

**Assembly Bill No. 2631**

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Passed the Assembly August 26, 2004

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*Chief Clerk of the Assembly*

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Passed the Senate August 24, 2004

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2004, at \_\_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to add and repeal Division 37 (commencing with Section 71500) of the Public Resources Code, relating to natural resources.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2631, Wolk. Natural resources: invasive species.

Existing law regulates the discharge of nonindigenous species into the waters of the state or into waters that may impact waters of the state, through ballast water management requirements.

This bill would make findings and declarations regarding invasive species and, among other things, would establish the Invasive Species Council, to develop a statewide invasive species plan and make recommendations for review and approval by the Governor for the prevention, early detection and rapid response, and control and management of invasive species. The bill would require the statewide plan to include various specific elements, including an assessment of existing programs addressing invasive species. The bill would require the council to appoint an Invasive Species Advisory Committee to assist the council in preparing the statewide plan. The bill would authorize and require the council to undertake other activities related to invasive species. The bill would establish the Invasive Species Management Fund in the State Treasury. The money in the fund would be available, upon appropriation, to support activities authorized by the bill.

The bill would make these provisions inoperative on July 1, 2008, and repeal them on January 1, 2009.

*The people of the State of California do enact as follows:*

SECTION 1. Division 37 (commencing with Section 71500) is added to the Public Resources Code, to read:

## DIVISION 37. INVASIVE SPECIES COUNCIL

## CHAPTER 1. GENERAL PROVISIONS

71500. The Legislature finds and declares all of the following:



(a) The introduction of invasive species into California has a detrimental and costly effect on our natural habitat, agriculture, and economy.

(b) Many of California’s existing policies for addressing the threat of invasive species are cited as exemplary among state tools. However, the lack of coordination among California’s government agencies and other interested groups leads to duplication of agency costs and efforts as well as gaps in readiness to combat existing species and to ward off new invasions.

(c) Invasive species cause significant damage to our freshwater and coastal ecosystems by clogging lakes and waterways and negatively impacting our public water supplies, irrigation systems, wetlands, and water treatment systems. Once invasive species are established, they are extremely costly to control and eradicate.

(d) New species threaten California’s native species by thriving in California’s habitats and competing for California’s limited resources. California is among the hardest hit by invasive species, with more than 674 species now naturalized in the state.

(e) A comprehensive invasive species plan to address invasive wildlife, aquatic species, plants, diseases, insects, and fungal species in California will lead to improved efficiency to stop new introductions, manage ongoing problems, and protect the state’s limited resources.

71510. The purpose of this division is to recognize the adverse environmental, economic, and human impacts of invasive wildlife and aquatic species, plants and their seeds, plant pests and diseases, insects, and fungal species upon the state; to establish the means by which the state will coordinate its efforts against those adverse effects; to promote research and educational activities dealing with invasive species so as to achieve the best possible protection of agricultural land, forests, wildlife, natural areas, native biodiversity, and other natural resources of the state and of human health and safety; and to prevent and control the spread of invasive species in the state.

71520. For purposes of this division, the following terms have the following meanings:

- (a) “Council” means the Invasive Species Council.
- (b) “Fund” means the Invasive Species Management Fund.



(c) “Invasive species” means a species, including its seeds, eggs, spores, or other biological materials capable of propagating that species, that is not native to the ecosystem and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Nothing in this definition may be construed to include those agricultural crops, horticultural crops, livestock, or poultry generally recognized by the Department of Food and Agriculture or the United States Department of Agriculture as suitable to be grown in the state.

## CHAPTER 2. INVASIVE SPECIES COUNCIL

71530. (a) There is in state government the Invasive Species Council to develop a statewide invasive species plan and make recommendations for review and approval by the Governor for the prevention, early detection and rapid response, and control and management of invasive species.

(b) The council shall consist of the following 11 members:

(1) The Secretary of Food and Agriculture or his or her designated representative.

(2) The Secretary of the Resources Agency or his or her designated representative.

(3) The Director of Fish and Game or his or her designated representative.

(4) The Director of Forestry and Fire Protection or his or her designated representative.

(5) The Director of Transportation or his or her designated representative.

(6) The Director of Water Resources or his or her designated representative.

(7) The Director of Boating and Waterways or his or her designated representative.

(8) The Executive Officer of the State Lands Commission or his or her designated representative.

(9) The Executive Officer of the State Coastal Conservancy or his or her designated representative.

(10) The Director of the California Bay-Delta Authority or his or her designated representative.

(11) The Director of Pesticide Regulation or his or her designated representative.



(c) The Secretary of the Resources Agency, or his or her designated representative, shall serve as chairperson of the council for its first two years. The Secretary of Food and Agriculture, or his or her designated representative, shall serve as chairperson of the council for the following two years. Thereafter, the chairperson shall rotate every two years between these two secretaries, or their designated representative.

(d) The council shall invite participation and consultation with relevant federal agencies for advice and assistance.

(e) A majority of the members of the council constitutes a quorum for the transaction of business.

(f) The council shall meet at least quarterly in a public session.

(g) The council shall report annually to the Governor.

71540. (a) The council shall appoint an Invasive Species Advisory Committee, after providing notice to the public regarding its intent to appoint the committee.

(b) The advisory committee shall consist of persons with significant expertise in fields relevant to invasive species ecology, identification, impact, management, and control and eradication.

(c) The advisory committee shall include a balanced group of people representing regulated and benefited industries, environmental interests, academia, the scientific community, and the general public, including, but not limited to, all of the following:

(1) Two members who represent the agricultural and horticultural industries.

(2) Two members who represent environmental or conservation interests.

(3) One member who represents the pet industry.

(4) One member who represents port interests.

(5) One member who represents the shipping industry.

(6) Two members who represent the scientific or research community.

(7) One member who represents California landowners.

(8) Two members who represent local governments.

(9) One member who represents resource conservation districts.

(10) One member who represents the pesticide industry.

(11) One member who represents the California Agricultural Commissioners and Sealers Association.



71550. (a) On or before January 1, 2007, the council, assisted by the advisory committee, shall develop a statewide plan for addressing invasive species. The plan shall be developed after first conducting a complete assessment of all taxa of invasive species in California and a thorough review to identify gaps in existing programs under, including, but not limited to, the Department of Food and Agriculture, the Resources Agency, the State Lands Commission, and the Department of Fish and Game. The council shall use best available science in conducting its review and formulating the plan. The plan shall be submitted to the Governor and the Legislature with recommendations for the implementation and coordination of programs among and within the participating agencies. The council shall update the plan at least once every four years after its initial development.

(b) The statewide plan shall include all of the following:

(1) The goals and objectives of the council.

(2) A review of existing and prospective approaches, authority, and permitting for preventing the introduction and spread of invasive species.

(3) A list of research, mapping, and monitoring needs and recommendations to the prospective state agencies and departments.

(4) A list of additional resources, funding, and coordination needed to achieve the identified goals and objectives.

(5) A review of all existing plans, programs, statutes, and regulations, including, but not limited to, the noxious weeds management program (Article 1.7 (commencing with Section 7270) of Chapter 1 of Part 4 of Division 4 of the Food and Agricultural Code), the California Seed Law (Chapter 2 (commencing with Section 52251) of Division 18 of the Food and Agricultural Code), and the Marine Invasive Species Act (Division 36 (commencing with Section 71200) of the Public Resources Code), for addressing invasive species to identify gaps in the current regulatory processes and programs for detection, eradication, and exclusion of invasive species. Upon completion of this review, the council shall define a plan to address these gaps.

(6) A list of all invasive species taxa in California and their impact on the state's economy, environment, and on health and human services. In developing this list, the council shall use existing invasive species classifications, including, but not limited



to, those of the Department of Food and Agriculture and the Marine Invasive Species Act (Division 36 (commencing with Section 71200)) that prioritize those invasive species for action among and within the participating agencies.

(7) An identification method for potentially invasive species in other states and foreign countries that pose a significant likelihood of being introduced into the state. The council shall identify opportunities within state agencies' current monitoring and surveillance programs to enhance early detection of invasive species to facilitate a coordinated, rapid response.

(8) An identification of necessary educational programs, materials, and media materials, including, but not limited to, printed and Internet-based materials; educational, informational, or technical workshops; educational or technical training courses; and public outreach programs.

(9) An identification method for high-risk pathways for invasive species introduction and recommendations for specific program activities to address that risk.

71560. (a) The Invasive Species Management Fund is hereby established in the State Treasury. Moneys shall be deposited in the fund in amounts deemed necessary by the Governor and the Legislature to accomplish the goals of this division. Additional funding shall be sought from federal program sources. Moneys in the fund may be expended by the council for the purposes of this division, upon appropriation by the Legislature.

(b) The council may solicit proposals, review applications, and make grants or loans to agencies, organizations, or individuals, for activities related to education, assessment, planning, detection, prevention, control, management, or eradication regarding invasive species.

(c) The council may apply for grants or loans from public or private agencies and organizations for education, assessment, planning, detection, prevention, control, management, or eradication of invasive species.

71570. This division does not preempt the implementation of the Marine Invasive Species Act (Division 36 (commencing with Section 71200)), or existing noxious weed or invasive species programs administered by the Department of Food and Agriculture or the Department of Fish and Game.



71580. This division shall become inoperative on July 1, 2008, and as of January 1, 2009, is repealed, unless a later enacted statute that is enacted on or before January 1, 2009, extends or deletes the dates on which it becomes inoperative and is repealed.





Approved \_\_\_\_\_, 2004

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*Governor*

