

1 HB339
2 145791-1
3 By Representatives Long, Greer, Rich, Johnson (W), Collins,
4 Johnson (K), Henry, McCutcheon and Williams (D)
5 RFD: Transportation, Utilities and Infrastructure
6 First Read: 21-FEB-13

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8 SYNOPSIS: Currently, there is no statewide board for
9 aquatic plant management. This bill creates the
10 Alabama Board for Aquatic Plant Management and also
11 creates the Aquatic Plant Management Fund.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 Relating to aquatic plant management; to create the
18 Alabama Board for Aquatic Plant Management; and to create the
19 Aquatic Plant Management Fund to help fund aquatic plant
20 management programs in the State of Alabama.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. This act shall be known as the "Alabama
23 Aquatic Plant Management Act."

24 Section 2. The Legislature finds that some aquatic
25 plants pose a variety of environmental, health, safety,
26 recreational, and economic problems. It is the intent of the
27 Legislature that the management of aquatic plants in the

1 waters of the state be carried out under the general
2 supervision and control of a board, as preventing the
3 infestation of invasive aquatic plants is best accomplished
4 through coordinated educational and management activities.

5 Section 3. For the purposes of this act, the
6 following terms have the following meanings:

7 (a) "Board" means the Alabama Board for Aquatic
8 Plant Management and shall include the following members:

9 (1) The Commissioner of the Department of
10 Conservation and Natural Resources or his or her designee;

11 (2) The Commissioner of the Department of
12 Agriculture and Industries or his or her designee;

13 (3) The Director of the Department of Environmental
14 Management or his or her designee;

15 (4) The Director of the Department of Economic and
16 Community Affairs or his or her designee;

17 (5) A representative of the Tennessee Valley
18 Authority (TVA) designated by TVA;

19 (6) A representative of the United States Corp of
20 Engineers designated by the U.S. Army Corps of Engineers;

21 (7) A member appointed by the Speaker of the House
22 of Representatives;

23 (8) A member appointed by the President Pro Tempore
24 of the Senate; and

25 (9) A member appointed by the Governor.

26 (b) "Aquatic plant" is any plant growing in, or
27 closely associated with, the aquatic environment and includes

1 floating, emersed, submersed, and ditch bank species, as
2 determined by the Board.

3 (c) "Waters" means rivers, streams, lakes, navigable
4 waters and associated tributaries, canals, meandered lakes,
5 enclosed water systems, and any other bodies of water located
6 within the Tennessee River or its tributaries.

7 (d) "Cooperative Extension System" means the primary
8 outreach organization for the land-grant functions of Alabama
9 A&M and Auburn Universities.

10 Section 4. (a) This act creates the Alabama Board
11 for Aquatic Plant Management with all of the following powers
12 and duties:

13 (1) Monitor and coordinate the management,
14 treatment, and regulation of aquatic plants in the waters of
15 the state and direct the research and planning related to
16 these activities, as provided in this act, so as to protect
17 human health, safety, and recreation and, to the greatest
18 degree practicable, prevent injury to plant and animal life
19 and property;

20 (2) Guide and assist when requested in coordinating
21 the activities of public bodies, authorities, non-state
22 agencies, and special districts charged with the management of
23 aquatic plants in the waters;

24 (3) Promote, develop, and support research
25 activities directed toward effective and efficient management
26 of aquatic plants in the waters;

1 (4) Develop and adopt an aquatic plant management
2 strategic plan or plans to accomplish the purposes of this
3 act, including, but not limited to, public awareness and
4 education, prevention and detection of invasive aquatic
5 plants, management, control, and restoration of infested
6 areas, and emergency response; and

7 (5) Adopt rules and regulations to implement the
8 provisions of this act.

9 (b) The Board shall meet at such times and places as
10 it shall determine necessary or convenient to perform its
11 duties. A majority of the Board members shall constitute a
12 quorum.

13 (c) The Board shall annually elect a chair and vice
14 chair from among its membership. Members of the Board
15 appointed by the Speaker of the House of Representatives, the
16 President Pro Tempore of the Senate, and the Governor shall be
17 appointed for four year terms. All other members may serve as
18 long as the member holds the position or employment by reason
19 of which the member became a member of the Board.

20 (d) Members of the Board shall receive reimbursement
21 for travel expenses incurred in the performance of their
22 duties in the same manner as state employees, subject to
23 approval of the chair, but shall receive no other
24 compensation. Travel expenses incurred shall be reimbursed to
25 members from the Aquatic Plant Management Fund created to
26 pursuant to Section 6.

27 Section 5. The Board may do any of the following:

1 (a) Delegate all or part of any functions or duties
2 under this act to any appropriate state agency, special
3 district, unit of local or county government, commission,
4 authority, or other public body, subject to the rules of the
5 Board;

6 (b) Accept donations and grants of funds and
7 services from both public and private sources;

8 (c) Contract or enter into agreements with public or
9 private agencies or corporations for research and development
10 of aquatic plant control methods or for the performance of
11 aquatic plant control activities in the waters;

12 (d) Construct, acquire, operate, and maintain
13 facilities and equipment;

14 (e) Disburse funds to any special district or other
15 local authority charged with the responsibility of controlling
16 aquatic plants in the waters upon approval by the Board of the
17 control techniques to be used by the district or authority and
18 review of and approval of the program of the district or
19 authority by the Board.

20 Section 6. (a) There is hereby established the
21 Aquatic Plant Management Fund. The Fund shall be a
22 non-appropriated, non-reverting fund administered by the
23 Alabama Board for Aquatic Plant Management.

24 (b) Money received from any state fund, federal
25 funds, or money received from any other lawful source,
26 including but not limited to gifts, grants, donations,

1 securities, fees, assessments, settlements, or other assets,
2 public or private, may be deposited in the Fund.

3 (c) Subject to subsection (d), money deposited into
4 the Fund must be used to accomplish the purposes of this act.
5 Once deposited, monies in the Fund may not be transferred to
6 any other fund except for the lawful purpose provided for in
7 this act.

8 (d) Any contribution deposited into the Fund and
9 earmarked for a particular purpose must be used exclusively
10 for that purpose.

11 (e) Any interest and earnings from the Fund shall be
12 retained by the Fund and expended for activities and projects
13 allowed by the act. The Board may accept gifts, grants,
14 contracts, or other funds designated for aquatic plant
15 management. The funds must be deposited in the Fund and may be
16 expended to support an aquatic plant management project.

17 Section 7. (a) The provisions of this section
18 constitute the Aquatic Plant Management Program.

19 (b) The amount of the Aquatic Plant Management Fund
20 at the end of each fiscal year in excess of 5 percent of the
21 total amount of the Fund may be awarded for aquatic plant
22 management. Allotments of the collections in excess of the 5
23 percent of the total amount of the Fund may be used only to
24 support the Aquatic Plant Management Program and the expenses
25 of the Board and shall be distributed within one year of
26 receipt of the funds.

1 (c) The Board may expend funds under this section
2 through grants or contracts to communities, local authorities,
3 plant management districts, or other entities that it
4 considers appropriate for aquatic plant management projects.

5 (d) The Board may additionally expend funds for the
6 following:

7 (1) Implementation of a new and/or innovative
8 aquatic plant management project or for the development,
9 implementation, or demonstration of any aquatic plant
10 management project that may be proposed, implemented, or
11 established by local, state, or national organizations,
12 whether public or private. The expenditures must be on a
13 cost-share basis with the organizations;

14 (2) Cost-share aquatic plant management programs
15 with local plant management authorities;

16 (3) Special grants to local plant management
17 authorities to manage, treat, control, or contain significant
18 aquatic plants newly introduced into the county. These grants
19 may be issued without matching funds from the district;

20 (4) Administrative expenses of the Board for
21 managing the Aquatic Plant Management Program and other
22 provisions of this act. The cost of administering the Program
23 may not exceed 5% of the total program expenses;

24 (5) A project recommended by the Board, if the Board
25 determines that the project will significantly contribute to
26 the management of aquatic plants within the waters; and

1 (6) Grants to the Cooperative Extension System for
2 aquatic plant management research, evaluation, and education.
3 The Cooperative Extension System shall submit annual reports
4 on current projects and future plans to the Board.

5 (e) In making expenditures under subsections (c)
6 through (d), the Board shall give preference to local
7 authorities and community groups.

8 (f) If the Aquatic Plant Management Fund is
9 terminated, the money in the Fund must be divided between all
10 counties according to rules adopted by the Board for that
11 purpose.

12 Section 8. (a) No person or public agency shall
13 control, eradicate, remove, or otherwise alter any aquatic
14 plants in the waters of this state unless a permit for such
15 activity has been issued by the Board or its designee, unless
16 the activity or waters are expressly exempted by Board rule.

17 (b) Applications for a permit to engage in aquatic
18 plant management activities shall be made to the Board or to
19 its designee.

20 (c) The Board shall develop standards by rule which
21 shall address, at a minimum, chemical, biological and
22 mechanical control activities; an evaluation of the benefits
23 of such activities to the public; and specific criteria
24 recognizing the differences between natural and artificially
25 created waters.

26 Section 9. All laws or parts of laws in conflict
27 with this act are hereby repealed.

1 Section 10. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.