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Idaho Statutes

[Printer Friendly Version](#)TITLE 22
AGRICULTURE AND HORTICULTURECHAPTER 19
THE IDAHO INVASIVE SPECIES ACT OF 2008

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

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

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

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

History:

[22-1906, added 2008, ch. 387, sec. 1, p. 1063.]

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22-1906

The Director shall:

- (3) Develop and administer an early detection and repaid response protocol for Idaho in conjunction with the appropriate local, state, tribal, and federal entities.
- (4) Identify and enter into cooperative agreements with appropriate local, state, tribal and federal entities
- (5) Pursue all available funding from any other lawful source including, without limitation, fees, penalties, fines, gifts, grants, legacies of money, property, securities or other assets, or any other source, public or private. from
22-1911
- (6) Develop a strategic plan in conjunction with the Idaho Invasive Species Council that contains a long-term strategy with goals for all Taxa that deals at a minimum with scouting and monitoring, early detection, inspection, rapid response, eradication, and with scouting and stakeholder involvement.
- (7) Permanently establish an Idaho Invasive Species Council as a joint effort between local, state, tribal, and federal governments as well as profit and not-for-profit private entities. The purpose of the Council is to foster coordinated approaches that support local initiatives for the prevention and control of invasive species.
- (8) Maintain the members of the Idaho Invasive Species Council to include at least all parties outlined in the Idaho Govenors Executive Order 2010-14 and the Idaho Invasive Species Council bylaws adopted 27 April 2007.
- (9) Ensure the Idaho Invasive Species Council adopt and amend by-laws on a regular basis.
- (10) Search for all opportunities to harmonize all relevant invasive species statutes including but not limited to Noxious Weed Law, Plant Pest Act, Deleterious Animal Law and various enforcement and wildlife statutes.
- (11) Report to the Agriculture Committees of the Idaho Senate and House of Representatives at least annually the details and all aspects of the functioning of the Invasive Species Program.



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TITLE 22 AGRICULTURE AND HORTICULTURE

CHAPTER 19 THE IDAHO INVASIVE SPECIES ACT OF 2008

22-1913. PENALTIES FOR VIOLATIONS. (1) Any person who knowingly violates any provision of this chapter, or of the rules promulgated hereunder for carrying out the provisions of this chapter, or who fails or refuses to comply with any requirements herein specified, or who interferes with the department, its agents, designees or employees, in the execution, or on account of the execution of its or their duties under this chapter or rules promulgated hereunder, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than three thousand dollars (\$3,000) or be imprisoned in a county jail for not more than twelve (12) months or be subject to both such fine and imprisonment.

(2) Any person who violates or fails to comply with any of the provisions of this chapter or any rules promulgated hereunder may be assessed a civil penalty by the department or its duly authorized agent of not more than ten thousand dollars (\$10,000) for each offense and shall be liable for reasonable attorney's fees.

(a) Assessment of a civil penalty may be made in conjunction with any other department administrative action.

(b) No civil penalty may be assessed unless the person charged was given notice and opportunity for a hearing pursuant to the Idaho administrative procedure act.

(c) If the department is unable to collect such penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the department, it may recover such amount by action in the appropriate district court.

(d) Any person against whom the department has assessed a civil penalty under the provisions of this section may, within twenty-eight (28) days of the final action by the agency making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred.

(e) All civil penalties collected pursuant to this section shall be remitted to the invasive species fund as authorized under section 22-1911, Idaho Code.

(3) Nothing in this chapter shall be construed as requiring the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action.

History:

[22-1913, added 2008, ch. 387, sec. 1, p. 1065.]

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22-1913

Misdemeanor to infraction



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Idaho Statutes

TITLE 22 AGRICULTURE AND HORTICULTURE

CHAPTER 19 THE IDAHO INVASIVE SPECIES ACT OF 2008

22-1914. COOPERATIVE AGREEMENTS. (1) The department may enter into cooperative agreements with persons and entities including, but not limited to, civic groups and governmental agencies, to adopt and execute plans to detect and control areas infested with invasive species. Such cooperative agreements may include provisions for funding to implement agreements.

(2) If an invasive species occurs and cannot be adequately controlled by individual persons, owners, tenants or local units of government, the department may conduct the necessary control measures independently or on a cooperative basis with federal or other units of government.

(3) The department shall have the authority to delegate selected and clearly identified elements of its authorities and duties to another agency of the state with appropriate expertise or administrative capacity upon mutual agreement with that agency. The department is authorized to enter into memoranda of agreement with other state agencies to implement the delegations authorized in this subsection. Such delegation may include provisions of funding for implementation of the delegations. The department shall retain primary authority and responsibility for all requirements of this chapter unless otherwise directed herein.

History:

[22-1914, added 2008, ch. 387, sec. 1, p. 1066.]

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22-1914

(2) change may to shall

(3) ...The Department shall establish formal memoranda of agreements with other state and Federal agencies including but not limited to Idaho State Police, Idaho Department of Fish and Game, appropriate Idaho Counties, local law enforcement officials,



The Office of the Governor

EXECUTIVE ORDER NO. 2010-14

THE IDAHO INVASIVE SPECIES COUNCIL

WHEREAS, the land, water and other resources of Idaho are being severely impacted or threatened by the invasion of an increasing number of harmful, nonnative plant and animal species; and

WHEREAS, these impacts and potential infestations result in damage to Idaho's environment and causing economic hardships to public, private and tribal owners; and

WHEREAS, representatives of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species to need a mechanism for cooperation, collaboration and development of statewide plans to this threat; and

WHEREAS, the Idaho Invasive Species Council serves as a mechanism for cooperation, collaboration and development of policy recommendations for statewide plans; and

WHEREAS, multiple agencies, authorities and information sources are used to implement a wide variety of invasive species management programs; and

WHEREAS, a need exists to build upon the strength of existing invasive species programs, to improve areas that are weaker and integrate efforts into an efficient unified state response to the threat of invasive species; and

WHEREAS, noxious weed and invasive species programs have similar program objectives, resources and technical requirements that encourage them to be managed and implemented within the same organizational structure in order to maximize efficiency and effectiveness of limited funding;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

The continuation of the Idaho Invasive Species Council (the Council) as a joint effort between local, tribal, state, and federal governments, as well as profit and not-for-profit private entities. The purpose of the Council is to foster coordinated approaches that support local initiatives for the prevention and control of invasive species.

A. The Council's responsibilities shall be:

- 1. To provide policy level recommendations and planning assistance for combating harmful invasive species infestations throughout the state and preventing the introduction of others that may be potentially harmful;*
- 2. To serve as a nonpartisan forum for identifying and understanding invasive species issues;*
- 3. To recommend steps for implementing actions proposed in the Strategic Action Plan for Invasive Species;*
- 4. To take measures that will encourage control and prevention of harmful non-native species;*
- 5. To organize and streamline the process for identifying and controlling invasive species among all stakeholders;*
- 6. To consider ways to halt the spread of invasive species as well as finding possible ways to bring current problems under control;*

7. To consider merging the Strategic Action Plan for Invasive Species, the Strategic Plan for Controlling Noxious and Invasive Weeds and other plans and strategies that guide the implementation of efforts pertaining to noxious weeds and invasive species.

B. Membership shall include a representative from the Office of the Governor and the directors of the following State entities:

1. Department of Agriculture;
2. Department of Environmental Quality;
3. Department of Parks and Recreation;
4. Department of Fish and Game;
5. Department of Lands;
6. Department of Water Resources;
7. Department of Commerce;
8. Department of Labor;
9. Department of Health and Welfare;
10. Idaho Transportation Department;
11. Office of Species Conservation.

C. Representatives and members of federal entities, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in the well being of Idaho pertaining to invasive species shall be invited to participate by the director of the Department of Agriculture.

D. Additional Members may be added by consensus of the Council.

E. The Council shall meet no less than twice annually. The chairman of the council shall be the director of the Idaho Department of Agriculture or his/her representative.

F. The Council shall submit a report of its activities to the Governor and the Legislature annually.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 13th day of December in the year of our Lord two thousand and ten and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YURSA
SECRETARY OF STATE

Bylaws of the Idaho Invasive Species Council

Adopted April 27, 2007

ARTICLE I: Name/Purpose

Section 1:

Name. The name of this organization shall be the Idaho Invasive Species Council.

Section 2:

Purpose. The purpose of the Idaho Invasive Species Council shall be to:

1. Provide policy level direction and planning for combating harmful invasive species and for preventing the introduction of other invasive species that may be potentially harmful to the state;
2. To serve as a nonpartisan forum for identifying and sharing information related to invasive species issues;
3. To ensure that a comprehensive invasive species program in Idaho is not diluted by competing efforts among various agencies;
4. To implement Idaho's Action Plan for Invasive Species;
5. To take measures that will encourage management of harmful invasive species statewide;
6. To organize and streamline the process for identifying and controlling invasive species statewide;
7. To find ways to halt the spread of invasive species as well as bring current problems under control.

Section 3:

Scope. The Idaho Invasive Species Council will address non-native organisms that cause economic or environmental harm and are capable of spreading to new areas of the state. Invasive species do not include humans, domestic livestock, or non-harmful exotic organisms.

ARTICLE II: Membership

Section 1: Ex-officio members. The following persons shall have ex officio membership on the Council:

A Representative from the Office of the Governor

The Director of the Idaho Department of Agriculture or a designated representative;

The Director of the Idaho Department of Environmental Quality or a designated representative

The Director of the Idaho Department of Parks and Recreation or a designated representative

The Director of the Idaho Department of Fish and Game or a designated representative

The Director of the Idaho Department of Lands or a designated representative

The Director of the Idaho Department of Water Resources or a designated representative

The Director of the Idaho Department of Commerce & Labor or a designated representative

The Director of the Idaho Department of Health and Welfare or a designated representative

The Director of the Idaho Transportation Department or a designated representative

A Representative of the Idaho Association of Counties

Section 2: Appointed members. Additionally, the ex-officio members may invite a total of ten additional voting members. Appointments may represent a cross-section of Idaho agricultural, governmental, NGO and business interests, such as tribes, universities and local governments.

Section 3: Terms. During the first year, two of the appointed members shall serve a one-year term. Otherwise, public-at-large members shall each serve four-year terms, and individuals may not serve more than two consecutive terms.

Section 4: New appointments. At least two months prior to the expiration of appointed member terms, the Chair shall invite nominations from the Idaho Invasive Species Council and other parties for new members.

Section 5: Resignation and Removal. Resignation from the Idaho Invasive Species Council must be in writing and received by the Chair. An appointed member may be removed for excess absences or other reasons by a majority of the voting members.

Section 6: Incomplete terms. When an appointed member vacancy occurs through resignation or termination before the term expires, the ex-officio members appoint a new member representing a similar interest.

ARTICLE III: Administration

Section 1: Officers. The officers of the Idaho Invasive Species Council shall be the Chair and the Vice-Chair. Other officers may be named as deemed necessary.

Section 2: Chair and Vice-Chair. The Chair shall be the Director of the Idaho State Department of Agriculture or a designee. The Vice-Chair shall be an ex-officio member selected by a majority of the voting members.

Section 3: Elections. Officers shall be elected at the first regular meeting each calendar year by a majority of the quorum.

Section 4: Quorum. A majority of the total number of voting ex-officio and appointed members constitutes a quorum for the transaction of business.

Section 5: Duties of the Chair. The Chair shall arrange and preside over regularly scheduled meetings. The Chair shall also develop meeting agendas with input from members, and will be responsible for distribution of meeting notices and minutes. The Chair may appoint a facilitator as necessary to guide council decision-making.

Section 6: Duties of the Vice-Chair. The Vice-Chair will assist the Chair's completion of duties, and will preside at meetings in the Chair's absence.

Section 7: Officer terms. Officers shall serve a term of one year or until a successor is elected.

ARTICLE IV: Meetings

Section 1: Regular Meetings. Regular meetings shall be held at least twice each year. The schedule of regular meetings for a given year shall be set by the Invasive Species Council during the last regular meeting of the prior calendar year.

Section 2: Special Meetings. Special meetings may be called by the Chair or a majority of voting members.

Section 3: Notice. Notice of each meeting shall be given to each voting member at least ten days before the meeting.

Section 4: Minutes. Minutes from each Invasive Species Council meeting shall be provided to voting members at least ten days before the next meeting. Minutes must be approved, with any necessary changes, by the quorum at the next regular meeting.

ARTICLE V: Decision-Making

Section 1: Consensus. The Invasive Species Council shall endeavor to make consensus decisions representing agreement of all members present at a meeting.

Section 2: Voting. When the Chair deems that a consensus decision is not possible, decisions shall be based on a majority vote by the quorum. The Chair shall make the deciding vote in the event of a tie. Dissenting votes will be noted for the record.

ARTICLE VI: Committees

Section 1: Establishment. A majority of the quorum may establish advisory, technical, or other committees to aid and advise the Invasive Species Council in performance of its functions.

Section 2: Membership. Committees may consist of Invasive Species Council members and/or other individuals, as designated by the Chair or a majority of the quorum. The Chair shall appoint all committee chairs.

Section 3: Reporting. Committees shall report to the Chair.

Section 4: Bylaws Committee. The Chair shall designate a Bylaws Committee each year, consisting of at least three voting members. This committee shall be responsible for reviewing and proposing changes to these bylaws.

ARTICLE VII: Amendments to the Bylaws

Section 1: Amendments. These Bylaws may be amended when necessary by a two thirds majority of the quorum. Proposed amendments must be submitted to the Chair by the Bylaws Committee.