§ 9-1705. New York invasive species council.

1. There is hereby established the New York invasive species council. Such council shall consist of a total of nine members and shall include the commissioner, the commissioners of agriculture and markets, transportation, parks, recreation and historic preservation, education, the secretary of state, the chairperson of the New York state thruway authority, the director of the New York state canal corporation, and the chairperson of the Adirondack Park agency, or a designee of such department, agency or public authority.

2. The commissioner of agriculture and markets and the commissioner or their designees shall serve as joint chairs of the council.

3. The council shall meet at least quarterly and shall regularly consult with the advisory committee.

4. The council may consult with any organization, educational institution, or governmental agency, including, but not limited to, the United States Department of Agriculture, the United States Coast Guard, the port authority of New York and New Jersey, the National Invasive Species Council and the New York Ocean and Great Lakes Ecosystem Conservation Council.

5. The role of the council includes, but is not limited to:

(a) from time to time assessing the nature, scope and magnitude of the environmental, ecological, agricultural, economic, recreational, and social impacts caused by invasive species in the state;

(b) from time to time identifying actions taken by members of the council, state and local governments and the public to: prevent the introduction of invasive species; detect and respond rapidly to and control populations of invasive species in a cost-effective and environmentally sound manner; monitor invasive species populations accurately and reliably; provide for restoration of native species and habitat conditions in ecosystems that have been invaded; conduct research on invasive species and develop technologies to prevent introduction; provide for environmentally sound control of invasive

species; promote public education on invasive species; and the means to address invasive species;

(c) the development of a "comprehensive plan for invasive species management". Such plan shall address all taxa of invasive species. The comprehensive plan should, at a minimum: recommend interagency responsibilities; describe coordination among different agencies and organizations; recommend approaches to funding invasive species work; address prevention, early detection and rapid response; identify opportunities for control and restoration, including research needs; and describe effective outreach and education. Such plan shall recommend responsibilities for different agencies with the goal of reducing or eliminating, where practicable, contradictory or conflicting policies or programs. Such plan should identify needs for additional staff positions at state agencies and recommend New York state or federal legislation or regulation. Such plan shall place an emphasis on both prevention and early detection and rapid response to prevent future damage. Such plan shall evaluate and incorporate, as appropriate: the approved New York State Aquatic Nuisance Species Management Plan; the Lake Champlain Basin Aquatic Nuisance Species Management Plan; and the Adirondack Park Aquatic Nuisance Species Management Plan;

(d) providing input on funding priorities and grant applications regarding monies made available for the implementation of this title and grants for projects related to the control and management of invasive species, education and outreach efforts, and for projects aimed at the early detection and prevention of invasive species;

(e) organizing and convening a biennial invasive species summit to focus and maintain attention on the state's comprehensive invasive species program;

(f) encouraging industries and trade organizations to develop and adopt voluntary codes of conduct designed to reduce or eliminate the use and distribution of invasive species, reviewing such voluntary codes of conduct and officially recognizing approved codes;

(g) supporting within available funds and encouraging Partnerships for Regional Invasive Species Management in their efforts to address invasive species through coordination, recruitment and training of volunteers, education, early detection, rapid response, eradication, research, and planning;

(h) submitting to the legislature and the governor prior to January first, two thousand ten a report, produced in consultation with the advisory committee, recommending a four-tier system for nonnative animal and plant species. The system shall contain: (i) a list of prohibited species, which should be unlawful to possess, import, purchase, transport, or introduce except under a permit for disposal, control, research, or education; (ii) a list of regulated species which should be legal to possess, sell, buy, and transport but not be introduced into a free-living state; (iii) a list of unregulated species which are nonnative species that should not be subject to regulation; and (iv) a procedure for the review of a nonnative species that is not on the prohibited, regulated, or unregulated lists before the use, distribution or release of such nonnative species. Nothing contained in the report shall have the force of law. The council shall recommend legislation regarding the four-tier system, including penalties for violations of the four-tier system; and

(i) developing recommendations on statutory actions to prohibit, manage and control invasive species.