

1 HB339
2 151298-3
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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ENROLLED, An Act,

Relating to aquatic plant management; to create the Alabama Board for Aquatic Plant Management; and to create the Aquatic Plant Management Fund to help fund aquatic plant management programs.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Section 2. The Legislature finds that the management and stewardship of aquatic plants is important to the State of Alabama. It is the intent of the Legislature that the management of aquatic plants in the waters of the Tennessee River be carried out under the general supervision and stewardship of a board, as preventing the spread of and managing the infestation of invasive aquatic plants in public waters of the Tennessee River and its tributaries is best accomplished through coordinated educational and management activities.

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

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

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

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

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

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

7 (5) The department head of the Auburn University
8 College of Agriculture School of Fisheries and Allied
9 Aquacultures or his or her designee;

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

12 (7) A member appointed by the Speaker of the House
13 of Representatives;

14 (8) A member appointed by the President Pro Tempore
15 of the Senate; and

16 (9) A member appointed by the Governor who
17 represents the recreational sport fishing industry.

18 The membership of the Board shall be inclusive and
19 reflect the racial, gender, geographic, urban/rural, and
20 economic diversity of the state. The Board shall annually
21 report to the Legislature by the second legislative day of
22 each regular session the extent to which the Board has
23 complied with the diversity provisions of this subsection.

24 (b) "Aquatic plant" is any plant growing in, or
25 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 of the Tennessee River" means bodies of
4 public water located within the Tennessee River Basin or its
5 tributaries.

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

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

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

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

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

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 guidelines to implement the
8 provisions of this act that comply with existing federal and
9 state rules and regulations.

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

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

21 (d) Members of the Board shall receive reimbursement
22 for travel expenses incurred in the performance of their
23 duties in the same manner as state employees, subject to
24 approval of the chair, but shall receive no other
25 compensation. Travel expenses incurred shall be reimbursed to

1 members from the Aquatic Plant Management Fund created to
2 pursuant to Section 6.

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

4 (a) Accept donations and grants of funds and
5 services from both public and private sources;

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

11 (c) Disburse funds to any special district or other
12 local authority charged with the responsibility of managing
13 aquatic plants in the waters of the Tennessee River upon
14 approval by the Board of the control techniques to be used by
15 the district or authority and review of and approval of the
16 program of the district or authority by the Board.

17 Section 6. (a) There is hereby established the
18 Aquatic Plant Management Fund. The fund shall be a
19 non-reverting fund administered by the Board and shall consist
20 of all monies received by the Board pursuant to this act.

21 (b) Money received from any state fund, federal
22 funds, or money received from any other lawful source,
23 including but not limited to gifts, grants, donations,
24 securities, fees, assessments, settlements, or other assets,
25 public or private, may be deposited in the Fund.

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

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

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

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

17 (b) The amount of the Aquatic Plant Management Fund
18 at the end of each fiscal year in excess of 10 percent of the
19 total amount of the Fund may be awarded for aquatic plant
20 management. Allotments of the collections in excess of the 10
21 percent of the total amount of the Fund may be used only to
22 support the Aquatic Plant Management Program and the expenses
23 of the Board and shall be distributed within one year of
24 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 10% 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

1 the management of aquatic plants within the waters of the
2 Tennessee River; and

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

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

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

14 Section 8. This act shall become effective on the
15 first day of the third month following its passage and
16 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 25-APR-13.

Jeff Woodard
Clerk

Senate

20-MAY-13

Amended and Passed

House

20-MAY-13

Concurred in Sen-
ate Amendment