rapid Response System for Invasive Plants;

27 (4) develop and maintain a statewide noxious weed and invasive plant
 28 management Internet website to centralize and coordinate efforts to share information;

29 (5) define geographic areas of the state to be used for noxious weed
 30 and invasive plant management, databases, research, and predictive purposes;

31 (6) consider federal law and congressional intent relating to noxious

1 weed and invasive plant management;

2 (7) cooperate and coordinate with, furnish assistance to, and enter into
3 agreements with users of the land or water, public groups, state agencies, and federal
4 agencies operating within the state as is necessary and practical for carrying out the
5 purposes of AS 41.10.200 - 41.10.399;

6 (8) identify and recommend responses to outbreaks of noxious weeds
7 and invasive plants to land and water users, organizations, or agencies that have
8 jurisdiction of the affected land or water;

9 (9) make recommendations to the governor and legislature to limit
10 economic loss and adverse effects to the state's agricultural, natural, and human
11 resources because of the presence and spread of noxious weeds and invasive terrestrial
12 and aquatic plants in the state;

13 (10) designate a person to serve as a statewide coordinator for noxious
14 weed and invasive plant management and education and perform additional duties
15 prescribed by the board;

16 (11) assist in the establishment of local weed management entities
17 within the geographic areas defined under (5) of this subsection; and

18 (12) recommend to the commissioner objectives, criteria, and
19 allocation guidelines for grants made from the fund established under AS 41.10.320.

20 (b) The board may

21 (1) publish the results of the board's surveys and investigations and
22 disseminate information concerning the results of the surveys and investigations to
23 state and federal agencies, public organizations, and land and water users of the state;

24 (2) make technical guidance and other assistance available to prevent
25 the importation and spread of noxious weeds and invasive plants that are injurious to
26 public interest;

27 (3) develop or adapt relevant educational materials and programs;

28 (4) act in an advisory capacity in the development of policy concerning
29 noxious weeds and invasive plants to state land and water users, municipalities,
30 agencies of the state, public organizations, and agencies of the United States that
31 manage federal land in the state; and

1 (5) accept contributions of services, materials, or equipment and,
2 subject to appropriation, of money from the United States or its agencies, from an
3 agency of the state, and from any other source for use in carrying out the purposes of
4 AS 41.10.200 - 41.10.399.

5 **Sec. 41.10.280. Advisory groups of the board.** (a) The board may establish
6 advisory groups in the state.

7 (b) The board shall invite nominations for the membership on the advisory
8 groups and shall consider the nominations in making appointments to the groups.

9 **Sec. 41.10.290. Federal laws.** All state prevention, control, and education
10 efforts shall be done in cooperation with federal noxious weed and invasive plant laws
11 and initiatives.

12 **Sec. 41.10.300. Agency cooperation.** Each state department, agency, and
13 institution shall cooperate with the board in the fulfillment of the board's powers and
14 duties under AS 41.10.270 and shall be encouraged by the board to participate in and
15 support existing invasive species collaborative forums.

16 **Sec. 41.10.310. Joint operations.** The board may exercise the powers and
17 duties granted by AS 41.10.270 jointly with a person, political subdivision of the state,
18 Native village or regional corporation, the United States, or Canada.

19 **Sec. 41.10.320. Noxious weed and invasive plant management fund;
20 grants.** (a) The noxious weed and invasive plant management fund is created as an
21 account in the general fund. The fund consists of money appropriated by the
22 legislature. The commissioner, in consultation with the board, shall annually
23 determine the amount requested under this section and shall include the amount in the
24 department's budget request. The commissioner, in consultation with the board, may
25 use the fund to

26 (1) meet the expenses of the board incurred under AS 41.10.270;

27 (2) employ, fund, or contract for a statewide coordinator for noxious
28 weed and invasive plant management and education; and

29 (3) make grants for the uses and purposes of AS 41.10.200 -
30 41.10.399.

31 (b) A state agency, institution, or political subdivision, or a nonprofit

1 organization located in the state may apply for a grant under (a)(3) of this section by
 2 submitting an application to the commissioner. The commissioner, in consultation
 3 with the board, may award grants under this section to further the purposes of
 4 AS 41.10.200 - 41.10.399.

5 **Sec. 41.10.330. Regulations.** The commissioner of natural resources, the
 6 commissioner of fish and game, the commissioner of environmental conservation, and
 7 the commissioner of transportation and public facilities shall adopt regulations to
 8 implement AS 41.10.200 - 41.10.399.

9 **Sec. 41.10.399. Definitions.** In AS 41.10.200 - 41.10.399,

10 (1) "board" means the Noxious Weed and Invasive Plant Board;

11 (2) "fund" means the noxious weed and invasive plant management
 12 fund;

13 (3) "invasive plant" means a terrestrial or aquatic plant species or plant
 14 subspecies alien to the state or to a particular ecosystem of the state the introduction of
 15 which causes or is likely to cause economic or environmental harm or harm to human
 16 health in the state;

17 (4) "noxious weed" means a terrestrial or aquatic plant species, plant
 18 subspecies, plant product, or plant part that can directly or indirectly injure or cause
 19 damage to crops, including nursery stock or plant products, livestock, poultry, or other
 20 interests of agriculture; irrigation; navigation; the natural resources of the state; the
 21 public health; or the environment.

22 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
 23 read:

24 TRANSITIONAL PROVISIONS: NOXIOUS WEED AND INVASIVE PLANT
 25 BOARD PUBLIC MEMBERS; STAGGERED TERMS. Notwithstanding AS 41.10.220(d),
 26 added by sec. 1 of this Act, the public members appointed to the Noxious Weed and Invasive
 27 Plant Board shall be appointed to staggered terms in the first year as follows:

28 (1) one member shall be appointed to serve three years;

29 (2) one member shall be appointed to serve two years; and

30 (3) one member shall be appointed to serve one year.

31 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITIONAL PROVISIONS: NOXIOUS WEED AND INVASIVE PLANT
3 BOARD; FIRST MEETING. Notwithstanding AS 41.10.240, added by sec. 1 of this Act, the
4 Noxious Weed and Invasive Plant Board shall conduct its first meeting within 30 days after
5 all its public members have been appointed.

6 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 REVISOR'S INSTRUCTION. The revisor of statutes shall

9 (1) replace references to "this chapter" appearing in AS 41.10.010 - 41.10.140
10 with "AS 41.10.010 - 41.10.140";

11 (2) appropriately rename chapter AS 41.10 to take account of the addition to
12 that chapter of the material set out in this Act; and

13 (3) redesignate the material in AS 41.10.010 - 41.10.140 as art. 1 of AS 41.10.