

FIRST REGULAR SESSION

SENATE BILL NO. 102

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR GOODE.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0285S.011

AN ACT

To amend chapter 252, RSMo, by adding thereto five new sections relating to invasive species management.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 252, RSMo, is amended by adding thereto five new sections, to be known as sections 252.400, 252.405, 252.410, 252.415, and 252.420, to read as follows:

252.400. As used in sections 252.400 to 252.420, the following words and phrases shall mean:

(1) "Control", as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and restoration of native species and habitats;

(2) "Ecosystem", a community of organisms and its environment;

(3) "Introduction", the intentional or unintentional escape, release, dissemination, or placement of a species into an ecosystem as a result of human activity;

(4) "Invasive species", a species including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to the ecosystem and whose introduction does or is likely to cause economic or environmental harm or harm to human health; however, nothing in this definition shall be construed to include those agricultural crops generally recognized by the department of agriculture or the United States Department of Agriculture as suitable to be grown in the state;

(5) "Native species", with respect to a particular ecosystem, a species that was

not introduced and historically occurred or currently occurs in that ecosystem;

(6) "Species", a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms;

(7) "Stakeholders", includes, but is not limited to, state and local government agencies, academic institutions, the scientific community, nongovernmental entities including environmental, agricultural and conservation organizations, trade groups, commercial interests, and private landowners.

252.405. 1. A "Invasive Species Council" is hereby established whose members shall include the directors of the departments of agriculture, conservation, health, natural resources, and transportation. The council shall be chaired by the directors of the departments of agriculture, conservation, health, natural resources, and transportation on an annual rotating basis, beginning with the director of the department of conservation and the order of succeeding chairs shall be selected by the council. The council may invite additional state agency representatives to be members and may prescribe special procedures for their participation. The departments of agriculture, conservation, health, natural resources, and transportation shall provide the temporary staffing and administrative support for the council, and if the council determines that dedicated staff are needed, the council may request appropriations for dedicated staff for the council.

2. The council shall establish an advisory committee to provide information and advice for consideration by the council, and shall, after consultation with other members of the council, appoint members of the advisory committee representing stakeholders. The advisory committee shall recommend plans and actions at local, state, regional, and ecosystem-based levels to achieve the goals and objectives of the management plan developed pursuant to section 252.420. The advisory committee shall act in cooperation with stakeholders and existing organizations addressing invasive species. The department of conservation shall provide the administrative and financial support for the advisory committee.

252.410. The invasive species council shall provide state leadership regarding invasive species and shall:

(1) Oversee the implementation of sections 252.400 to 252.420 and see that the state agency activities concerning invasive species are coordinated, complementary, cost-efficient, and effective, relying to the extent feasible and appropriate on existing organizations addressing invasive species;

(2) Encourage planning and action at local, state, regional, and ecosystem-based levels to achieve the goals and objectives of the management plan developed

pursuant to section 252.420, in cooperation with stakeholders and existing organizations addressing invasive species;

(3) Develop recommendations for national cooperation in addressing invasive species;

(4) Develop guidance to state agencies on prevention and control of invasive species, including the procurement, use, and maintenance of native species as they affect invasive species;

(5) Facilitate development of a coordinated network among state agencies to document, evaluate, and monitor impacts from invasive species on the economy, the environment, and human health;

(6) Facilitate establishment of a coordinated, up-to-date information-sharing system that utilizes, to the greatest extent practicable, the Internet. This system shall facilitate access to and exchange of information concerning invasive species, including, but not limited to: information on distribution and abundance of invasive species; life histories of such species and invasive characteristics; economic, environmental, and human health impacts; management techniques and laws and programs for management, research, and public education; and

(7) Prepare and issue a state invasive species management plan as set forth in section 252.420.

252.415. 1. Each state agency whose actions may affect the status of invasive species shall, to the extent practicable:

(1) Identify such actions;

(2) Use relevant existing programs and authorities when applicable to:

(a) Prevent the introduction of invasive species;

(b) Detect and respond rapidly to and control populations of such species which do or are likely to cause economic or environmental harm or harm to human health in a cost-effective and environmentally sound manner;

(c) Monitor invasive species populations accurately and reliably;

(d) Provide for restoration of native species and habitat conditions in ecosystems that invasive species have adversely affected;

(e) Conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species whose introduction does or is likely to cause economic or environmental harm or harm to human health; and

(f) Promote public education on invasive species and the means to address them; and

(3) Not authorize, fund, or carry out actions that it believes are likely to cause

or promote the introduction or spread of invasive species in the United States or elsewhere unless the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

2. State agencies shall pursue the duties set forth in this section in consultation with the invasive species council, consistent with the invasive species management plan, and in cooperation with stakeholders, as appropriate.

252.420. 1. Within eighteen months following the effective date of this section, the council shall prepare and issue the first edition of a state invasive species management plan, which shall detail and recommend performance-oriented goals and objectives and specific measures of success for state agency efforts concerning invasive species. The management plan shall recommend specific objectives and measures for carrying out each of the state agency duties established in section 252.415 and shall set forth steps to be taken by the council to carry out the duties assigned to it pursuant to section 252.410. The management plan shall be developed through a public process and in consultation with state agencies and stakeholders. The management plan shall be a five year rolling plan and shall be updated annually.

2. The first edition of the management plan shall include a review of existing and prospective approaches and authorities for preventing the introduction and spread of invasive species, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introductions via those pathways, shall identify research needs and recommend measures to minimize the risk that introductions will occur and shall establish an interagency agreement amongst all participating state agencies which establishes areas of primary responsibility appropriate to state agencies. Such recommended measures shall provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and a coordinated and systematic risk-based process to identify, monitor and interdict pathways that may be involved in the introduction of invasive species. If recommended measures are not authorized by law, the council shall develop and recommend to the governor and general assembly legislative proposals for necessary changes in authority.

3. The council shall update the management plan annually and shall concurrently evaluate and report on success in achieving the goals and objectives set forth in the management plan. The management plan shall identify the personnel, other resources and additional levels of coordination needed to achieve the

management plan's identified goals and objectives, and the council shall provide each edition of the management plan and each report on it to the office of administration. Within eighteen months after measures have been recommended by the council in any edition of the management plan, each state agency whose action is required to implement such measures shall either take the action recommended or shall provide the council with an explanation of why the action is not feasible. The council shall assess the effectiveness of this act no less than once each five years after the effective date and shall report to the governor and the general assembly on whether the act should be revised.

4. Nothing in sections 252.400 to 252.420 shall be construed to limit or override any existing duties, powers, or responsibilities of any state agency as may be provided by law with regard to invasive species.

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