An Act to amend the Code of Virginia by adding in Title 10.1 a chapter numbered 26, consisting of sections numbered 10.1-2600 through 10.1-2609, relating to invasive species; report.

Be it enacted by the General Assembly of Virginia:
1. That the Code of Virginia is amended by adding in Title 10.1 a chapter numbered 26, consisting of sections numbered 10.1-2600 through 10.1-2609, as follows:

CHAPTER 26.
INVASIVE SPECIES COUNCIL.
§ 10.1-2600. Invasive Species Council; purpose.
The Virginia Invasive Species Council is established as a policy council in the executive branch of government. The Council shall provide state leadership regarding invasive species and shall prepare an invasive species management plan.
§ 10.1-2601. Definitions.
As used in this chapter, unless the context requires a different meaning:
"Control" means 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.
"Ecosystem" means a community of species and its environment.
"Introduction" means the intentional or unintentional escape, release, dissemination or placement of a species into an ecosystem as a result of human activity.
"Invasive species" means 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 causes or is likely to cause economic or environmental harm or harm to human health; however, nothing in this definition shall be construed to include (i) any agricultural crop generally recognized by the Department of Agriculture and Consumer Services or the United States Department of Agriculture as suitable to be grown in the Commonwealth, or (ii) any aquacultural organism recognized by the Marine Resources Commission or Department of Game and Inland Fisheries as suitable to be propagated in the Commonwealth.
"Native species" means a species that was not introduced to a particular ecosystem and historically occurred or currently occurs in that ecosystem.
"Species" means 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.
"Stakeholders" includes, but is not limited to, federal and local government agencies, academic institutions, the scientific community, nongovernmental entities including environmental, agricultural and conservation organizations, trade groups, commercial interests and private landowners.
§ 10.1-2602. Membership; chairman; quorum; meetings.
The Council shall consist of nine members that includes the Secretary of Natural Resources and the Directors or Commissioners, or their designees, of the following agencies: the Department of Agriculture and Consumer Services, the Department of Conservation and Recreation, the Virginia Institute of Marine Science, the Marine Resources Commission, the Department of Forestry, the Department of Game and Inland Fisheries, the Department of Health, and the Department of Transportation. The Secretary of Natural Resources shall serve as chairman of the Council. The members of the Council shall serve terms coincident with their terms of offices.
B. The Council shall meet at least quarterly upon the call of the chairman. A majority of the Council shall constitute a quorum.
§ 10.1-2603. Compensation; expenses.
Members of the Council shall receive no compensation for the discharge of their duties as a member of the Council. All members shall be reimbursed for reasonable and necessary expenses incurred in the discharge of their duties as provided in §§ 2.2-2813 and 2.2-2823.
The Council shall have the following powers and duties:
1. Oversee the implementation of this chapter and ensure that state agency activities concerning invasive species are coordinated, complementary, cost-efficient and effective;
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 § 10.1-2606, in cooperation with
stakeholders and existing organizations addressing invasive species;
3. Develop guidance to state agencies on the prevention and control of invasive species, including
the procurement, use and maintenance of native species to replace invasive species; and
4. Facilitate establishment of an information-sharing system to provide exchange of information
concerning invasive species, including but not limited to: (i) information on distribution and abundance
of invasive species; (ii) life histories of such species and invasive characteristics; (iii) economic,
environmental and human health impacts; and (iv) management techniques and laws and programs for
management, research and public education.
§ 10.1-2605. Council to establish advisory committee.
The Council shall establish an advisory committee of stakeholders to provide information and advice
for consideration by the Council. The advisory committee shall recommend actions that may be taken at
local, state, regional and ecosystem-based levels to achieve the goals and objectives of the management
plan developed pursuant to § 10.1-2606. The advisory committee shall act in cooperation with
stakeholders and organizations addressing invasive species. The Department of Conservation and
Recreation shall provide the administrative support for the advisory committee. Members of the advisory
committee shall receive no compensation from the Commonwealth, nor shall they be reimbursed by the
Commonwealth for expenses incurred in the performance of their duties.
§ 10.1-2606. Invasive species management plan.
Within 18 months following the effective date of this act, or as soon thereafter as funding allows, the
Council shall prepare and issue the first edition of a state invasive species management plan, which
shall recommend performance-oriented goals and objectives and specific measures of success for state
agency efforts concerning invasive species. The management plan shall be developed through a public
process in consultation with state agencies and stakeholders.
The first edition of the management plan shall include a review of existing approaches and
authorities for preventing the introduction and spread of invasive species, including ways of identifying
pathways by which invasive species are introduced and minimizing the risk of introductions via those
pathways, shall identify research needs and shall recommend measures to minimize the risk that
introductions will occur. 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.
The Council shall update the management plan every three years. The second and subsequent
editions of the plan shall evaluate and report on success in achieving the goals and objectives set forth
in the previous edition of the plan. The plan shall identify the personnel, other resources and additional
levels of coordination needed to achieve the plan’s identified goals and objectives. The Council shall
assess the effectiveness of the provisions of this chapter at least once each five years and shall report to
the Governor and the General Assembly on whether the provisions of this chapter should be revised.
§ 10.1-2607. Staffing.
The Department of Conservation and Recreation shall provide staff support to the Council, and if the
Council determines that dedicated staff are needed, the Council may request appropriations for
dedicated staff for the Council.
§ 10.1-2608. State agency actions; effect of chapter.
A. No state agency shall authorize, fund or carry out any action that is 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.
B. Nothing in this chapter 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. Nothing
in this chapter shall be construed to prohibit the introduction of freshwater fish species integral to the
fisheries management or aquatic resources programs of the Department of Game and Inland Fisheries.
The chairman shall submit to the Governor and the General Assembly an annual executive summary
of the interim activity and work of the Council no later than the first day of each regular session of the
General Assembly. The executive summary shall be submitted as provided in the procedures of the
Division of Legislative Automated Systems for the processing of legislative documents and reports and
shall be posted on the General Assembly’s website.
2. That the provisions of this act shall expire on July 1, 2006.