

IN THE SENATE

SENATE BILL NO. 1068

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO INVASIVE SPECIES ACT; AMENDING CHAPTER 8, TITLE 67,
2 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-818A, IDAHO CODE, TO
3 ESTABLISH THE OFFICE OF INVASIVE SPECIES POLICY WITHIN THE OFFICE OF
4 SPECIES CONSERVATION AND TO PROVIDE DUTIES OF THE OFFICE; AMENDING
5 SECTION 22-1903, IDAHO CODE, TO REQUIRE THE INVASIVE SPECIES ACT TO BE
6 ADMINISTERED IN CONJUNCTION WITH THE OFFICE OF INVASIVE SPECIES POLICY;
7 AMENDING SECTION 22-1904, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING
8 SECTION 22-1906, IDAHO CODE, TO REVISE THE DUTIES OF THE DIRECTOR OF THE
9 DEPARTMENT OF AGRICULTURE; AMENDING SECTION 22-1908, IDAHO CODE, TO
10 PROVIDE THAT CERTAIN CHECK STATIONS MAY BE PRIORITIZED TO HAVE EXTENDED
11 OPERATING HOURS AND TO PROVIDE A PENALTY FOR A PERSON FAILING TO STOP AT
12 A CHECK STATION; AMENDING SECTION 22-1912, IDAHO CODE, TO PROVIDE THAT
13 THE DIRECTOR SHALL PURSUE FEDERAL GOVERNMENT PARTNERSHIPS AND FUNDING;
14 AMENDING SECTION 22-1914, IDAHO CODE, TO PROVIDE CONDITIONS UNDER WHICH
15 THE DIRECTOR SHALL ENTER INTO COOPERATIVE AGREEMENTS OR DELEGATE DUTIES
16 TO CERTAIN OTHER ENTITIES; AND DECLARING AN EMERGENCY.
17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Chapter 8, Title 67, Idaho Code, be, and the same is
20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
21 ignated as Section 67-818A, Idaho Code, and to read as follows:

22 67-818A. OFFICE OF INVASIVE SPECIES POLICY. (1) There is hereby es-
23 tablished within the office of species conservation the "office of invasive
24 species policy." The office of invasive species policy shall act as policy
25 advisor to the department of agriculture, the fish and game department, the
26 department of parks and recreation, and other state, local, federal and
27 private sector agencies and organizations with the goal of combating harm-
28 ful invasive species infestations throughout the state and preventing the
29 introduction of others that may be potentially harmful. The administrator
30 of the office of invasive species policy shall be the official in the state
31 who is designated to oversee and execute the coordination of all invasive
32 species programs within the state of Idaho. The administrator shall be ap-
33 pointed by and shall serve at the pleasure of the governor.

34 (2) The office of invasive species policy shall:

35 (a) Cooperate and consult with local, state and federal agencies, the
36 legislature, the congress and the states and provinces within the pa-
37 cific northwest economic region on programs, policies and issues in
38 combating invasive species infestations in Idaho;

39 (b) Serve as a lead to prioritize actions, compile a regional cost doc-
40 ument, establish reciprocity for watercraft inspections across geopo-
41 litical boundaries, make data and information more widely available,

1 and ensure effective and complete monitoring by the department of agri-
2 culture and any other necessary agencies;

3 (c) Serve as a repository of agreements, contracts and plans concern-
4 ing programs for the identification and eradication of invasive species
5 with other relevant local, state and federal agencies and shall facili-
6 tate the exchange of this information and data with relevant interstate
7 and intrastate entities;

8 (d) Provide input and comment on community, tribal and federal plans,
9 agreements and policies in relation to invasive species;

10 (e) Coordinate public and private entities to develop, create and pro-
11 mote statewide campaigns to prevent and eradicate invasive species in
12 Idaho;

13 (f) Promote and track actions that address existing gaps in state and
14 federal legislation;

15 (g) Recommend actions to enhance awareness, understanding and appre-
16 ciation of the economic and natural resource significance of the threat
17 of high-risk invasive species to the pacific northwest region and to en-
18 hance political will and effectuate positive changes in public behav-
19 ior;

20 (h) Develop strategies to ensure equitable, long-term sustainable
21 funding for invasive species prevention; and

22 (i) Foster coordinated approaches that support local initiatives for
23 the prevention and control of invasive species.

24 SECTION 2. That Section 22-1903, Idaho Code, be, and the same is hereby
25 amended to read as follows:

26 22-1903. ADMINISTRATION. This chapter shall be administered by the
27 Idaho state department of agriculture, in consultation with the office of
28 invasive species policy.

29 SECTION 3. That Section 22-1904, Idaho Code, be, and the same is hereby
30 amended to read as follows:

31 22-1904. DEFINITIONS. Unless otherwise noted in this chapter the def-
32 initions as set forth in section 22-2005, Idaho Code, are adopted by refer-
33 ence.

34 (1) "Conveyance" means a terrestrial or aquatic vehicle or a vehicle
35 part that may carry or contain an invasive species or plant pest. A con-
36 veyance includes a motor vehicle, a vessel, a motorboat, a sailboat, a per-
37 sonal watercraft, a trailer or any other means or method of transportation.
38 "Conveyance" also includes a live well or a bilge area of a watercraft.

39 (2) "Environmental harm" means to cause significant adverse effects on
40 uses of natural resources or on plants or animals.

41 (3) "Invasive species" means species not native to Idaho, including
42 noxious weeds, plants, weeds, their seeds, eggs, spores, larvae or other
43 biological material capable of propagation, that cause economic or environ-
44 mental harm and are capable of spreading in the state. "Invasive species"
45 does not include crops, improved forage grasses, domestic livestock, or
46 other beneficial nonnative organisms.

1 SECTION 4. That Section 22-1906, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 22-1906. DUTIES OF THE DEPARTMENT AND DIRECTOR. The department ~~may~~
4 shall prevent and control, by such means as shall be prescribed and provided
5 by law, rule or by order of the department, all invasive species that may
6 cause economic or environmental harm to the state. The director shall:

7 (1) After due investigation, report the detection of new invasive
8 species within the state to the appropriate state and federal officials.

9 (2) Issue permits for the transport or possession of an invasive
10 species into, within or through the state of Idaho. Permits shall include
11 requirements to ensure the containment of that species, as may be prescribed
12 in rule.

13 (3) Develop and administer an early detection and rapid response pro-
14 toocol for Idaho in conjunction with the appropriate local, state, tribal and
15 federal entities.

16 (4) Identify and enter into cooperative agreements with appropriate
17 local, state, tribal and federal entities.

18 (5) Pursue all available funding from any other lawful source includ-
19 ing, without limitation, gifts, grants, legacies of money, property, secu-
20 rities or other assets, or any other source, public or private.

21 (7) Provide ongoing education and training to check station inspec-
22 tors.

23 (8) Develop a strategic plan that contains a long-term strategy with
24 goals for all invasive species and addresses, at a minimum, scouting and
25 monitoring, early detection, rapid response and eradication. The strategic
26 plan shall be developed in conjunction with the office of invasive species
27 policy and with scouting and stakeholder involvement.

28 (8) Engage in opportunities to harmonize all relevant statutes includ-
29 ing, but not limited to, noxious weed law, plant pest act, deleterious exotic
30 animal law and any relevant enforcement and wildlife statutes.

31 (9) Report to the agricultural affairs committee of the Idaho house of
32 representatives and to the agricultural affairs committee of the Idaho sen-
33 ate at least annually on the details and all aspects of the functioning of the
34 invasive species program.

35 These duties shall not usurp existing provisions of the Idaho Code, pro-
36 grams that deal with invasive species issues, or the individual missions of
37 any state agency or duplicate efforts existing upon passage of this act.

38 SECTION 5. That Section 22-1908, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 22-1908. AUTHORITY TO CONDUCT INSPECTIONS. (1) In order to accomplish
41 the purposes of this chapter, the director may enter upon and inspect any
42 public or private premises, lands, bodies of water, or means of conveyance,
43 or article of any person within this state, for the purpose of inspecting,
44 surveying, treating, controlling, collecting samples, or destroying any in-
45vasive species.

46 (2) The director may establish check stations at points of entry to the
47 state, or other facilities and sites throughout the state, as necessary to
48 carry out the provisions of this chapter. Check station inspectors shall ex-

1 amine all conveyances for the presence of any type of invasive species, both
2 plant and animal. The director shall allocate resources so as to give pri-
3 ority to extending operating hours for any check station located in close
4 proximity to an infested water body or to the boundary with another state or
5 province.

6 (3) No person shall proceed past or travel through an established in-
7 spection station during its hours of operation while towing, carrying or
8 transporting any conveyance without presenting such conveyance for inspec-
9 tion. Any person who violates this subsection is subject to the penalties
10 set forth in section 22-1913, Idaho Code.

11 SECTION 6. That Section 22-1912, Idaho Code, be, and the same is hereby
12 amended to read as follows:

13 22-1912. CONTROL AND ERADICATION COSTS -- DEFICIENCY WARRANTS --
14 COOPERATION WITH OTHER ENTITIES AND CITIZENS. Whenever the director deter-
15 mines that there exists the threat of an infestation of an invasive species
16 on state-owned land or water, private, forested, range or agricultural
17 land or water, and that the infestation is of such a character as to be a
18 menace to state, private, range, forest or agricultural land or water, the
19 director shall cause the infestation to be controlled and eradicated, using
20 such moneys as have been appropriated or may hereafter be made available
21 for such purposes. Provided however, that whenever the cost of control
22 and eradication exceeds the moneys appropriated or otherwise available for
23 that purpose, the state board of examiners may authorize the issuance of
24 deficiency warrants against the general fund for up to five million dollars
25 (\$5,000,000) in any one (1) year for such control and eradication. Control
26 and eradication costs may include, but are not limited to, costs for sur-
27 vey, detection, inspection, enforcement, diagnosis, treatment and disposal
28 of infected or infested materials, cleaning and disinfecting of infected
29 premises or vessels and indemnity paid to owners for infected or infested
30 materials destroyed by order of the director. The director, in executing
31 the provisions of this chapter insofar as it relates to control and eradi-
32 cation, shall have the authority to cooperate with federal, state, county
33 and municipal agencies and private citizens in control and eradication ef-
34 forts; provided, that in the case of joint federal/state programs, state
35 moneys shall only be used to pay the state's share of the cost of the control
36 and eradication efforts. Such moneys for which the state shall thus become
37 liable shall be paid as a part of the expenses of the Idaho state department
38 of agriculture out of appropriations that shall be made by the legislature
39 for that purpose from the general fund of the state. In all appropriations
40 hereafter made for expenses of the department, account shall be taken of and
41 provision made for this item of expense. In order to minimize the financial
42 impact of control and eradication costs on state funds, the director shall
43 actively pursue partnerships with the federal government and take advantage
44 of any associated federal funds available to Idaho.

45 SECTION 7. That Section 22-1914, Idaho Code, be, and the same is hereby
46 amended to read as follows:

1 22-1914. COOPERATIVE AGREEMENTS. (1) The department ~~may~~ shall enter
2 into cooperative agreements with persons and entities including, but not
3 limited to, civic groups and other state, federal, local and tribal gov-
4 ernmental agencies, to adopt and execute plans to detect and control areas
5 infested with invasive species. Such cooperative agreements may include
6 provisions for funding to implement agreements.

7 (2) If an invasive species occurs and cannot be adequately controlled
8 by individual persons, owners, tenants or local units of government, the de-
9 partment ~~may~~ shall conduct the necessary control measures independently or
10 on a cooperative basis with federal or other units of government.

11 (3) The department shall have the authority to delegate selected and
12 clearly identified elements of its authorities and duties to another agency
13 of the state with appropriate expertise or administrative capacity upon mu-
14 tual agreement with that agency. The department is authorized to enter into
15 formal memoranda of agreement with other state agencies including, but not
16 limited to, the Idaho state police, the Idaho department of fish and game,
17 appropriate Idaho counties, local government and local law enforcement of-
18 officials, to implement the delegations authorized in this subsection. Such
19 delegation may include provisions of funding for implementation of the del-
20 egations. The department shall retain primary authority and responsibility
21 for all requirements of this chapter unless otherwise directed herein.

22 SECTION 8. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after its
24 passage and approval.