

HOUSE BILL NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHNSON AND BUCH, Muñoz, Peggy Wilson

Introduced: 1/20/09

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing the Alaska Council on Invasive Species in the Department of Fish**
2 **and Game."**

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 **LEGISLATIVE FINDINGS.** The legislature finds that

7 (1) the land, water, plants, animals, and other natural resources in the state
8 have the potential to be severely affected by the introduction of an increasing number of
9 invasive species;

10 (2) invasive species harm native species, alter ecosystem processes, transport
11 and cause disease, and otherwise threaten human health and the state's economy;

12 (3) governmental, public, and private entities need a cooperative means of
13 communicating, planning, coordinating, and collaborating in the development of a statewide
14 plan of action in addressing the threat posed by invasive species.

1 * **Sec. 2.** AS 03.22 is amended by adding new sections to read:

2 **Article 2. Alaska Council on Invasive Species.**

3 **Sec. 03.22.100. Alaska Council on Invasive Species.** The Alaska Council on
4 Invasive Species is established in the Department of Fish and Game. The purpose of
5 the council is to plan and coordinate efforts that address the threats posed to the state
6 and its residents by invasive species. The council shall work to foster cooperation,
7 communication, and coordinated approaches that support federal, state, local, and
8 regional initiatives relating to the control of harmful invasive species.

9 **Sec. 03.22.110. Council membership.** (a) The council consists of 14 members
10 as follows:

- 11 (1) the commissioner of fish and game or the commissioner's designee;
12 (2) the commissioner of natural resources or the commissioner's
13 designee;
14 (3) the commissioner of environmental conservation or the
15 commissioner's designee;
16 (4) the commissioner of transportation and public facilities or the
17 commissioner's designee;
18 (5) the commissioner of health and social services or the
19 commissioner's designee;
20 (6) a member of a soil and water conservation district established
21 under AS 41.10.130 nominated by the soil and water conservation districts;
22 (7) a member of a conservation organization;
23 (8) a person engaged in commercial production agriculture;
24 (9) a person engaged in the commercial landscaping or horticultural
25 nursery business;
26 (10) a representative of a commercial fishermen's organization;
27 (11) a representative of a commercial shipping organization;
28 (12) an employee of the University of Alaska involved in agricultural
29 research, extension, or outreach;
30 (13) a representative of a Native corporation established under 43
31 U.S.C. 1601 et seq. (Alaska Native Claims Settlement Act); and

1 (14) a public member.

2 (b) Members of the council serving under (a)(1) - (5) of this section serve ex
3 officio.

4 (c) Members of the council serving under (a)(6) - (14) of this section shall be
5 appointed by the commissioner.

6 (d) The term of a member serving under (a)(6) - (14) of this section is three
7 years. A member may be reappointed.

8 **Sec. 03.22.120. Compensation.** Members of the council who are not state
9 employees serve without compensation.

10 **Sec. 03.22.130. Council staff.** The commissioner may employ clerical staff to
11 assist the council.

12 **Sec. 03.22.140. Council meetings.** (a) The council shall meet at the call of the
13 presiding officer at least once annually and at other times as necessary to conduct its
14 business. In the absence of a call of the presiding officer, a majority of the
15 membership of the council may call a meeting.

16 (b) A majority of the membership of the council constitutes a quorum for the
17 transaction of business and is necessary for any action taken by the council.

18 **Sec. 03.22.150. Officers of the council.** The council shall elect a presiding
19 officer from among its members. The council may elect other officers. A member may
20 be reelected to serve additional terms as presiding officer or other officer.

21 **Sec. 03.22.160. Annual report.** The council shall submit an annual report of
22 its activities to the governor and the presiding officer of each house of the legislature
23 by December 15 each year. The report must include an evaluation of the council's
24 activities in the preceding calendar year relating to the implementation of the strategic
25 plan under AS 03.22.180 and identify the council's priorities for the next calendar
26 year.

27 **Sec. 03.22.170. Duties of the council.** (a) The council shall

28 (1) in consultation with federal, state, local, public, and private entities,
29 provide a coordinated approach that facilitates the development of a statewide policy
30 that addresses the risks of existing invasive species in the state and the prevention of
31 the introduction of additional invasive species;

1 (2) serve as a forum facilitating the communication, cooperation, and
2 coordination of federal, state, local, public, and private entities for the identification
3 and control of invasive species;

4 (3) request the assistance and participation of federal departments and
5 agencies;

6 (4) review the existing funding provided to state agencies for the
7 control of invasive species;

8 (5) develop and review a comprehensive strategic plan under
9 AS 03.22.180 to control invasive species in the state based on resources and priorities
10 identified by the council in consultation with federal, state, local, public, and private
11 entities;

12 (6) monitor and evaluate the implementation and effectiveness of the
13 strategic plan developed by the council; and

14 (7) provide an annual report under AS 03.22.160 to the governor and
15 the presiding officer of each house of the legislature.

16 (b) The council may

17 (1) publish the results of the council's efforts and disseminate
18 information related to the control of invasive species;

19 (2) develop or adapt relevant educational materials and programs;

20 (3) act in an advisory capacity in the development of policy concerning
21 invasive species to agencies of the United States that manage federal land in the state,
22 state land and water users, municipalities, agencies of the state, and public and private
23 organizations;

24 (4) accept, on behalf of the state, contributions of services, materials,
25 or money to assist in meeting the cost of carrying out AS 03.22.100 - 03.22.249; and

26 (5) solicit proposals, review applications, and advise the commissioner
27 as to grants, loans, and expenditures for activities related to the control of invasive
28 species.

29 **Sec. 03.22.180. Triennial strategic plan.** (a) The council shall create a
30 comprehensive strategic plan for the control of invasive species that

31 (1) addresses federal, state, local, public, and private efforts in the state

1 relating to the control of invasive species, including recommendations pertaining to

2 (A) revision of state statutes and regulations;

3 (B) action by state departments and agencies;

4 (2) addresses coordination of federal, state, local, public, and private
5 efforts in the state relating to the control of invasive species;

6 (3) prioritizes efforts to control invasive species in the state;

7 (4) includes standards for measuring the success of state departments
8 and agencies in controlling invasive species;

9 (5) provides for the early identification of and rapid response to the
10 introduction to the state of new invasive species;

11 (6) provides for the inventorying and monitoring of invasive species in
12 the state; and

13 (7) identifies individual projects related to the control of invasive
14 species that can be implemented during the period covered by the triennial strategic
15 plan.

16 (b) In prioritizing efforts to control invasive species under (a)(3) of this
17 section, the council shall annually select at least one project from the triennial strategic
18 plan for action by entities coordinating with the council.

19 (c) The strategic plan shall be submitted to the governor and the presiding
20 officer of each house of the legislature by September 15 triennially.

21 **Sec. 03.22.190. Advisory and technical groups of the council.** (a) The
22 council may establish advisory and technical groups to aid and advise the council in
23 the performance of its duties.

24 (b) The council shall invite and accept nominations for membership on the
25 advisory groups and shall consider the nominations in making appointments to the
26 groups.

27 (c) The council shall provide for public notice and an opportunity to comment
28 before accepting a nomination for membership on an advisory or technical group
29 under (b) of this section.

30 **Sec. 03.22.200. Federal laws.** All state control and education efforts under
31 AS 03.22.100 - 03.22.249 shall be done in cooperation with federal laws and

1 initiatives relating to invasive species.

2 **Sec. 03.22.210. Agency cooperation.** Each state agency, as defined in
3 AS 39.52.960, shall cooperate with the council in the fulfillment of the council's duties
4 under AS 03.22.170 and use its best efforts to comply with the plan developed under
5 AS 03.22.180(a).

6 **Sec. 03.22.220. Joint operations.** The council may exercise the duties
7 imposed by AS 03.22.170 jointly with a person, political subdivision of the state,
8 Native village or regional corporation, or an agency of the United States or Canada.

9 **Sec. 03.22.249. Definitions.** In AS 03.22.100 - 03.22.249,

10 (1) "commissioner" means the commissioner of fish and game;

11 (2) "control" means, as appropriate, eradicating, suppressing, reducing,
12 or managing invasive species populations, preventing the spread of invasive species
13 from areas where they are present, and taking steps such as restoration of native
14 species and habitats to reduce the effects of invasive species and to prevent further
15 invasions;

16 (3) "council" means the Alaska Council on Invasive Species;

17 (4) "introduction" means the intentional or unintentional escape,
18 release, dissemination, or placement of a species into an ecosystem as a result of
19 human activity;

20 (5) "invasive species" means a group of organisms, all of which have a
21 high degree of physical and genetic similarity, generally intrabreed only among
22 themselves, and show persistent differences from members of allied groups of
23 organisms, whose introduction causes or is likely to cause economic harm,
24 environmental harm, or harm to human health.

25 * **Sec. 3.** AS 03.22.100, 03.22.110, 03.22.120, 03.22.130, 03.22.140, 03.22.150, 03.22.160,
26 03.22.170, 03.22.180, 03.22.190, 03.22.200, 03.22.210, 03.22.220, and 03.22.249 are
27 repealed December 31, 2020.

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

30 TRANSITIONAL PROVISIONS: ALASKA COUNCIL ON INVASIVE SPECIES;
31 FIRST MEETING. Notwithstanding AS 03.22.140, added by sec. 2 of this Act, the first

1 meeting of the Alaska Council on Invasive Species shall be convened by the commissioner of
2 fish and game, who shall also serve as the presiding officer of the council until it selects a
3 presiding officer under AS 03.22.150, added by sec. 2 of this Act. At the first meeting, the
4 members of the council shall address council voting methods, meeting schedules, procedures
5 for removing a member, and the need for and use of possible advisory and technical groups.

6 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 TRANSITION: INITIAL TERMS OF MEMBERS APPOINTED TO THE ALASKA
9 COUNCIL ON INVASIVE SPECIES. Notwithstanding AS 03.22.110(d), enacted by sec. 2 of
10 this Act, the terms of the initially appointed members of the Alaska Council on Invasive
11 Species, established in the Department of Fish and Game by AS 03.22.100, enacted by sec. 2
12 of this Act, shall be set by the commissioner of fish and game to achieve staggered terms in
13 the manner provided by AS 39.05.055(7).

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

16 TRANSITIONAL PROVISIONS: STRATEGIC PLAN AND REPORTS OF THE
17 ALASKA COUNCIL ON INVASIVE SPECIES; RELEASE OF PLAN AND FIRST
18 REPORTS. (a) Notwithstanding AS 03.22.170(a)(5) and 03.22.180, added by sec. 2 of this
19 Act, the initial strategic plan shall be completed by September 15, 2011.

20 (b) Before the release of the initial strategic plan, the report required under
21 AS 03.22.160, added by sec. 2 of this Act, must include the council's recommendations
22 pertaining to statutes and regulations that relate to the existence and form of the council.